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Approving Committee	Executive Committee
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This document is a valid document, however due to organisation change some references to organisations, organisational structures and roles have now been superseded. The table below provides a list of the terminology used in this document and what it has been replaced with. When reading this document please take account of the terminology changes on this front cover

Terminology used in this Document	New terminology when reading this Document
Liverpool Community Health (LCH)	Mersey Care NHS Foundation Trust

This policy is deemed non-contractual and will transfer with their incorporated procedures but was agreed as being a necessary addition during staff side negotiation

FOR OFFICE USE ONLY (Work Stream submission check)

This document is compliant with current best practice guidance

This document is compliant with legislation required in relation to its content

What change has this document undergone in the policy alignment process relating to the South Sefton Transaction?

None Minor Major This is a new document

This document has been reviewed and is no longer required

Does this document impact on any other policy documents?

Yes, if yes, which policies are effected? 33T

No

Signed:

Date: 25/05/2017

SUPPORTING STATEMENTS – this document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and vulnerable adults, including:

- being alert to the possibility of child/vulnerable adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/vulnerable adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/vulnerable adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or vulnerable adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

Liverpool Community Health NHS Trust

Bullying and Harassment – Dignity at Work Policy

Bullying & Harassment – Dignity at Work Policy

Version Number:	4
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1. Introduction

As an equal opportunities employer, Liverpool Community Health (LCH) is committed to ensuring a working environment in which the dignity of individuals is respected. LCH actively encourages staff to behave in a manner that reflects and promotes this belief.

Every employee has the right to be treated with dignity and respect in order to realise their potential and to achieve LCH's aims and objectives. Harassment and bullying of any form undermines people at work and will not be tolerated.

Harassment and bullying affects not only the individual, but also LCH as a whole. It can have an impact on an employee's health, welfare and personal confidence and job satisfaction. Harassment and bullying can also affect LCH's reputation as an employer and reduce the quality of service provision through sickness absence, staff turnover, low morale and poor work performance.

2. Policy Statement

This policy is written with the aim of providing fairness and equity to all employees. No particular group or employee will be disadvantaged on the grounds of; age, gender, gender reassignment, sexual orientation, disability, marital or civil partnership status or family circumstances, race, colour, nationality, ethnic origin, religion or belief, trade union activity & social and economic status.

3. Principles

The policy is based on the following principles:

- Individuals new to LCH including contractors will be made aware of this policy on joining the organisation.
- Existing employees will be aware of this policy and regular training sessions will be organised for all individuals on how to deal with harassment and bullying.
- The standards of behaviour expected by all employees including the types of behaviour which will not be tolerated.
- To ensure all employees are aware of the many forms of bullying and harassment and the serious side effects.
- Any issues raised which aren't settled by informal action and any proven acts of harassment or bullying will be treated as disciplinary offences.

4. Scope

The policy applies to all employees regardless of employment status e.g. full or part time, bank workers temporary staff from employment agencies and any contractors working on LCH sites.

In cases involving Medical and Dental employees, investigations and subsequent outcomes will be undertaken via LCH's Procedures for Handling Concerns regarding Conduct, Performance and Health.

This policy covers work related events (including social events) that may be off site as well as the normal working environment.

LCH will not tolerate harassment against employees, by users of LCH services, contractors or third parties. Managers must be alerted to cases and such acts will be investigated in accordance with Trust Policies including the Security Policy. LCH will take remedial action if harassment is proven, that may include the termination of contracts or seeking disciplinary action against the perpetrator within the contractor's organisation.

In cases of alleged assault or behaviour that is considered to be a criminal offence, LCH may (where appropriate) contact the police or support an employee in contacting the police if the complainant wishes.

Complaints outside of the scope of this policy should be dealt with in accordance with the Grievance Procedure.

5. Responsibilities

All employees of LCH are responsible both legally and morally for ensuring that individuals and groups do not suffer from bullying or harassment and that they are encouraged and supported in any legitimate complaint.

All employees are also responsible for ensuring that any complacency by witnesses of bullying and harassment is discouraged and witnesses are supported from harassment themselves.

5.1 Board of Directors/Director of Human Resources & Organisational Development

The Board recognises the seriousness of addressing bullying and harassment within LCH. The Director of Human Resources and Organisational Development has the lead responsibility for ensuring the policy is properly implemented and that LCH takes effective action to prevent bullying and harassment.

