



North West Ambulance Service



NHS Trust



Delivering the right care, at the right time, in the right place

# Dignity at Work Policy and Procedure

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Responsible Executive Director	Director of Human Resources
Responsible Manager	Assistant Director Equality & Diversity
For use by	All Trust Employees

This policy is available in alternative formats on request.  
Please contact the Human Resources department on  
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# DIGNITY AT WORK POLICY AND PROCEDURE

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## 1. INTRODUCTION

- 1.1 The Trust wants everyone to feel comfortable in their work environments, as it is recognised that this will enhance the quality of care that we provide to patients. It is important for the Trust that employees are given a way to positively address workplace conflict where it occurs, and also that serious allegations of bullying or harassment are dealt with fairly and effectively and at the earliest opportunity.

## 2. PURPOSE

- 2.1 The purpose of this policy is to:

- Provide a constructive way of dealing with workplace conflicts, where there is a breakdown in relationships or where individuals do not feel that they have been treated with dignity and respect in line with the Trust's values statement.
- Provide a means of dealing with serious allegations of harassment and bullying which may be in breach of the Trust's disciplinary rules or the law.

## 3. SCOPE

- 3.1 The policy applies to all employees, contractors and agency staff of/or associated with North West Ambulance Service NHS Trust.
- 3.2 This policy should not be used where there is a clear-cut disciplinary case (e.g. physical violence) or where either the alleged perpetrator or victim is not an NWAS employee.
- 3.3 Further advice on the scope of this policy may be sought from the Human Resources Department.

## 4. ASSOCIATED DOCUMENTATION

- 4.1 You should read this policy and procedure in conjunction with the following related policies and procedures:

- Disciplinary Policy and Procedure
- Incident Learning Policy
- Sickness Absence Policy and Procedure
- Individual and Collective Grievances Policy and Procedure

- 4.2 The following support tools are also available on the HR Portal to support this document:

- Dignity at Work Flowchart
- Investigation Report Template
- Mediation Process Guide
- Template letters
- Guidance for Panel
- Mediator Role Description

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## 5. THE REGULATIONS

5.1 Section 32 of the Agenda for Change NHS Terms and Conditions of Service Handbook covers Dignity at Work. There are three key pieces of legislation which relate to Dignity at Work:

- The Equality Act 2010
- The Criminal Justice and Public Order Act 1994
- The Protection from Harassment Act 1997

## 6. DEFINITIONS

6.1 ACAS identifies that conflict at work can take many forms. Most commonly it involves two or more staff not getting on, which can be visible such as a heated exchange between colleagues. However, not all forms of conflict are so obvious. Some individuals might hide their feelings as a way of coping with a problem; whilst others might react to pressure by cutting themselves off from the rest of the team and organisation, or by not communicating with the person in conflict, which can then impact upon the wider team.

6.2 The term “at work” includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to the same employment. It includes any place where NHS care is delivered.

6.3 The AfC Terms and Conditions of Service Handbook, define harassment as “any conduct based on age, gender, pregnancy or maternity, marriage or civil partnership, sexual orientation, gender reassignment, disability, HIV status, race, religion, or political belief, trade union or other opinion, national or social origin, association with a minority, domestic circumstances, property, birth or other status which is unreciprocated or unwanted and which affects the dignity of men and women at work.”

6.4 The AfC Terms and Conditions of Service Handbook defines bullying as “the unwanted behaviour, one to another, which is based upon the unwarranted use of authority or power.”

6.5 These definitions will be used in the application of this policy to determine whether or not a complaint may be investigated as workplace conflict or potential bullying or harassment issue.

6.6 Victimisation is the unfair or biased treatment of someone as a result of them making a complaint, and is also covered by this policy and procedure.

## 7. ROLES AND RESPONSIBILITIES

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7.1 All employees have a responsibility to treat their colleagues with dignity and respect, in line with the Trust Values Statement. Where employees see unacceptable behaviour taking place, either towards themselves or another staff member, they are expected to take steps to challenge this behaviour, where it is safe for them to do so.

