Dignity at Work Policy

# Document Control:

| **Document Control Information** | **Details** |
| --- | --- |
| Policy Name | Dignity at Work Policy |
| Policy Number | MSEICB 056 |
| Version | 3.0 |
| Status | Approved – Final version |
| Author / Lead | Senior HR Business Partner |
| Responsible Executive Director | Executive Chief People Officer |
| Date Approved by Responsible Committee | Remuneration Committee – 7 February 2025 |
| Date Ratified by Board | 13 March 2025 |
| Next Review Date | February 2027 |
| Target Audience | Refer to Scope in Policy |
| Stakeholders engaged in development of Policy (internal and external) | * Trade Unions |
| Impact Assessments Undertaken  *(Delete if non-applicable)* | * Equality and Health Inequalities Impact Assessment |

# Version History

| Version | Date | Author (Name and Title) | Summary of amendments made |
| --- | --- | --- | --- |
| 0.1 | Feb 2022 | Senior HR Business Partner | First draft ICB Policy |
| 0.2 | April 2022 | Governance Lead | Review of compliance with policy template |
| 0.1 | April 2022 | Senior HR Business Partner | Final Draft for ICB approval |
| 1.0 | 9/8/2022 | Senior HR Business Partner | Final Review of Version 1.0 |
| 2.0 | 13/06/2023 | Senior HR Business Partner | No legislative changes. |
| 2.1 | 23/09/2024 | Senior HR Business Partner | Addition of paragraph 6.4.10 Page 8 & 9 |
| 2.2 | 12/12/2024 | Senior HR Business Partner | Addition of Paragraphs 1.3 and 5.5.4 following recommendations from an investigation. |
| 3.0 | 07/02/2024 | Gov Support Officer | Final – Approved version |

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## Introduction

The Integrated Care Board (ICB) is committed to creating a work environment free of bullying and harassment, where everyone is treated with dignity and respect.

Bullying and harassment can have very serious consequences for individuals and the organisation. Bullying or harassment may make people unhappy, may cause them stress and affect their health and family and social relationships. It may also affect their work performance and could cause them to leave their job. Severe cases of bullying and harassment can even lead to mental illness and suicide. Effects on the organisation can include loss of morale, poor work performance, and increased turnover of staff, legal claims and damage to the organisation's reputation. Employees found guilty of bullying or harassment may face disciplinary penalties, up to and including dismissal, they could be personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected. Serious harassment may also be a criminal offence.

Harassment: The Equality Act 2010 outlines three types of harassment (section 26): unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity.

## Purpose / Policy Statement

**The organisation will not tolerate bullying and harassment of any kind**. All allegations of bullying and harassment will be investigated and if necessary, appropriate disciplinary action will be taken. The organisation will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or for supporting someone to make such a complaint. Victimisation is a disciplinary offence.

This policy is based upon the following key principles:

* + The policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone engaged to work at the organisation, whether by direct contact or otherwise.
  + If the complainant or alleged harasser is not employed by the organisation, e.g., if the worker’s contract is with an agency, this policy will apply with any necessary modifications such as that the organisation could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation etc.
  + The policy covers bullying and harassment in the workplace and in any work-related setting outside of the workplace, e.g., business trips and work-related social events.

## Scope

* + 1. This policy covers behaviour(s) which occur at work\* and applies to:
  + All employees and workers of the ICB.
  + Volunteers.
  + Agency workers.
  + Contractors and employees of other organisations who are on site

\* For the purposes of this policy, the term “at work” encompasses any place where ICB activities are undertaken including social events linked to the ICB as well as any place where, or occasion when, NHS care is delivered.

## Definitions

Refer to policy detail for full definitions.

## Roles and Responsibilities

### Integrated Care Board

* + 1. The ICB Board is accountable and responsible for ensuring that the ICB has effective processes in accordance with relevant legislation and best practice guidance.

