**Policy Name:** Dignity at Work Policy

**Policy Reference:** TW10/012

**Version number:** 4

**Date this version approved:** October 2011

**Appointing committee:** HR Committee

**Author(s) (job title):** Senior HR Business Partner / Staff Side Chair

**Division/Directorate:** HR Directorate

**Trust Wide Policy (Yes/No):** Yes

**Links to other Strategies, Policies, SOP’s, etc.:**

<table>
<thead>
<tr>
<th>Date(s) previous version(s) approved: (if known)</th>
<th>Version:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
<td>August 2010</td>
</tr>
</tbody>
</table>

**DATE OF NEXT REVIEW:** October 2013

**Manager responsible for review:** Senior HR Business Partner

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your hospitals, your health, our priority
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</tr>
</tbody>
</table>
1. **Introduction**

1.1 It is Trust policy to ensure that all employees have access to a procedure to help deal with any complaints that they have that relate to bullying and / or harassment.

1.2 This policy is applicable to employees and directors only. Agency workers should raise any concerns that they have with their agency in the first instance.

1.3 This policy covers harassment or bullying which occurs both in and out of the workplace, such as at any events relating to the business of the Trust training events or at any work-related social functions.

2. **Policy Statement**

2.1 All staff have the right to be treated by others with dignity and respect and work within an environment that is free from harassment and bullying.

2.2 Any form of bullying or harassment of a colleague, patient or any other person that an employee may come into contact with through the course of their employment, will not be tolerated and will normally be treated as an act of gross misconduct.

3. **Responsibilities**

3.1 **Trust Board**

3.1.1 It is the Trust Board’s responsibility to ensure that the Trust has a dignity at work policy in place.

3.2 **Director of Human Resources (HR) & Organisational Development (OD)**

3.2.1 It is the Director of HR’s responsibility to ensure that there are adequately trained HR practitioners to provide advice on the operation of this dignity at work policy.

3.3 **Managers / Clinical Managers (or equivalent)**

3.3.1 Managers must treat allegations of harassment or bullying seriously and address them promptly and confidentially, where possible.

3.3.2 It is the manager’s responsibility to ensure that dignity at work complaints are dealt with informally where possible and where appropriate.

3.3.3 Where a formal complaint is raised, it is the manager’s responsibility to ensure that all employees involved are dealt with fairly and an informed outcome is provided within a reasonable time frame.

3.3.4 It is the manager’s responsibility to consider any complaint raised by any employee under their management control.

3.4 **Employees of the Trust**

3.4.1 It is the employee’s responsibility to ensure they treat their colleagues and others with dignity and respect. The employee should always consider whether their verbal / written words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

3.4.2 It is the employee’s responsibility to bring any dignity at work complaint that they have to the attention of their manager without delay.
3.4.3 It is the employee’s responsibility to attempt to resolve any complaint on an informal basis where appropriate and wherever possible.

3.4.4 Any employee asked to provide evidence that relates to a dignity at work complaint must do so, providing any relevant information they know or have.

3.4.5 All employees are required to complete, and maintain compliance with, equality, diversity and dignity at work compulsory training.

3.4.6 All employees must familiarise themselves with the Trust’s code of conduct, disciplinary policy and standards of behaviour leaflet.

4. Definitions

4.1 Harassment

4.1.1 An employee will normally be deemed to have harassed someone if the Trust reasonably believes that an employee has said something, done something, or failed to do something in order to violate another person’s dignity; or in order to create an intimidating, hostile, degrading, humiliating or offensive environment for them; because they have a particular characteristic, or are associated with someone with a particular characteristic (see below).

4.1.2 An employee will also normally be deemed to have harassed someone if the Trust reasonably believes that what an employee has said, done, or failed to do has violated another person’s dignity; or has created an intimidating, hostile, degrading, humiliating or offensive environment for them; because they have a particular characteristic, or are associated with someone with a particular characteristic (see below).