5.2 Trust

LCH will provide training to managers and investigators in dealing with bullying and harassment issues and will monitor all reported cases by age, sex and ethnicity etc. and will take corrective/preventative measures based on the information provided. The Business Human Resources Team will be responsible for providing training and support to managers regarding implementation of the policy on a regular basis.

5.3 Managers

All managers are responsible for seeking to prevent any breach of this policy amongst the staff for whom they have responsibility (please refer to the NHS Code for Managers – October 2002):

- Ensure they are aware of the content of this policy and its implementation.

- Ensure attendance at any training sessions instigated by the Trust with reference to recognising the signs and symptoms of occupational bullying and harassment.
- To lead and set standards of behaviour, which are appropriate for a healthy working environment.
- Ensure all employees are aware of this policy and what is and what is not acceptable behaviour and that bullying and harassment is a disciplinary offence.
- To inform all employees of their rights and the actions they can take if they feel they are being harassed, bullied or intimidated.
- Take prompt action to prevent and stop bullying and harassment.
- To report any allegation of bullying and harassment against themselves by an employee or service user immediately to their own Line Manager.
- If an individual makes a complaint of bullying and harassment (either formally or informally), ensuring they execute their duty to consider and take the appropriate action.
- To report any allegations of bullying and harassment to the Business Human Resources Team.

5.4 Business Human Resources

The Business Human Resources Team has a responsibility to monitor the implementation of the policy and to ensure that the procedures are managed fairly and consistently across LCH.

- Provide advice to Managers and employees on the Bullying & Harassment – Dignity at Work Policy
- Ensure there is consistency and fairness of approach
- Ensure that matters are progressed and dealt with, without undue delay.
- Review and monitor all legislation relevant to the application of the policy.

5.5 Employees

All employees of LCH are responsible for helping to ensure that individuals do not suffer any form of bullying and harassment and that they are encouraged and supported in any complaint.

Every individual employed either directly or indirectly by LCH will be accountable for the operation of this policy, as they carry responsibility for their own behaviour and actions, on or off site, or any activity associated with their employment. Managers are also employees and as such have exactly the same rights and responsibilities as other employees.

All employees have an equal responsibility to contribute towards a working environment free from bullying and harassment.

- To understand that bullying and harassment will not be tolerated by LCH.
- To ensure that they are aware of the contents of the policy.
- To comply with the policy and report incidences of bullying and harassment that they witness or experience.
- To ensure they are aware of their own behaviour and the effect this may have on others.
- To understand that bullying and harassment including the victimisation of individuals who make a complaint is a disciplinary offence (which could lead to dismissal).

- To use the policy responsibly and only in situations where an employee genuinely believes that bullying and harassment is taking place. Malicious use of the policy is a disciplinary offence.

5.6 Witnesses

All witnesses involved in any investigation have a duty to fully cooperate with the process. This includes making themselves available in a timely manner for any investigatory meetings at the request of the investigatory team.

5.7 Staff Side Representatives

Staff Side Representatives have been involved in the development of the policy and representatives will therefore be able to advise employees on their rights and options, as well as representing employees in any formal meetings that are required.

5.8 Occupational Health Service

The Occupational Health Service will be able to offer advice in relation to the effect of bullying and harassment experienced on an employees' physical or mental health, including where to seek specialist support.

Occupational Health may be able to refer to a Counsellor, or advise that the employee sees their General Practitioner. Occupational Health Nurses also advise managers in relation to the likely effects of bullying and harassment on an employee's attendance and performance at work.

5.9 Staff Support Services

The Counselling Service is available to provide a confidential counselling service to all employees. Employees are able to self-refer and information of the service can be found in Section 16.

6. Right to be Accompanied

Employees only have a statutory right to be accompanied during any stage of the Formal Procedure by either an accredited Staff Side Representative or by a workplace colleague, who must be an employee of LCH.

If an employee's staff side representative/workplace colleague is unavailable, it is the responsibility of the employee, so long as it is deemed reasonable to suggest another date which is not more than 7 calendar days after the original date of the Meeting/Hearing or Appeal Hearing.

The staff side representative/workplace colleague should be allowed to address the hearing to put and sum up the employee's case, respond on their behalf to any views expressed at the meeting/hearing and confer with them during the meeting/hearing. The companion does not however, have the right to answer questions on the employee's behalf, address the meeting/hearing if the employee does not wish it, or prevent the employee from explaining their case.

The staff side representative/workplace colleague accompanying the employee is bound by their duty of confidentiality in all matters relating to disciplinary issues especially where people who use services, carers and relatives are involved. Representatives are bound by the duties under the Data Protection Act 1998.