### Chief Executive

* + 1. The Chief Executive is accountable for the policy and procedure being in place to ensure fair and equitable approach to Dignity at Work for employees.

### Policy Authors

* + 1. Policy authors are responsible for ensuring that this document is updated when any changes are made to legislation or best practice.

### Executive Chief People Officer

* + 1. The Executive Chief People Officer oversees the implementation of this policy and is responsible for ensuring that managers take action to meet the organisation’s obligations to ensure equity and consistency.

### Line Managers

* + 1. Managers have an obligation to prevent bullying and/or harassment and to take immediate action once it has been identified.
    2. Managers must ensure all staff are treated fairly and consistently with dignity and respect and in accordance with the ICB values. They should respond to any concerns raised swiftly and sensitively.
    3. Managers should be aware of behaviours which could cause offence, and where necessary remind employees of expected behaviours and outline their behaviour will not be tolerated if it continues.
    4. Line managers should understand the definition of a Protected Act and know how to respond if a protected Disclosure is made to them to avoid a claim of victimisation (defined in Section 27 of the Equality Act 2010) which takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Act or helped someone else to do so.
    5. Managers are responsible for:
  + Ensuring staff are treated fairly and equitably.
  + Ensuring that ICB policies and procedures are compiled with best practices, which follow current ACAS guidelines.
  + Inform the Human Resources when incidents arise.
  + Promoting a working culture where bullying and/or harassment is unacceptable and not tolerated.
  + Set a positive example by treating others with dignity and respect and setting standards of acceptable behaviour.
  + Act, and where possible, resolve incidents in line with the policy
  + Arranging meetings in line with this policy.
  + Where necessary carry out a fair, timely and thorough investigation in line with the ICB Investigation Guidelines and ensure timescales are adhered to.
  + Maintaining confidentiality during and after the application of this policy.

### All Staff

* + 1. Employees and those within the scope of this policy, are responsible for:
  + Setting a positive example by being aligned with the ICB’s values and treating others equally, with dignity and respect.
  + Maintaining professional conduct at work with those whom they come into contact with.
  + Attending meetings as requested under this policy.
  + Arranging the attendance of their Staff Side Union representative or companion at meetings.
  + Notifying the manager conducting the meeting who their representative/companion and any witnesses will be prior to the meeting.
  + Maintaining confidentiality during and after the application of this policy.

## Policy Detail

### Bullying

* + 1. Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

### Harassment

* + 1. Harassment is unwanted conduct related to relevant protected characteristics, which are age, disability, gender reassignment, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. As covered by the Equality Act (2010). [Understanding discrimination: Discrimination and the Equality Act 2010 -](https://www.acas.org.uk/discrimination-and-the-law) ACAS
    2. Harassment has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
    3. Harassment is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.
    4. Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic.
    5. Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a “joke” may offend another person. Different people find different things acceptable.

### Victimisation

* + 1. Victimisation – this is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

