



POLICY/PROCEDURE INFORMATION (Policy no HR00022)	
Subject	Bullying and Harassment Policy <i>(This policy is non-contractual and is subject to periodic review and will be amended according to service development needs).</i>
Applicable to	All staff and volunteers of Nottinghamshire Hospice
Target Audience	Others such as agents, consultants and other representatives of Nottinghamshire Hospice may be required to comply with the policy as a condition of appointment.
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Lead responsible for Policy	Director of People Services
Policy reviewed by	Donna Roberts, Human Resources Manager
Notified to (when)	Senior Management Team – July 2019 Strategy & Corporate Governance Group – Aug 2019
Authorised by (when)	Board of Trustees – Sept 2019
CQC Standard if applicable	N/A
Links to other Hospice Policies	Disciplinary Policy and Procedures Nottinghamshire Hospice Code of Conduct
Links to external policies	
Summary	Nottinghamshire Hospice has a duty of care to all staff and will not tolerate bullying or harassment of any employee in the workplace, or outside work if it has a bearing on the working relationship.
This policy replaces	

VERSION CONTROL		
Status	Date	Reviewed date
Original policy written by Angela Bloomfield, Head of HR	April 2015	April 2017
Reviewed by Corporate Management Team		
Ratified by The Quality & Safety Group	June 2015	
Policy reviewed by Donna Roberts, HR Manager	Nov 2017	Nov 2019
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Policy notified to Board of Trustees	Sept 2019	Sept 2022
Updated control sheet and published on Policy Doc App	Sept 2019	
Updated staff and volunteers throughout policy	June 2020	
Logo update and published on website	Dec 2020	

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1. Introduction

Nottinghamshire Hospice has a duty of care to all staff and will not tolerate bullying or harassment of any member of staff in the workplace, or outside work if it has a bearing on the working relationship. Staff members have the right to be treated with dignity and respect. Bullying or harassment is harmful; it causes distress and can lead to accidents, illness and poor performance.

Nottinghamshire Hospice welcomes all support in helping to deal with bullying or harassment.

The aim of this policy and procedure is to protect staff from bullying and harassment and enable them, if necessary, to take steps to stop the unwanted conduct.

Whilst every effort will be made to resolve the matter informally, any incident of bullying or harassment may be dealt with immediately under formal procedures.

Disciplinary action, including dismissal, will be taken against any employee failing to fulfil their responsibilities under this policy.

2. Definitions

Bullying

Bullying is any persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence, and which may cause them to suffer distress. It can take place in many forms including, verbal, written and electronic/cyber.

Harassment

Harassment is unwanted conduct directed towards a member of staff by another member of staff (or groups of staff) which is based on or draws attention to a characteristic of the person or characteristics of the person who has close links to a person who has a condition or characteristics; or someone believing you have a conditional characteristic (even if you do not). The characteristics are:

- age
- sex
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation

When deciding whether harassment has occurred it is necessary to remember that it is not the intentions of the perpetrator, but whether the behaviour is disadvantageous to the individual (recipient) and unacceptable by normal standards.

What bullying is not

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or disagreement is not bullying.

3. Examples of bullying and harassment

Below are examples of bullying and harassment (but not limited to)

- Spreading malicious rumours or insulting someone (particularly on gender/race/disability/sexuality or other discrimination grounds).
- Cyber Bullying is the use of cell phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook and Twitter to harass, threaten or intimidate someone.
- Ridiculing or demeaning someone, picking on them or setting them up to fail.
- Insulting or aggressive behaviour.
- Copying information that is critical about someone to others who do not need to know.
- Exclusion or victimisation.
- Unfair treatment.
- Overbearing supervision, or other misuse of power of position.
- Making threats about job security without foundation.
- Deliberately undermining a competent worker by overloading, withholding information or constant negative criticism.
- Preventing employees' progressing by intentionally blocking promotion or training opportunities.
- Unwelcome sexual advances – touching, standing too close, display of offensive materials.
- Unjustified persistent criticism.

Any bullying or harassment will be judged in terms of distress caused to the individual. It is the perception of the recipient that determines whether any action or statement can be viewed as bullying or harassment.

An individual who is being bullied or harassed often feels vulnerable and isolated, and believes it is best not to complain, as their complaint will not be taken seriously.

Nottinghamshire Hospice will take all complaints of bullying or harassment seriously, and deal with each reported incident initially in confidence.

Any complaint clearly identified as having been falsely and maliciously raised will result in disciplinary action using the Disciplinary Policy and Procedures.

4. Manager's Responsibilities

Any Manager who receives a complaint of bullying or harassment or is witness to it must work with the members of staff concerned to resolve the situation as quickly as possible.