4.1.3 The applicable protected characteristics are:

- Being of a certain age
- Having a disability
- Undergoing, intends to undergo or has undergone gender reassignment
- Being of a certain race, nationality, colour or ethnic origin
- Having a certain religion or belief
- Being of a certain gender
- Being of a certain sexual orientation

4.1.4 An employee should always consider whether their words or conduct could be offensive to others as it is how the conduct is reasonably received, and not how it is intended, that is important.

4.1.5 Examples of harassment may include, but are not necessarily limited to:

- Unwanted physical conduct which can range from touching, pinching, pushing, brushing past someone or invading their personal space; to grabbing, shoving, punching and more serious forms of assault;

- Unwelcome sexual behaviour which you may perceive as harmless flirting including unwanted suggestions, advances, propositions or pressure for sexual activity;
Making suggestions such as that sexual favours may advance a person's career;

Continually suggesting social activity when it has been made clear by the other person that such activity is unwelcome;

Behaving in a way that may be seen as inappropriate, such as offensive or intimidating comments / gestures or insensitive jokes / pranks;

Sending or displaying pornographic or obscene material, through any method, that others may find offensive; or

Ignoring, shunning or deliberately excluding someone from a conversation or activity in the workplace.

4.2 Bullying

4.2.1 An employee will normally be deemed to have bullied someone if the Trust reasonably believes that the employee has been offensive, intimidating, malicious or insulting towards someone, which has made them feel vulnerable, upset, humiliated or threatened. Bullying can take the form of physical, verbal or non-verbal conduct and does not need to be because the person has a specific characteristic, unlike harassment.

4.2.2 As with harassment, an employee should always consider whether their verbal / written words or conduct could be offensive to others as it is how the conduct is reasonably received, and not how it is intended, that is important.

4.2.3 Legitimate and constructive criticism of an employee’s performance or behaviour, or a reasonable request made for an employee to undertake a certain activity, will not constitute bullying.

4.2.4 Examples of bullying may include, but are not necessarily limited to:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Physical or psychological threats
- Inappropriate and / or derogatory remarks
- Abuse of authority or power
- Unjustifiably excluding others from meetings or communications

5. Handling and Managing Dignity at Work Complaints

5.1 If an employee is unhappy about the treatment that they have received from another person, they should always discuss this with the other person in an attempt to resolve the matter informally. If the employee does not feel comfortable talking with the other person, they should discuss their concern with their line manager, who will attempt to resolve any issues on an informal basis.

5.2 Informal intervention may include an informal discussion with the other employee, mediation or some other appropriate informal action. There is no right for any employee to be represented during any meeting held on an informal basis.

5.3 Where the employee has attempted to resolve the matter informally but remains unhappy, or where the matter is sufficiently serious, it may be appropriate for the employee to raise their
concerns as a complaint in writing to their manager (or the manager immediately more senior, where their concern relates to their manager).

5.4 Where the employee raises a formal complaint of bullying or harassment it will normally be dealt with under the Trust’s grievance procedure, taking regard of the principles and guidance set out in this policy. If during the management of the grievance there is evidence to suggest that there may have been bullying or harassment, the case will then normally be dealt with under the disciplinary policy, if appropriate, during which time the grievance process will normally be suspended until the disciplinary matter is resolved.

5.5 If an employee submits a complaint under the remit of dignity at work that is believed by the Trust to be malicious, vexatious or false, the employee will normally be subject to disciplinary proceedings that could result in their summary dismissal.

5.6 If an employee wants to talk confidentially about a situation that they are concerned with they can contact HR Contact Line on 01942 773815.

6. Support for Employees

6.1 Any employee involved in a dignity at work complaint can receive confidential support from the Trust’s Centre for Staff Health and Wellbeing and / or counselling service. A confidential self referral may be made by contacting the Centre for Staff Health and Wellbeing.

7. General

7.1 The Trust reserves the right to vary, or not apply this policy and / or procedure, where the employee has less than twelve months continuous service with the Trust.

8. Monitoring

8.1 Dignity at work cases will normally be tracked, by division, using the HR case management tracker. The number of grievances raised, (including dignity at work cases), are normally reported to the HR Committee and within the equality and diversity annual report.