7.2 Managers have additional responsibilities to:

- Ensure that all employees know how to raise issues under this policy and assist them appropriately in accessing support to address the issues identified.
- Treat all complaints seriously and deal with them promptly and confidentially.
- Set a positive example by treating all employees, patients and colleagues with dignity and respect.
- Promote a working environment where harassment and inappropriate behaviour is unacceptable and is not tolerated.
- Ensure that their own behaviour cannot be construed as harassment by acting with fairness and equity.
- Take immediate action/steps when inappropriate behaviour is witnessed or reported.
- Assist staff in resolving issues informally, by supporting them to speak or write to the individual.
- Take steps to prevent the victimisation of complainants and witnesses following their involvement in a complaint.
- Provide the appropriate protected time for managers to conduct investigations in a timely manner.

7.3 The Human Resources Department is responsible for:

- Advising managers and employees on the application of the policy
- Encouraging employees to resolve issues informally, by supporting them to speak or write to the individual or by arranging appropriate facilitation or mediation
- Monitoring the effective implementation of the policy and individual incidences of workplace conflict and/or bullying or harassment
- Appointing investigation managers on receipt of a complaint, and forming part of the investigation panel as per the process below
- Maintaining a group of appropriately trained mediators
- Reviewing and amending the policy as necessary

7.4 The investigation panel members are responsible for:

- Investigating complaints thoroughly and objectively and in a timely manner, affording the appropriate focus to the investigation.
- Deciding on the basis of this investigation whether a complaint will be investigated through the Disciplinary Policy and Procedure, as per the process below
- Informing all parties of the decision made and the reasons for it, using template documentation on the HR Portal
- Present a case at a disciplinary hearing, should this be the necessary course of action.

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7.5 Staff Side are responsible for:

- Supporting and encouraging their members to resolve issues informally, by supporting them to discuss the issue, speak or write to the individual or by suggesting facilitation or mediation.

7.5 Employees may also seek additional support from the Occupational Health Department (through the counselling self-referral system or manager referral), their Trade Union representatives, or independent mediators (access to which can be gained through the Human Resources Department).

## 8. POLICY PRINCIPLES

8.1 The Trust has defined a set of values which describe the standards of behaviour that it expects from its employees and managers, when they deal with patients and colleagues. The values indicate the Trust's commitment to creating a culture of openness and respect for difference, where everyone is treated with dignity and respect. The Trust wants everyone to feel comfortable in their work environment, because it is recognised that this will enhance the quality of care that we provide to patients. The Trust's Values Statement is available on the Intranet for employees to view.

8.2 All NHS employees are also expected to abide by the principles of the NHS Constitution, which sets out what staff can expect from the NHS and what the NHS can expect from staff. It states that all NHS employees can expect to be treated with dignity and respect, without discrimination.

8.3 Where employee behaviour falls below these expected standards, employees are encouraged to take steps to challenge this behaviour. The Trust expects all employees to attempt to deal with issues of workplace conflict, bullying or harassment informally where possible, using the support mechanisms offered by the Trust.

8.4 Bullying or harassment is a breach of the Trust's Disciplinary Rules, and may be considered gross misconduct and dealt with under the Trust's Disciplinary Policy and Procedure. Making a malicious complaint (i.e. a false complaint which is knowingly made) is also a disciplinary offence, and will be dealt with in the same way.