All Managers have a duty to establish and maintain a working environment free from bullying and harassment.

5. Staff Responsibilities

If a member of staff is approached by a colleague who feels that they are being bullying or harassment, they should encourage the person being bullied or harassed to talk to their Line Manager or the next level of Manager or Human Resources (if the issue is about their Line Manager).

All staff must comply with this policy and take steps to ensure that bullying or harassment does not occur.

6. Procedure

If you feel bullied or harassed at work, the matter will be taken seriously by Nottinghamshire Hospice.

You should first discuss all issues with your immediate Line Manager. If the issues are against that person, then you should raise the matter one level of management higher or with Human Resources.

You should keep a written record of any incidents of bullying or harassment, including time, date, nature of the incident, names of those involved, and names of any witnesses.

7. Stage 1 - Informal Procedure

If possible, the person who is bullying or harassing should be told by the individual that their behaviour is offensive and unwanted and should stop immediately. A colleague can act as witness when this statement is made. Alternatively, if appropriate, the employee's Line Manager can speak to the alleged member of staff (with or without you present). In situations that involve the Line Manager, the next level of manager or Human Resources, if appropriate, can speak to the Line Manager (with or without you present).

A record should be kept of this approach and the outcomes from any discussions.

8. Stage 2 - Formal Procedure

Where informal discussion has not resulted in bullying or harassing ceasing, or if you consider that the problem is sufficiently serious, the formal process will need to commence as stated in this policy.

Care will be taken during any formal procedure to treat all staff and volunteers involved with consideration and sensitivity. Confidentiality should be considered at all times and information should only be shared on a need-to-know basis. However, Nottinghamshire Hospice may not be able to guarantee anonymity and this will depend on the circumstances of the case.

8.1 Suspension

During the formal process it may be appropriate to suspend the alleged member of staff. Nottinghamshire Hospice will suspend where it believes that their continued presence at work during the formal stage could:

- Present a risk to themselves or others
- Hinder the investigation process
- Present an unacceptable risk to our organisation

The suspension will be for no longer than is necessary to investigate the allegations. Suspension of this kind is not a disciplinary sanction in itself and does not imply that any decision has already been taken about the allegations.

If you are suspended you may not attend work or seek to contact any of our patients (or the patient's family/friends/carers), suppliers, contractors, staff or volunteers. Suspension, and any conditions relating to it, will be confirmed to you in writing. If you need access to our premises to obtain information or evidence which you may wish to use in responding to allegations you must agree appropriate arrangements in advance with the manager hearing the case. You must remain available in normal working hours to participate in the investigation process and attend any meetings we ask you to attend. You will continue to receive your normal pay and benefits during the period of suspension. You are required to comply with all policies and procedures, for example, follow the sickness absence policy if you become unwell during the suspension.

8.2 Separation of parties

It may be appropriate to separate the parties involved in a bullying or harassment grievance. Consideration will be given to adjusting work duties or reporting lines, and/or temporary redeployment of one or more parties. Any measures taken to separate the parties does not imply the guilt or otherwise of those involved, it is merely to enable a full and open procedure to take place.

8.3 Making a Formal Written Complaint

The first step of the formal process is to raise your complaint formally in writing and submit it to your line manager, clearly indicating that it is a formal grievance. If the grievance concerns your line manager, you may submit it to the next level of manager or the Human Resources Manager instead.

The written grievance should contain as much detail as possible including specific details of the grievance (including relevant dates, times, events, persons involved and witnesses), details of any attempts that you have made already to resolve the issue informally and what you are seeking as a resolution to your grievance. In some situations we may ask you to provide further information.

When your formal grievance is received an initial assessment will be made by Human Resources and if it is believed that your complaint should be dealt with under another policy or there is an opportunity to resolve your complaint informally then they will discuss this with you.

8.4 Formal Meetings

The Hospice will arrange a meeting, normally within 10 working days of receipt of your formal written complaint. The meeting will be held by an appropriate person: your manager; another manager or trustee of Nottinghamshire Hospice, the choice of which is at the discretion of the organisation. The person hearing the grievance will be accompanied by a Human Resources representative or another manager (this being an exception and where possible a Human Resources representative), who will take minutes. You will be provided with at least 48 hours' notice, in writing, of the meeting. The meeting may be held sooner if all parties are in agreement.

You and your companion (if any) should make every effort to attend the meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time. This will be at the latest within 5 working days of the original date.

The purpose of the meeting is to enable you to explain your grievance in detail and to assist the Hospice to reach a decision based on the available evidence and the representations you have made.