9. Human Rights Act

9.1 The implications of the Human Rights Act have been considered in the formulation of this policy and they have, where appropriate, been fully reflected in its wording.

10. Equality and Diversity

10.1 The Policy has been assessed against the Equality Impact Assessment Form from the Trust’s Equality Impact Assessment Guidance and, as far as we are aware, there is no impact on any Equality Target Group.

11. Dissemination and implementation

11.1 This policy is available to all staff via the Trust intranet site – Policy Library.

11.2 The policy is launched via global email and briefings from the HR Team to line managers at Divisional and department meetings.

11.3 The policy is discussed and communicated at the HR Policy Development Group ensuring that staff side representatives are fully briefed. Staff side chair will determine if any further dissemination of this policy to staff side colleagues is required via the monthly staff side meeting,
and will confirm this with the Deputy HR Director in advance of the policy being presented to HR Committee.

11.4 The policy will be communicated to the HR Committee prior to implementation.

12. Review

12.1 This policy will be reviewed by October 2013, if not before at the discretion of management.

13. Accessibility Statement

13.1 This document can be made available in a range of alternative formats e.g. large print, Braille and audiocassette.

For more details, please contact the HR Department on 01942 77(3766) or email equalityanddiversity@www.nhs.uk
## APPENDIX 1

### EQUALITY IMPACT ASSESSMENT FORM

This form MUST be completed and included in all Policies. It should also be included in any SOP (Standard Operating Procedure) document that is not linked to an existing policy.

### STAGE 1 – INITIAL ASSESSMENT (PART 1)

<table>
<thead>
<tr>
<th>Division:</th>
<th>HR Directorate</th>
<th>Department:</th>
<th>HR Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person(s) completing this form:</td>
<td>Stephen Chegwin</td>
<td>Tel No:</td>
<td>01942 77 3729</td>
</tr>
<tr>
<td>Others involved:</td>
<td></td>
<td>Start date of this assessment:</td>
<td>3rd October 2011</td>
</tr>
<tr>
<td>Title of policy being assessed:</td>
<td>Dignity at Work Policy</td>
<td>Policy implementation date:</td>
<td>November 2011</td>
</tr>
</tbody>
</table>

### What is the main purpose (aims / objectives) of this policy?

A policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay.

### Is the policy existing & being reviewed or a new policy? (tick the relevant box)

<table>
<thead>
<tr>
<th>Patients</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carers</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Public</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Staff</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

If staff, how many individuals / Which Groups of Staff are likely to be affected?

All staff

### Have patients, carers, the public or staff been involved in the development of this policy?

<table>
<thead>
<tr>
<th>Patients</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carers</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Public</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Staff</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Policy Development Group – Policy developed in partnership.

### What consultation method(s) did you use?

For example: focus groups, face-to-face meetings, questionnaires etc.

Policy development group – HR and Staff side representatives

### How are any changes / amendments to the policy communicated?

For example: Meetings / Focus / Email etc.

Global Email / Partnership forum / Policy published on policy library (Trust intranet)

## INITIAL ASSESSMENT (PART 2)

**ESSENTIAL NOTES TO HELP YOU COMPLETE THE FOLLOWING EQUALITY IMPACT ASSESSMENT TABLE**

*your hospitals, your health, our priority*
Do you have any evidence or a belief that the design / implementation of this policy, has a positive or negative impact on:

- Age Equality
- Gender Equality
- Race Equality
- Disability Equality
- Religious Belief Equality
- Sexual Orientation Equality

**QUESTIONS YOU MUST CONSIDER** when completing the following Equality Impact Assessment Table:

- Are there any barriers which could impact on how different groups might benefit from this policy?
- Does this policy promote the same choices for different groups as everybody else?
- Could any of the following group’s experience of this policy be different?
- Does this policy address the needs and potential barriers of these groups?

**Please state where you think the policy could have a positive impact on any of the Equality Target Groups or contribute to promoting equality, equal opportunities or improving relations within equality Target Groups.**

**Some Examples of Positive Impacts:**

- Within Section 7.8 of the Trust’s Access Policy: Offer of Appointment - Tolerances for religious festivals will be recognised when booking patient’s appointments. (this would have a positive impact on patients from specific faith groups).

