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AUTHOR (S) (JOB TITLE)	Senior HR Business Partner/Staff Side
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LINKS TO ANY OTHER POLICIES/PROCEDURES:	Inclusion and Diversity Strategy; Grievance Policy; Disciplinary Policy, Code of Conduct, Values and Behaviours Framework
CONSULTED WITH:	Staff Side / LNC / PDG

DATES PREVIOUS VERSION(s) APPROVED	Version	Date
NEXT REVIEW DATE:	June 2024, now extended to September 2024	
MANAGER RESPONSIBLE FOR REVIEW (Must be Authors Line Manager)	Deputy Director of HR	



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**AT ALL TIMES, STAFF MUST TREAT PATIENTS WITH RESPECT
AND UPHOLD THEIR RIGHT TO PRIVACY AND DIGNITY.**

1 INTRODUCTION

WWL Teaching Hospitals NHS Foundation Trust recognises the right of all employees to be treated with dignity in all working relationships. As such, we are committed to promoting a safe, healthy and fair environment that will encourage a climate at work where dignity, civility and respect for all employees, service users, colleagues from other organisations and visitors are the norm. We recognise our duty to ensure that all employees are aware of this Policy and their responsibilities under it.

2 KEY PRINCIPLES

- 2.1 This policy and associated procedure applies to all current employees, including directors, contractors, bank, and volunteers (collectively referred to as employees in this policy).
- 2.2 This policy will also apply to agency workers and employees of other organisations we have dealings with on a regular basis such as NHS and other government agencies, contractors, or consultants. In these instances, we will seek full co-operation of the organisation and encourage them to deal with the matter under their own procedures but in line with the principles of this policy. If the organisation refuses to co-operate, the investigation will continue and when it is completed, we will tell the organisation what action we would like them to take to protect our employees, which may ultimately include the removal of their worker, and in exceptional circumstances we may have to remove the employee from one-to-one contact with the accused person.
- 2.3 This policy will not apply to ex-employees.
- 2.4 This policy is solely related to Dignity at Work, i.e. behaviours as defined in 4 below. Concerns relating to other matters such as terms and conditions of employment; health and safety; work relationships; new working practices, where appropriate procedures have not been followed, should be addressed via the Grievance Policy and SOP.
- 2.5 This policy must be read in conjunction with the associated Dignity at Work SOP which outlines the processes to be followed where a complaint is raised.

3 AIMS AND OBJECTIVES

- 3.1 The aims and objectives of this policy and associated procedure are to:-
 - 3.1.1 Ensure a working environment that promotes dignity and civility at work and is free from unacceptable behaviour;
 - 3.1.2 Make employees aware of the policy through appropriate publicity and training;
 - 3.1.3 Enable any employee of the Trust to pursue a concern if they believe they are being subjected to unacceptable behaviour;
 - 3.1.4 Ensure that incidents of unacceptable behaviour are effectively dealt with using this policy;
 - 3.1.5 Eliminate unacceptable behaviour, incivility and abuse of power.

4 RESPONSIBILITIES

4.1 Trust Board

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

4.2 **Director of Workforce**

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

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

4.3.1 Managers' first responsibility is to engender a team environment where all colleagues are clearly aware of what is, and what is not, acceptable behaviour and to create a climate within which all colleagues are treated with dignity, civility and respect at all times.

4.3.2 Managers must have an "open door" policy and encourage colleagues to report any instances of unacceptable behaviour, either experienced personally or observed in relation to others.

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

4.3.4 It is the manager's responsibility to ensure that dignity at work complaints brought to their attention are dealt with informally where possible and where appropriate and recorded in line with procedure.

4.3.5 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.

4.3.6 Managers must maintain comprehensive records of actions and documents resulting from complaint and these must be kept on the relevant party's personal file.

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

4.4 **Employees**

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

4.4.2 Employees must, with managers, create a positive and inclusive environment where everyone is free to concentrate on their work, showing common courtesy, dignity, civility and respect for others and in accordance with the Trust Values and Behaviours framework and avoiding behaviour that makes anyone feel uncomfortable, degraded, upset or victimised.

4.4.3 It is the employee's responsibility to bring any dignity at work complaint that they have to the attention of their manager without delay.

4.4.4 It is the employee's responsibility to attempt to resolve any complaint on an informal basis where appropriate and wherever possible and to capture records of any informal complaints with Human Resources in line with procedure.

4.4.5 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.

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

4.4.7 All employees must familiarise themselves with the Trust's Code of Conduct, Disciplinary policy and the Trust Values and Behaviour's framework, standards of behaviour.

4.5 **Human Resources**

Human Resources are responsible for giving advice, guidance and support to Managers and Employees on the policy and procedure.