### Guiding Principles

* + 1. The procedure should be made readily available to all employees.
    2. The organisation will respond to complaints promptly and within a reasonable/mutually agreeable time frame.
    3. Support in the form of the Employee Assistance Programme, other psychological support or referral to Occupational Health is available for both the employee who raises a concern, or the employee, who is the subject of the concern raised. The Investigating Officer will ensure that options available are offered/discussed both in person, and in writing. Advice can be sought from the Human Resources team regarding availability of support for employees.
    4. Mediation/facilitated discussion can be offered at any stage of the process.
    5. The organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.
    6. A single incident can be harassment if it is sufficiently serious.
    7. All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the organisation’s [Disciplinary Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=3). Bullying or harassment may constitute gross misconduct, which can lead to dismissal without notice.
    8. Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are age, disability, gender reassignment, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. Serious bullying or harassment may amount to other civil or criminal offences, e.g., a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.
    9. The Maintaining High Professional Standards in the Modern NHS (MHPS) should be referred to when considering complaints against medical staff.
    10. In 2023 the ICB became a signatory of the NHS Sexual Safety Charter and in 2024 adopted the 10 key principles of that charter which are:
* Actively work to eradicate sexual harassment and abuse in the workplace.
* Promote a culture that fosters openness and transparency, and does not tolerate unwanted, harmful and/or inappropriate sexual behaviours.
* Intersectional approach to the sexual safety of our workforce, recognising certain groups will experience sexual harassment and abuse at a disproportionate rate.
* Provide appropriate support for those in our workforce who experience unwanted, inappropriate and/or harmful sexual behaviours.
* Clearly communicate standards of behaviour. This includes expected action for those who witness inappropriate, unwanted and/or harmful sexual behaviour.
* Ensure appropriate, specific, and clear policies are in place. They will include appropriate and timely action against alleged perpetrators.
* Ensure appropriate, specific, and clear training is in place.
* Ensure appropriate reporting mechanisms are in place for those experiencing these behaviours.
* Take all reports seriously and appropriate and timely action will be taken in all cases.
* Capture and share data on prevalence and staff experience transparently.

## Process

### Stage 1 – Informal Resolution

* + 1. Employees must aim wherever possible to resolve issues informally. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it.
    2. The complainant may feel able to approach the person themselves, or with the help of someone: - a manager, trade union representative, trained ICB Contact Officer or another employee. Alternatively, an initial approach could be made on behalf of the employee by one of these people. Where the complainant refers the matter to someone else for support, they may deem it appropriate to arrange an informal meeting between the complainant and the alleged perpetrator or alternatively hold informal meetings separately with the complainant and the alleged perpetrator.
    3. Whichever approach is taken, it should be made clear to the alleged perpetrator that the behaviour is found to be offensive and unwelcome, and that it should stop immediately. The employee may also wish to be explicit that, if the behaviour continues, they intend to make a formal complaint, under the Dignity at Work Policy, using the Bullying & Harassment Complaint Form (available on the staff intranet [HR Forms](https://nhs.sharepoint.com/sites/99F_Connect/SitePages/HR-Forms-&-Documents.aspx)), to their line manager or, if appropriate, more senior colleague. The employee should keep a note of the date and what was said and done.
    4. If it is not possible to resolve the issues informally or if the complainant perceives the issues to be of significant seriousness and does not feel that the informal route is appropriate, the matter should proceed to the formal stage of this policy, where the allegation/s will be formally investigated using the organisation’s Managing Investigations Guidelines.