- Patient information can be made available on request in audio, large, print and Braille (this would have a positive impact on service users with hearing and visual impairments).

**Please state where you think the policy could have a negative impact on any of the Equality Target Groups - i.e. it could disadvantage them.**

**Some Examples of Negative Impacts:**

- There is no Equality Section within the Policy to ensure that managers / staff apply the policy equitably.

- There is no Accessibility Section, explaining that the Policy can be made available in other formats.

- ‘Patient’ Letters referred to in the Policy are not available in different formats. Letter Template does not include a statement at the footer of the letter on how to access a copy of the letter in other formats, i.e. large print, Braille, audio and other languages.

**FOR FURTHER EXAMPLES AND GUIDANCE – PLEASE REFER TO SECTIONS 13 & 14 OF THE EQUALITY IMPACT ASSESSMENT TOOLKIT & APPENDIX 9.**

**EQUALITY IMPACT ASSESSMENT TABLE**
<table>
<thead>
<tr>
<th>Equality Target Group</th>
<th>Positive Impact</th>
<th>Negative Impact</th>
<th>Reason/Comments for Positive Impact</th>
<th>Reason/Comments for Negative Impact</th>
<th>Resource Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Younger People (17-25) and Children</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Older People (60+)</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race or Ethnicity</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Learning Difficulties</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hearing Impairment</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Disability</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental Health Need</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gay/Lesbian/Bisexual</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transgender</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Faith Groups (please specify)</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carers</td>
<td>High</td>
<td>None</td>
<td>Protects those with protected characteristics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Group (please specify)</td>
<td>None</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applies to ALL Groups</td>
<td>None</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**High:** There is significant evidence of a negative impact or potential for a negative impact.

**Low:** Likely to have a minimal impact / There is little evidence to suggest a negative impact.

**None:** A policy with neither a positive nor a negative impact on any group or groups of people, compared to others.
INITIAL ASSESSMENT (PART 3)

(a) In relation to each group, are there any areas where you are unsure about the impact and more information is needed?

N/A

(b) How are you going to gather this information?

N/A

(c) Following completion of the Stage 1 Assessment, is Stage 2 (a Full Assessment) necessary?

Have you identified any issues that you consider could have an adverse (negative) impact on people from the following Equality Target Groups?

<table>
<thead>
<tr>
<th>Target Group</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age (Younger People (17-25) and Children / Older People (60+)</td>
<td>NO</td>
</tr>
<tr>
<td>Gender (Men / Women)</td>
<td>NO</td>
</tr>
<tr>
<td>Race</td>
<td>NO</td>
</tr>
<tr>
<td>Disability (Learning Difficulties / Hearing Impairment / Visual Impairment / Physical Disability / Mental Illness)</td>
<td>NO</td>
</tr>
<tr>
<td>Religion / Belief</td>
<td>NO</td>
</tr>
<tr>
<td>Sexual Orientation (Gay / Lesbian / Bisexual / Transgender)</td>
<td>NO</td>
</tr>
<tr>
<td>Carer</td>
<td>NO</td>
</tr>
<tr>
<td>Other</td>
<td>NO</td>
</tr>
</tbody>
</table>

Any Other Comments

Assessment Completed By: Stephen Chegwin    Date Completed: 11th January 2011

IF ‘NO IMPACT’ IS IDENTIFIED Action: No further documentation is required.

IF ‘YES IMPACT’ IS IDENTIFIED Action: Full Equality Impact Assessment Stage 2 Form must be completed.

If required, the Full Equality Impact Assessment Form Template can be downloaded from either the Policy Library Intranet Page or the Equality & Diversity Intranet Page.

PLEASE RETURN COMPLETED FORMS VIA E-MAIL TO:
DEBBIE JONES, EQUALITY AND DIVERSITY PROJECT LEAD (for Service related policies)
debbie.jones@wwl.nhs.uk

EMMA WOOD, EQUALITY AND DIVERSITY PROJECT LEAD (for HR / Staffing related policies)
emma.wood@wwl.nhs.uk