Employees have no right under this procedure to be accompanied by anyone else (e.g. a spouse, partner, other family member, or legal representative) other than those persons previously referred to.

7. Definitions

7.1 Harassment

The Equality Act 2010 uses a single definition of harassment to cover protected characteristics. Harassment is defined as:

‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.’

Harassment takes many forms; verbal, non-verbal, physical and bullying. It can occur on a variety of grounds and may be directed at an individual or group of individuals.

The Equality & Human Rights Commission defines sexual harassment as:

‘unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of men and women at work. This can include unwelcome physical, verbal or non-verbal conduct, unwelcome advances or requests for sexual favours.’

Employees are able to raise concerns regarding behaviour that they find offensive even if it is not directed at them. In addition, the employee need not possess the relevant protected characteristic themselves; they can be harassed because of their association with a person who has a protected characteristic or because they are wrongly perceived to have a protected characteristic or are treated as if they do have one.

7.1.1 Forms of Harassment

Harassment may be instigated by employees, patients or other members of the public. Forms of harassment range from extreme forms such as violence and bullying, to less obvious actions like ignoring someone at work. Whatever the form of harassment, it will be unwanted behaviour which is unwelcome and unpleasant.

Examples of unacceptable behaviour include (*this is list is not exhaustive*):

- Intrusion by pestering, spying or talking
- Unnecessary or unwanted physical contact or invasion of personal space
- Sexually aggressive behaviour, or compromising sexual invitation or demands
- Racial harassment including racist jokes or graffiti
- Derogatory name calling and insults
- Abuse of power by someone in authority, or intimidation by junior employees towards a senior employee
- Electronic messages or electronic displays of sexually suggestive pictures or literature (including email and text message)
- Incitement of others to commit harassment

- Inappropriate or derogatory remarks in connection with performance or appraisal
- Victimisation because of someone's gender, race, disability, sexual orientation, age, religion or other beliefs
- Cyber bullying i.e. via email or inappropriate use of social networking sites

The key to distinguishing what does and does not constitute harassment is that harassment is behaviour that is unwanted by the person to whom it is directed. It is the impact of the conduct and not the intent of the perpetrator that is the detriment. Harassment often consists of persistent behaviour, although an isolated act may be considered sufficiently serious to warrant disciplinary action, including dismissal.

7.2 Bullying

The ACAS Guide for Managers and Employers – Bullying and Harassment at Work defines bullying as:

‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.’

Workplace bullying can take a number of forms, for example (*this is list is not exhaustive*):

- To persistently criticise and condemn
- To openly humiliate or ridicule
- To professionally undermine an individual's professional ability until they lose self-confidence and self esteem
- To intimidate by email, mobile phone texting, or other forms of written communication known as ‘flaming’
- Shouting or using threatening language
- To intimidate an individual in a way which leaves them feeling vulnerable, isolated and angry.

7.3 Victimisation

The Equality Act 2010 – ACAS Guide for employers defines victimisation as:

‘when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so’.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

7.4 Cyber Bullying

Cyber bullying is any use of information and communications technology to support deliberate and hostile attempts to hurt, upset or embarrass another person.

Examples of cyber bullying include:

- Sending abusive emails
- Telephone calls
- Posting comments on websites e.g. Facebook or Twitter
- Hacking into other people's accounts and sending viruses

Employees are encouraged to preserve all evidence of cyber bullying by saving emails, logging telephone calls and taking screen prints of websites.

7.5 Whistleblowing

Employees must be clear that submitting a bullying and harassment complaint does not automatically protect them under the Public Interest Disclosure Act 1998 (PIDA). Whilst every bullying and harassment complaint will be dealt with in the strictest of confidence, every effort will be made to ensure all those involved are supported. An employees' identity cannot be protected as the employee who has had the allegation(s) made against them, must have the opportunity to respond. Therefore, bullying and harassment complaints are not protected under Whistleblowing.

Whistleblowing procedures are in place to enable all employees not just Medical and Dental employees to raise genuine concerns, without the fear of reprisals. For further information, please refer to the Raising Concerns at Work – Whistleblowing Policy.

8. Managing Employees

Bullying is not about the management of conduct, change or performance although it is recognised by LCH that employees may find it difficult to cope with these circumstances.

The difference lies in the way employees and managers carry out their duties and there is a difference between firm but fair management practice and a manager who uses a management style that is perceived as bullying by employees.