### Stage 2 – Formal Resolution

* + 1. A formal complaint should be made by completing Parts 1A and 1B of the Bullying & Harassment Complaint Form (available on the Intranet [HR Forms](https://nhs.sharepoint.com/sites/99F_Connect/SitePages/HR-Forms-&-Documents.aspx)) and submitted to the individual’s Line Manager. Should the employee feel unable to do this, the complaint should be submitted to the next Senior Manager or the HR team.
    2. Any Manager receiving a formal complaint must act upon the matter promptly and notify the HR Team of the complaint.
    3. The organisation will appoint an Investigating Officer who is not directly involved in the complaint to undertake a formal Investigation into the issues raised following the Managing Investigations Guidelines. The organisation may, at its discretion, use an external investigator, where deemed appropriate. It is expected that all Investigators should endeavour to complete investigations within a one month timeframe.
    4. The organisation will ensure that the complainant can raise their concerns with someone of the same sex as the employee, if that is the individual’s choice.
    5. The organisation reserves the right, at its discretion, to suspend any employee who is under investigation for bullying or harassment for a temporary period whilst investigations are carried out. Such suspension will be for the shortest time possible, whilst on full pay.
    6. In very serious cases, a criminal offence may have been committed, and the employee may wish to report matters to the police.
    7. Investigations of allegations will normally require ‘limited disclosure’ on a ‘need to know’ basis. For example, the identity of the employee and the nature of the allegations must be revealed to the person the complaint is about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.
    8. Once an investigation has concluded, a report will be prepared that outlines the facts of the case and submitted to the manager who commissioned the investigation. An HR representative will be appointed to provide advice on procedure and consistency of application. Following the review of the findings from the investigation, there will be a number of options available to the manager including:
  + Take no action, as the allegation has not been substantiated or there is insufficient evidence.
  + Proceed to a disciplinary hearing, under the organisation’s [Disciplinary Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=3), as the investigation has found that there may be a case to answer.
  + Take alternative management action, as the evidence and/or nature of the complaint does not justify formal disciplinary action.
  + Consider an ‘agreed outcome’ where the evidence presented is clear and there is an acknowledgement of behaviours or actions taken by the alleged perpetrator
  + Facilitate a ‘mediated’ session between alleged perpetrator and complainant to agree ground rules moving forward.
    1. Once decided which action is to be taken the manager who commissioned the investigation will provide a verbal summary of the findings to the alleged perpetrator and the complainant. They will be advised whether the complaint has been upheld or not and the reason for this decision, they will also be informed how the matter will be taken forward.
    2. Where it is evident that there is no case to answer, verbal and written feedback should be given to the complainant on the reasons for the decision, and the individual should also be given the right to appeal as outlined in this policy. The manager instigating the investigation should also notify, in writing, the alleged perpetrator that there is no case to answer.
    3. Where it is deemed that there is a case to answer, both the alleged perpetrator and the complainant will be advised of the reasons for the decision and the action that will be taken as a result of this, as outlined below.
    4. Where the findings of an investigation do not warrant any form of formal disciplinary action, alternative management action will be taken. This could include, but is not limited to:
  + A recommendation for facilitated discussion/counselling for both parties, where both parties agree to this
  + Setting up arrangements to monitor the situation.
  + Required attendance on training courses (e.g., equality and diversity awareness training).
    1. Where there is deemed to be a case to answer and the findings of the investigation are sufficient to trigger disciplinary proceedings, the organisation will act as quickly as possible and in accordance with the [Disciplinary Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=3).
    2. If following a disciplinary hearing, the complaint remains upheld, it may be necessary to share further information about the allegations to manage the risk of harassment reoccurring by that person against others.

### Appeal

* + 1. Employees who are dissatisfied with the decision not to uphold their complaint have the right to appeal. An appeal is not a re-hearing of the original complaint but rather about looking at what happened previously in the investigatory process. An appeal can therefore only be made on one or more of the following grounds:
  + That the investigation was fundamentally flawed.
  + That the procedure was not followed, and this has adversely affected the outcome of the complaint.
    1. To register an appeal, the employee must complete Part 1C of the Bullying & Harassment Complaint Form, specifying which aspects they remain aggrieved about, which still requires to be redressed. The appeal should be submitted within five (5) working days of the written receipt, of the outcome, to the next line of management (i.e. the manager of the person who held the original complaint), with a copy also being provided to the HR Team.
    2. The appeal should be acknowledged within five (5) working days of receipt.
    3. An appeal meeting should be arranged within twenty (20) working days of receipt of the appeal.
    4. The employee must be given at least five (5) working days’ notice of the date of the appeal hearing.
    5. The employee will have the right to be accompanied at the Appeal Hearing by either a Staff Side Union representative or workplace colleague.
    6. The next line manager, Managing Director or another senior nominated manager will review the findings of the investigation report and consider whether the conclusion reached was appropriate. The appeal panel will be required to consider whether ‘due process’ was correctly followed.
    7. Depending on the nature of the complaint it may be appropriate to include a senior specialist (i.e. Nursing specialist, Finance specialist) at the appeal meeting to provide clarity around any issues raised, and to ensure a full understanding of the issues raised.
    8. The appeal hearing will include a member of the HR Team on the hearing panel.
    9. The appeal hearing is not a rehearing of the original complaint but an opportunity for consideration of specific areas where the employee remains aggrieved or is dissatisfied with from the original investigation.
    10. Where the appeal panel feels that any elements of the original complaint have been missed/omitted, and the employee submits clear evidence which proves this, the areas of concern will be addressed at this meeting (with any necessary information submitted by the employee ratified, as required).
    11. The outcome of the appeal hearing will be confirmed, in writing, within five (5) working days of the Appeal Hearing.
    12. The decision of the Appeal panel is final. There is no further internal redress following the appeal outcome.