Copies of the minutes of the meeting will be sent to you to read and confirm that the content of the notes are an accurate reflection of the discussion, they are not however a verbatim record. You will have 48 hours in which to read and if necessary amend the notes. If the Human Resources Department does not receive a copy of the signed or amended notes within 48 hours the assumption will be made that you are in agreement with the content of the notes.

After the meeting the Hospice may carry out further investigations, including meetings with the alleged member of staff and any witnesses. The Hospice may also need to hold a further meeting with you, as it considers appropriate to discuss further investigations. Such meetings will be arranged without unreasonable delay.

The Hospice will write to you, usually within 10 working days from the completion of investigations, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the matter. You will be reminded of your right of appeal. Where appropriate, the Hospice may hold a meeting to give you this information in person in the first instance.

8.5 Right to be Accompanied

The complainant may bring a companion to any meeting under this process. The companion may be either a fellow worker at Nottinghamshire Hospice (but not volunteer) or an official employed by a trade union. Members of staff must tell the person holding the grievance meeting who their chosen companion is, in good time before the meeting.

At the meeting, the companion may make representations to us and ask questions, but should not answer questions on the member of staff's behalf. The staff member may talk privately with their companion at any time during the meeting.

Acting as a companion is voluntary and fellow colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion. If the chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the Hospice may ask to choose someone else.

The Hospice may, at its discretion, allow a member of staff to bring a companion who is not

a colleague or union representative (for example, a member of their family) if this will help overcome a disability, or difficulty understanding English.

9. Appeals

If the grievance has not been resolved to your satisfaction you may appeal in writing, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

The Hospice will hold an appeal meeting, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by a manager (or where appropriate, a trustee,) who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see section 6.5).

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

10. Witnesses

As part of bullying and harassment procedure we may ask for evidence from witnesses. Witness evidence will be disclosed to all the relevant parties if it is to be relied upon as part of the outcome of the grievance.

If you are asked to be involved in a grievance as a witness, you are expected to fully cooperate with any investigation. If you attend an interview copies of the minutes of the interview will be sent to you to read and confirm that the content of the notes are an accurate reflection of the discussion, they are not however a verbatim record. You will have 48 hours in which to read and if necessary amend the notes. If the Human Resources Department do not receive a copy of the signed or amended notes within 48 hours the assumption will be made that you are in agreement with the content of the notes.

You will be expected to treat as confidential any information communicated to you in connection with an investigation. In exceptional circumstances, the Hospice may consider a request to protect your identity but total anonymity cannot be guaranteed. Any breach of confidentiality may lead to disciplinary action under the Disciplinary Policy and Procedure.

11. Alleged Staff

If you have been accused of bullying and harassment, at the appropriate time in the procedure, you will be invited to an investigation meeting. You are expected to fully cooperate with any investigation. If you attend an interview copies of the minutes of the interview will be sent to you to read and confirm that the content of the notes are an accurate reflection of the discussion, they are not however a verbatim record. You will have 48 hours in which to read and if necessary amend the notes. If the Human Resources Department do not receive a copy of the signed or amended notes within 48 hours the assumption will be made that you are in agreement with the content of the notes.

You will be expected to treat as confidential any information communicated to you in connection with an investigation. In exceptional circumstances, the Hospice may consider a request to protect your identity but total anonymity cannot be guaranteed. Any breach of

confidentiality may lead to disciplinary action under the Disciplinary Policy and Procedure.

12. Unable to Attend due to Ill Health

If you are unable to attend any meeting due to ill health the Hospice will either postpone the meeting or give you the opportunity to send a written submission and nominate a representative to attend on your behalf. The representative may be a fellow worker at Nottinghamshire Hospice (but not Volunteer) or an official employed by a trade union. When considering whether it is appropriate to postpone the Hospice will consider the likely length of your absence and the impact of delaying, both on you and other staff. There may be some occasions when there is a need to investigate and respond to your complaint in your absence.

13. Malicious Complaints

If the Hospice believes, during this procedure, that your grievance has been raised maliciously (for example knowing the allegations were false, or raising them in bad faith) it may not proceed with the full bullying and harassment procedure. Instead, this may be treated as misconduct and appropriate action taken under the Disciplinary Policy and Procedures.

14. Disciplinary Action

One outcome of the Bullying and Harassment formal procedure may be the recommendation that the alleged member of staff is subject to the Hospice's Disciplinary Policy and Procedures. If this is the case, the alleged member of staff will be invited to a disciplinary hearing as soon as reasonably possible. One possible outcome of a Disciplinary Hearing is dismissal.

15. Additional Support

If you require additional support you may like to contact our Employee Assistance Programme (EAP). This is a confidential service 24/7, 365 days a year. Tel: 0800 072 0353.