9. Procedure for Managing Bullying & Harassment Complaints

As soon as possible after an employee considers that an incident of bullying or harassment has occurred, they should seek to resolve it through the informal or formal procedures. The complaint must be raised within 3 months of the issue occurring or within 3 months of the last occasion of a series of events.

Employees should make clear records of all incidents at the time they have occurred. The date, time and place of the incident(s) should be recorded including the details of anything that was said or done and how it made them feel. The details of who was involved, including anyone who witnessed the incident.

In some cases an employee may only perceive that they have been a victim of bullying or harassment because of a course of action or pattern of conduct over a period of time. If this is the case, the employee should seek to resolve their concerns as soon as they perceive they are being bullied or harassed.

Employees are encouraged wherever possible to resolve complaints in an informal manner. Very often individuals are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease. This approach should not be used to discourage an employee from using the formal procedure or when an instance of

bullying or harassment could be of such a serious nature that the complaint would warrant formal action.

Resolving a complaint informally is not appropriate if the employee has fears for their health or safety, or if informal resolution has previously been attempted and failed to produce a change in the alleged bully or harasser's conduct.

10. Informal Option

There are a number of different options open to an employee who feels they have been bullied or harassed by a colleague, subordinate, supervisor or manager. It is for the employee to decide the best course of action to take.

An employee who feels bullied or harassed should in the first instance tell the individual responsible that their behaviour is unwelcome, that it is causing them distress and to ask them to stop. The individual may be unaware of the effect of their actions and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. The employee may wish to ask a colleague to be present when they speak to the person concerned. Alternatively, they may find it easier to write to them.

If the bullying or harassment continues, or if the employee is unwilling or unable, for whatever reason, to confront the person directly, they may seek support from their Line Manager. Medical and Dental employees who feel they have been bullied or harassed by a colleague, subordinate, supervisor or manager should inform the Clinical/Associate Medical Director.

The employee also has the option of speaking to a Staff Side Representative or to a member of the Business Human Resources Team, who can advise on the process which should be followed. For further information, please refer to the leaflets; *"Mediation"* and *"I don't think I am being treated well at work – what can I do?"*.

A work colleague, Staff Side representative, Manager or a member from the Business Human Resources Team may speak to the individual responsible informally on your behalf or with you. The alleged bully/harasser may also be accompanied by a workplace colleague or Staff Side representative. The employee who has made the allegation should wherever possible attend the informal meeting as a face to face meeting is a good opportunity to explain how they are feeling and to obtain an agreement from the alleged bully/harasser about their future behaviour.

A note should be kept of what has been discussed and retained for future use should formal action be taken. If the outcome of the informal complaint is not satisfactory, to the employee who has made the allegation, formal action may be taken.

An employee who is being bullied or harassed by their Line Manager should in the first instance discuss how they are being made to feel. If the employee feels unable to do so then they should speak to a more Senior Manager or a member of the Business Human Resources Team.

Both parties will be expected to maintain confidentiality throughout the informal process.

11. Formal Procedure

Where the informal option is exhausted, the matter is considered too serious, or the employee does not wish to deal with the matter informally, a formal written complaint should be submitted to their Line Manager, who will contact the Business Human Resources Team. Where this is inappropriate, the employee should submit their complaint to a Senior Manager or to the Business Human Resources Team.

In circumstances where an employee wants to submit a formal complaint without initially trying to resolve the matter informally, if it is appropriate the Line Manager may suggest supporting them to resolve the matter informally at this stage. If the employee does not wish to resolve the matter informally, the complaint will be formally investigated. It will be for the employee to decide if they are willing to take this course of action and engage with the formal process.

The employee who has submitted the complaint, must then present a written signed statement giving dates and details of incidents and any approaches made asking the bully/harasser to stop to their Line Manager or the Business Human Resources Team.

Where the complaint relates to the employees Line Manager or a more Senior Manager the complaint should be submitted to the next tier of management. LCH will treat with sensitivity any bullying and harassment claims and will handle matters as confidentially as possible.

The employee who has had the complaint of bullying and harassment made against them will be informed that an investigation will be commencing. The employee will also be advised to contact their Trade Union Representative.

Further information and guidance for both the complainant and the person who has had the complaint made against them can be found in the leaflets: "*A complaint has been made against me*" and "*What happens once I have made a complaint?*"

Prior to or during the investigation it may be necessary to consider temporarily redeploying either or both parties to ensure that an impartial and transparent investigation can be conducted. This action should not be considered as a punitive measure and advice is required to be sought from the Business Human Resources Team.