## Monitoring Compliance

The monitoring of compliance to this policy and procedure will be the responsibility of the Human Resources Team. A confidential log will be kept which will enable statistical analysis for reporting purposes.

## Staff Training

No essential (including mandatory) learning and development requirements have been identified for any staff groups in order to fulfil the requirements stated within this policy.

Guidance can be sought from Human Resources team.

## Arrangements for Review

This policy will be reviewed no less frequently than every two years. An earlier review will be carried out in the event of any relevant changes in legislation, national or local policy/guidance, organisational change or other circumstances which mean the policy needs to be reviewed.

If only minor changes are required, the sponsoring Committee has authority to make these changes without referral to the Integrated Care Board. If more significant or substantial changes are required, the policy will need to be ratified by the relevant committee before final approval by the Integrated Care Board.

## Associated Policies, Guidance and Documents

#### Associated [Policies](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=3) and Procedures:

* Disciplinary Policy
* Grievance Policy
* Sexual Misconduct Policy
* Investigation Guidelines

## References

* ACAS. (2009) Bullying and harassment at work: guidance for employees. London: ACAS. Available at: http://www.acas.org.uk
* The Equality Act (2010). Available at http://legislation.gov.uk.

## Equality Impact Assessment

The EIA has identified no equality issues with this policy.

The EIA has been included as Appendix A.

## Appendix A - Equality Impact Assessment

**INITIAL INFORMATION**

|  |  |
| --- | --- |
| **Name of policy: Dignity at Work**    **Version number (if relevant):** 0.1 | **Directorate/Service**: People Services |
| **Assessor’s Name and Job Title:**  Justina Harrison, Interim HR Business Partner | **Date:** 28th April 2022 |

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| **OUTCOMES** |
| *Briefly describe the aim of the policy and state the intended outcomes for staff* |
| **The organisation will not tolerate bullying and harassment of any kind**.  All allegations of bullying and harassment will be investigated and if necessary, appropriate disciplinary action will be taken  To ensure that there is a fair and consistent approach to managing staff concern and ensure staff are aware bullying and harassment will not be tolerated. |
| **EVIDENCE** |
| *What data / information have you used to assess how this policy might impact on protected groups?* |
| The ICB monitors the composition of its workforce under the nine protected equality characteristics and reports on this annually. This information helps the ICB to assess the potential impact of its policies upon staff. |
| *Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?* |
| Relevant Trade Unions have been consulted on the policy and any comments will be taken into consideration when the policy is published. |

**ANALYSIS OF IMPACT ON EQUALITY**

The Public Sector Equality Duty requires us to **eliminate** discrimination, **advance** equality of opportunity and **foster** good relations with protected groups. Consider how this policy / service will achieve these aims.

N.B. In some cases it is legal to treat people differently (objective justification).