4.6 **Trade Union Representatives**

The Trust recognises that some employees may wish to raise their concerns initially with their Trade Union representative. In such a situation, the Trade Union representative should ascertain as many facts as possible and gain the permission of the employee in receipt of the inappropriate behaviour to raise the issue with the relevant Manager without delay. If the Manager is implicated in the issue, then it should be reported directly to the relevant HR Adviser.

5 POLICY STATEMENT

- 5.1 We recognise that incidents of bullying, harassment, discrimination and victimisation in the workplace, which may result in placing the recipient in a threatening and intimidating environment, can adversely affect his/her health and wellbeing and ultimately performance in work. Furthermore, such an environment is not conducive to the delivery of effective care and support of our service users.
- 5.2 Bullying/Harassment/Discrimination and victimisation are wholly unacceptable behaviours that will not be tolerated by the Trust and, where proven, will be considered as Gross Misconduct.
- 5.3 From this point forward any of the terms bullying, harassment, discrimination, and victimisation will be referred to as “unacceptable behaviour”.
- 5.4 Employees are encouraged to attempt to resolve any concerns informally in the first instance. However, employees have the absolute right to raise any concerns they may have and to complain about such behaviour. Allegations of unacceptable behaviour brought to the attention of the Trust will be treated seriously and sympathetically. Upon becoming aware that this has taken place, the Trust will take prompt action, in-line with this policy and considering the views of the individual(s) concerned.
- 5.5 Unacceptable behaviour can have an extremely damaging effect on recipients. It can undermine a person’s self-confidence and may cause individuals to suffer stress and/or fear and anxiety, which can put great strains on personal and family life. Unacceptable behaviour can affect the Trust in the form of poor morale, absenteeism, performance, higher labour turnover and reputation.
- 5.6 The Trust is mindful of its obligations and responsibilities under the Equality Act 2010 and for ensuring its workforce does not experience harassment, bullying, victimisation, and discrimination as a consequence of any of the characteristics protected by the Act.
- 5.7 The Trust is also mindful of the Protection from Harassment Act 1997 which makes harassment a criminal offence. Where harassment has occurred, an employer can be ordered to pay unlimited compensation, including the payment of fines for injury to feelings. Similarly, an employee who harasses a colleague may be in breach of criminal as well as civil law and may be held personally liable.
- 5.8 Disciplinary action may be taken against employees who fail to adhere to this policy. Ignorance of this policy is not an excuse for breaching it, so employees must therefore ask their manager for additional clarification if they are unsure of any of their responsibilities under the policy.
- 5.9 Whilst the Trust takes seriously all cases of unacceptable behaviour, employees are strongly discouraged from raising concerns of a frivolous or vexatious nature (i.e. with the intent to cause trouble without substance), or from linking this policy to other matters regarding their employment circumstances, which are unrelated to bullying, harassment or victimisation. Such claims will be investigated and may result in disciplinary action being taken against the complainant.

5.10 Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

6 HUMAN RIGHTS ACT

Implications of the Human Rights Act have been taken into account in the formulation of this document and they have, where appropriate, been fully reflected in its wording.

7 INCLUSION AND DIVERSITY

The document 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 protected characteristics.

8 MONITORING AND REVIEW

This document will be reviewed every 3 years or as and when changes or legislation which affects the document are introduced.

9 ACCESSIBILITY STATEMENT

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

For more details, please contact the HR Department on 01942 77 3766 or email equalityanddiversity@wwl.nhs.uk

Appendix 1

DEFINITIONS

Harassment

Harassment, as defined in the Equality Act 2010, is: unwanted conduct related to a relevant 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. The guiding principle is that harassment is unwanted; persistent (although a single serious incident can constitute harassment); offensive to the recipient and is considered unreasonable behaviour by the recipient.

The nine characteristics protected under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

Examples of unacceptable behaviour include (but are not limited to): -

- spreading malicious rumours, or insulting someone particularly on the grounds of race, sex, sexual orientation, disability and religion or belief
- physical abuse
- unwanted physical contact
- verbal abuse including offensive language or sexual innuendos
- unacceptable non-verbal conduct – ignoring, non-verbal belittling or ostracising
- display of offensive visual or written material
- inappropriate use of communication systems - telephones, e-mail, text, social networking sites either inside or outside of the workplace
- pressure for sexual favours
- stalking

Discrimination

Discrimination is when a person is treated differently (e.g. less favourably) because of the protected characteristics described in section 4.2. Basing judgements on protected characteristics or status unrelated to the individual's ability to perform a role can amount to discrimination.