In the event of a serious allegation of bullying or harassment it may be necessary to suspend the employee who has had the allegation(s) made against them until a full investigation has been completed. In exceptional circumstances consideration may also be given to whether the employee who has submitted the complaint should be suspended. Suspension will be on full pay and not constitute disciplinary action.

An investigation will be commissioned and an Investigating Officer will be appointed within 7 calendar days of the complaint being received.

In the case of Medical and Dental employees, if the Clinical/Associate Medical Director have been involved in the informal process, the Medical Director will identify an appropriate person (who has received training to undertake an investigation) within LCH to be the Case Investigator. However, if an appropriate person cannot

be identified within LCH, it may be considered by the Medical Director with approval from the Board/Director of Human Resources and Organisational Development to seek external support if this is required. The case investigation will involve meetings with the employee who has submitted the complaint, the employee who has had the allegation made against them and any witnesses. At all times, employees should be offered the right to representation. Reference should also be made to LCH's Procedure for Dealing with Concerns regarding Conduct, Performance and Health/Maintaining High Professional Standards to ensure the investigation is conducted accordingly.

A prompt, thorough and impartial investigation will be undertaken by an Investigating Officer with due regard to the rights of both parties. Both parties will be required to maintain confidentiality throughout the formal process.

This will take the following format:

- An investigation will be undertaken by an Investigating Officer who is not connected with the allegation(s), team or department.
- The Investigating Officer will endeavour to conclude the investigation within 28 calendar days following receipt or the formal complaint being received. However, it is recognised this may not be possible to achieve and where the investigation is expected to go beyond 28 calendar days, prior approval for an extension must be sought and received from the Director of HR & OD and the Director of Operations. Both parties will be advised in writing by the Manager who has commissioned the investigation.
- The Investigating Officer will explore with the employee who has submitted the complaint what their desired outcome is. However, LCH will guarantee that every effort will be made to ensure the whole process is fair and that concerns are taken seriously.
- The purpose of the investigation will be to establish the facts and will include statements followed by interviews with the employee who has submitted the complaint and the employee who has had the allegation(s) of bullying and harassment made against them. The investigations will be conducted separately and with sensitivity.
- Any relevant witness will also be asked to provide statements and potentially be interviewed. The importance of confidentiality will be emphasised and care should be taken to ensure that the process does not unduly affect the reputation of either party.
- All parties will have the right to be accompanied by their Staff Side Representative or workplace colleague. All parties have a duty (professionally and/or contractually) to assist LCH in carrying out an investigation by providing information if requested.
- When the Investigating Officer is satisfied that the investigation is complete; they will prepare a report, which summarises the findings of the investigation and recommend whether or not there is a case to answer. The report once it has been completed will be forwarded by the Investigating Officer to the Commissioning Manager.
- The Commissioning Manager will decide what action needs to be taken and whether the Disciplinary Procedure is required to be invoked. If the Disciplinary Procedure is to be invoked, the matter will be progressed in accordance with LCH's Disciplinary Procedure. For Medical and Dental employees the Case

Manager will determine the appropriate action in accordance with the Procedure and Guidance for Dealing with Matters of Conduct for Medical and Dental Staff.

- The Commissioning Manager will confirm the outcome of the investigation within 7 calendar days of receipt of the investigation report advising:
 - No case to answer: no further action will be taken by LCH, where the allegation has not been substantiated
 - Complaint upheld: The Disciplinary Policy will be invoked and a Disciplinary Hearing may be will be convened.
- If the employee who is subject to the original complaint makes counter-allegations they should be investigated simultaneously and before any disciplinary action is decided. Any complaint that is not directly relevant should be treated in accordance with the Grievance Procedure and will have no direct impact on the bullying or harassment complaint.
- If an employee is being performance managed under the Performance Improvement Policy and they raise a complaint of bullying or harassment against the Line Manager conducting the performance reviews, the Business Human Resources Team will work with the Line Manager and the employee to determine the most suitable means for resolving both issues.

12. After the Formal Procedure Has Been Followed

Once the investigation report has been submitted to the Commissioning Manager, the employee who submitted the allegation of bullying or harassment, will receive in writing a summary of the findings.

Regardless of the outcome, counselling will be offered to all parties including those employees who have participated in the formal process as witnesses. Where appropriate, mediation should also be recommended; please contact the Business Human Resources Team who may suggest an independent mediator(s) to take the matter forward.