* ***Positive outcome*** *– the policy/service eliminates discrimination, advances equality of opportunity and fosters good relations with protected groups*
* ***Negative outcome*** *–**protected group(s) could be disadvantaged or discriminated against*
* ***Neutral outcome***  *–**there is no effect currently on protected groups*

Please tick to show if outcome is likely to be positive, negative or neutral. Consider direct and indirect discrimination, harassment and victimisation.

| Protected  Group | Positive  outcome | Negative  outcome | Neutral  outcome | Reason(s) for outcome |
| --- | --- | --- | --- | --- |
| Age | √ |  |  | The policy is designed to ensure staff are treated equally and consistently |
| Disability  (Physical and Mental/Learning) | √ |  |  |  |
| Religion or belief | √ |  |  |  |
| Sex (Gender) | √ |  |  |  |
| Sexual  Orientation | √ |  |  |  |
| Transgender / Gender Reassignment | √ |  |  |  |
| Race and ethnicity | √ |  |  |  |
| Pregnancy and maternity (including breastfeeding mothers) | √ |  |  |  |
| Marriage or Civil Partnership | √ |  |  |  |

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| --- |
| **MONITORING OUTCOMES** |
| Monitoring is an ongoing process to check outcomes. It is different from a formal review which takes place at pre-agreed intervals. |
| *What methods will you use to monitor outcomes on protected groups?* |
| It is anticipated that any issues in respect of the implementation of the policy will be identified as a result of staff exercising their right of appeal. |

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| --- |
| **REVIEW** |
| *How often will you review this policy / service?* |
| This policy will be reviewed in 24 months or earlier if there are any significant changes in legislation, policy or good practice. |
| *If a review process is not in place, what plans do you have to establish one?* |
| N/A |

## Appendix B – Examples of Bullying and Harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail").

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

* Physical conduct ranging from unwelcome touching to serious assault.
* Unwelcome sexual advances
* The offer of rewards for going along with sexual advances, e.g. promotion, access to training.
* Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development.
* Demeaning comments about a person's appearance.
* Unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion.
* Questions about a person's sex life.
* Unwanted nicknames related to a person's age, race or disability.
* The use of obscene gestures.
* Excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled.
* Ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual.
* The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.
* Spreading malicious rumours or insulting someone.
* Picking on someone or setting him/her up to fail.
* Making threats or comments about someone's job security without good reason.
* Ridiculing someone.
* Isolation or non-cooperation at work.
* Excluding someone from social activities.

## Appendix C – What should I do if I think I am being bullied or harassed?

You may be able to sort out matters informally. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it.

You may feel able to approach the person yourself, or with the help of a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint. The organisation will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your complaint. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. The organisation will decide on a balance of probabilities, after considering all available evidence, whether or not bullying or harassment has occurred.

The organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in the organisation's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, the organisation will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave, if you wish. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

If your complaint is upheld, and the person found to have bullied or harassed you remains in the organisation's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post.

If your complaint is not upheld support maybe offered to you and the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships i.e. mediation.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months minus one day from the date of the detriment/last act of discrimination.

## Appendix D – What can I do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

* Being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking".
* Treating your colleagues with dignity and respect.
* Taking a stand if you think inappropriate jokes or comments are being made.
* Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case.
* Intervening, if possible, to stop bullying or harassment and giving support to recipients.
* Making it clear that you find bullying and harassment unacceptable.
* Reporting harassment or bullying to your manager or human resources and supporting the organisation in the investigation of complaints.
* If a complaint of bullying or harassment is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

* Set a good example by their own behaviour.
* Ensure that there is a supportive working environment.
* Make sure that staff know what standards of behaviour are expected of them.
* Intervene to stop bullying or harassment.
* Report promptly any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

## Appendix E – What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the organisation may bring disciplinary proceedings, if appropriate. The organisation will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, the organisation will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded. Suspension does not constitute disciplinary action or sanction.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the organisation could decide to transfer you to another post where able.

If a complaint is made against you that is not upheld and the organisation has good grounds for believing that the complaint was not made in good faith, the organisation will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the organisation has good reason to think that you may have victimised the complainant or someone else.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the organisation's disciplinary proceedings. You could be personally liable to pay compensation to the complainant, if a successful claim in the employment tribunal, or other courts, was brought against you. Criminal proceedings could lead to conviction and criminal penalties.