Bullying

Bullying is not defined in law, but ACAS define it as: "Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

Examples of unacceptable behaviour that may be bullying include (but are not limited to):

- ridiculing or demeaning someone - picking on them or setting them up to fail
- mimicking a personal characteristic
- exclusion or victimisation
- unfair treatment

- sending rude, inappropriate, aggressive e-mails
- dictatorial instruction / criticism
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticisms
- public humiliation
- preventing individuals progressing by intentionally blocking promotions or training opportunities

Cyber Bullying

As social media is used more and more by NHS staff in their professional and personal lives, evidence shows that cases of cyberbullying are on the increase. The Trust is committed to heightening awareness of cyber-bullying to address the occurrence of cyber bullying and its effects in the workplace.

Cyber-bullying is defined as: bullying, harassment and victimisation conducted through social media such as blogs or social networking e.g. messenger apps, YouTube videos.

Examples of cyber bullying include:

- Posting offensive, derogatory or threatening messages online about an individual or posting them directly to an individual (staff, patient, relative, carer or visitor) no matter if it is in a public, private or group space;
- Pressurising individuals to join online groups which they may not be comfortable with, for example, a group their boss is a member of;
- Posting inappropriate photographs, videos or the posting of sensitive personal information of or about a member of staff, patient, relative, carer or visitor.

Victimisation

Victimisation is defined as detrimental behaviour to the individual for using their workplace procedures or exercising their rights under the Equality at Work Act 2010.

A definition of victimisation is:

Treating someone badly because they have done a 'protected act', or because an employer, service provider or other organisation believes that you have done or are going to do a protected act. The reason for the treatment does not need to be linked to a protected characteristic.

A protected act is:

- Making a claim or complaint of discrimination (under the Equality Act)
- Helping someone else to make a claim by giving evidence or information
- Making an allegation that you or someone else has breached the Equality Act
- Doing anything else in connection with the Equality Act

“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.

Unacceptable behaviour may be demonstrated by an individual against an individual or may involve groups of people. It may be obvious or subtle. Whatever form it takes, it is unwarranted, unwelcome, and unacceptable. In all cases of unacceptable behaviour, it will be for the recipient to define what appropriate behaviour is and when the behaviour of another is unacceptable. It is not the intention of the perpetrator that is relevant in deciding whether bullying or harassment has occurred.

A 'complainant' within this procedure is either someone who believes unacceptable behaviour has happened to them, or someone who has witnessed an incident of unacceptable behaviour, or someone who feels an alleged incident should be investigated further.

An 'alleged party' is an individual whose behaviour has been alleged to constitute bullying, harassment or victimisation.

For the purposes of this policy, the term '**manager**' is deemed to cover any employee who has responsibility for employees.

Equality Impact Assessment Form

STAGE 1 - INITIAL ASSESSMENT

For each of the protected characteristics listed answer the questions below using Y to indicate Yes and N to indicate No	Sex (male / female / transgender)	Age (18 years+)	Race / Ethnicity	Disability (hearing / visual / physical / learning disability / mental health)	Religion / Belief	Sexual Orientation (Gay/Lesbian/)	Gender Re-Assignment	Marriage / Civil Partnership	Pregnancy & Maternity	Carers	Other Group	List Negative / Positive Impacts Below
Does the policy have the potential to affect individuals or communities differently in a negative way?	n	n	n	n	n	n	n	n	n	n	n	
Is there potential for the policy to promote equality of opportunity for all / promote good relations with different groups – Have a positive impact on individuals and communities.	y	y	y	y	y	y	y	y	y	y	y	
In relation to each protected characteristic, are there any areas where you are unsure about the impact and more information is needed?	n	n	n	n	n	n	n	n	n	n	n	If Yes: Please state how you are going to gather this information.

Job Title	SENIOR HR BUSINESS PARTNER			Date	APRIL 2021
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IF 'YES an NEGATIVE IMPACT' IS IDENTIFIED - A Full Equality Impact Assessment STAGE 2 Form must be completed. This can be accessed via <http://intranet/Departments/Equality Diversity/Equality Impact Assessment Guidance.asp>

Please note: As a member of Trust staff carrying out a review of an existing or proposal for a new service, policy or function you are required to complete an Equality Impact Assessment. By stating that you have **NOT** identified a negative impact, you are agreeing that the organisation has **NOT** discriminated against any of the protected characteristics. Please ensure that you have the evidence to support this decision as the Trust will be liable for any breaches in Equality Legislation.

Appendix 3

POLICY MONITORING AND REVIEW ARRANGEMENTS

Para	Audit / Monitoring requirement	Method of Audit / Monitoring	Responsible person	Frequency of Audit	Monitoring committee	Type of Evidence	Location where evidence is held
	Rolling monthly review of compliance of in date documents	Project Officer to advise author 6 months in advance of review date and advise CQEC of overall Trust compliance	Project Officer	Monthly rolling programme	CQEC	Monthly compliance report	Team Drive: Director of Nursing/Corporate QEC