12.1 When a Complaint is Upheld

Where the formal complaint is upheld, the situation must be monitored to ensure bullying and harassment is stopped and there is no victimisation. An appropriate manager will be given responsibility to undertake this action.

If the complaint is upheld, it may be necessary to relocate or transfer one or both parties. Wherever practical, the employee who has submitted the complaint should be given first choice of whether they wish to be transferred. However, for service reasons this can be impractical and/or unrealistic. From the outset the emphasis should be on rebuilding relationships where possible. Where a transfer occurs it should not disadvantage the complainant. Reasonable training will be given as per the Redeployment Policy.

13. Mediation

Mediation is a voluntary process for resolving interpersonal differences at either an informal or formal stage of the bullying and harassment procedure.

It may be useful in situations such as:

- Dealing with conflict between colleagues
- Rebuilding relationships after a formal dispute has been resolved.
- Addressing a range of issues including a breakdown in relationship, personality clashes and communication problems etc.

The process of mediation is designed to help the employees involved to share their experiences, identify the impact of the situation on both parties and consider what needs to change and what they need to resolve the situation. The mediator is responsible for managing the process of seeking to resolve the issue, but not the outcome.

Mediation should only be considered when the affected employees are openly committed to resolving their differences and agree to partake in the process. It can help to rebuild relations that have been damaged.

Mediation may be requested for the affected employees and is conducted by a trained mediator. Employees will be encouraged to establish a written agreement with the mediator, which will remain confidential, unless all those party to the agreement are prepared to share it.

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

In cases where mediation may be considered and option, please contact the Business Human Resources Team, who may suggest an independent mediator to take the matter forward. For further information, please refer to the *Mediation* leaflet.

14. Appeal

There is no right of appeal against any decisions made in accordance with this Policy. However:

- Appeals by a complainant regarding the process will be managed in accordance with the Grievance Procedure.
- Appeals against a disciplinary sanction will be managed in accordance with the appeal process outlined in the Disciplinary Procedure.

15. Associated Documentation and References

15.1 Relevant Legislation

- ACAS – Bullying and Harassment at Work: A Guide for Managers and Employers
- ACAS – Disciplinary & Grievance Procedure
- ACAS Guide – The Equality Act – What's New for Employers?
- The Equality Act 2010
- Health and Safety at Work Act 1974

15.2 Associated Policies and Guidance Documents

To support effective implementation and understanding the following Policies and Documents are signposted for additional guidance:

- Disciplinary Policy
- Grievance Policy
- Performance Improvement Policy
- Procedure and Guidance for Dealing with Matters of Conduct for Medical and Dental Staff
- Procedure for Handling Concerns about Conduct, Performance and Health of Medical and Dental Staff
- Equality and Diversity in Employment Policy
- Raising Concerns at Work – Whistleblowing Policy
- Security Policy
- Complaints Policy

The current version of these Policies can be found on the Trust intranet site.

15.3. Useful Contacts

- | | |
|------------------------------------|--------------------|
| • Staff Counselling Services | Tel: 0151 330 8103 |
| • Business Human Resources Service | Tel: 0151 296 7722 |
| • Staff Side | Tel: 0151 296 7927 |
| • Equality and Diversity Team | Tel: 0151 295 3041 |

16. Implementation - Training and Resources

LCH acknowledges the importance of awareness and skills training for managers to ensure the effective implementation of the Bullying and Harassment – Dignity at Work policy.

The Induction, Equality and Diversity Programmes and Core Management Training will also provide relevant information related to this policy.

The Learning and Development Bureau will collate information regarding LCH's Training Needs Analysis and report to the Board and actions identified. Further information relating to Training Support can be obtained from Learning & Development Services.

17. Policy Governance

17.1. equality and Diversity

The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary prior to consultation. The Trust will take action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact the Equality & Diversity Team in the first instance.

Liverpool Community Health will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements.

17.2. Management and Review of Policy

The Business HR team will be responsible for the management of this policy, on behalf of the Employment Policies and Practices Group. The formal review of all Employment Policies will be undertaken on three yearly basis in accordance with the Trust's Employment Policy Review Programme or more frequently if necessary. In addition, the effectiveness of this policy will be monitored by Business HR and the policy may be reviewed and amended at any time if is deemed necessary. Notification of any changes to policies will be communicated to all staff.

Staff should be aware that the Trust intranet site version of this document is the only version that is maintained and controlled. Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.