## 9. PROCEDURE

### 9.1 First Step

9.1.1 The first step of dealing with any issue informally should be to speak to the individual concerned. Employees may find it useful to record instances of behaviour they find unacceptable and to use these examples when speaking to the individual concerned. Employees may seek support in speaking to the individual concerned from their manager, Human Resources or a Trade Union representative, to facilitate this process

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- 9.1.2 Facilitation meeting may be an approach adopted locally, to encourage early resolution of an issue.
- 9.1.3 If an employee does not feel able to speak directly to the individual concerned, they may find it helpful to write to them. This approach may also be used if a verbal approach to the individual has not worked. Employees should ensure that they avoid using emotive language or any blaming statements, that they clearly define the behaviours causing them offence and that they explain constructively how they see the situation being resolved. Employees should avoid using email as a written approach, as this may inflame a situation rather than resolving it.
- 9.1.4 Mediation may also be used to attempt to resolve any issues informally. Mediation may be accessed via the HR Department and will be facilitated by trained mediators who will be independent from the area where the complainant and other individuals concerned work. Employees may also seek support from the Occupational Health Department and the Counselling Service.

## 9.2 Formal process

- 9.2.1 Formal complaints of workplace conflict, bullying and or harassment should be made in writing to the line manager or to the Human Resources Department. The letter should include:
- The name of the employee the complaint is against
  - The nature of the behaviour which is causing offence
  - Dates, times and incidents where the alleged workplace conflict bullying/harassment has taken place
  - The names of any witnesses
  - The actions already taken to try to resolve the matter

A template document for this is contained at appendix 3.

- 9.2.2 The complaint should be forwarded to the appropriate HR Advisor, who will review the complaint, record it on the case log and acknowledge receipt to the complainant and the individual about whom the complaint has been made. The HR Advisor will appoint from a neutral directorate an appropriate investigation manager and staff side representative, who will be unconnected to the individuals concerned and the case itself..
- 9.2.3 The investigation manager, staff side representative and a member of the HR Team (either the HR Advisor or an HR Manager where appropriate) will form an investigation panel and will conduct an initial fact finding exercise to decide if the behaviour constitutes workplace conflict or bullying/harassment (under the definitions as stated in Section 6).
- 9.2.4 If the panel decide that the matter is workplace conflict, mediation will be arranged by the HR Advisor between the complainant and the person about whom the complaint has been made. This mediation will be encouraged and is expected to take place between both

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parties, in order to facilitate a resolution. If the individuals involved refuse to comply with mediation this will be considered as a refusal to comply with a reasonable instruction and may lead to the consideration of disciplinary action. In some cases there may be others options available in order to help resolve the matter, however mediation is the normal resolution tool. The mediator will determine when a satisfactory outcome has been reached, and at this point the case will be closed. If a satisfactory outcome cannot be reached, the complainant may use the Trust's Individual and Collective Grievance Policy and Procedure to raise a complaint against the process

9.2.5 If the panel decides the matter is bullying/harassment, a full investigation will begin under the Trust's Disciplinary Policy and Procedure. The investigating manager for this process will be the same as the investigating manager for the fact-finding stage. The investigation panel formed under the Disciplinary Policy will decide if there is a case to answer as per the process set out in the Disciplinary Policy and Procedure. If there is no case to answer, the case will be considered closed. If there is a case to answer, a hearing will be set up as per the Disciplinary Policy and Procedure, and any decision made in that hearing may be appealed as per this procedure. In certain circumstances the case will be referred to the Director of OD to consider if it would be appropriate for the case to be referred to a manager of a particular level within the Trust or to commission an external investigator to investigate the issue.

9.2.6 The investigation panel will summarise the findings of this fact-finding investigation and the appropriate next step, and will feed this back in writing to the complainant and the person about whom the complaint has been made within two weeks taking account of confidentiality and prior to any hearing being commenced. In very exceptional circumstances this timescales may be increased however written reasons for an extension must first be considered by the relevant HR Manager.

### 9.3 Unofficial complaints

9.3.1 Under legislation, all complaints of bullying and harassment must be treated seriously, whether they are made officially (i.e. written) or unofficially (for example, telling a colleague of concerns). Due to this, staff members are obligated to report any concerns to the relevant HR Advisor if they become aware of them. The Trust's preference is for all complaints to be made officially using the process stated above, as this will allow complaints to be dealt with as expeditiously as possible, and staff members can seek support in this matter as stated in Section 7. However, unofficial complaints will also be investigated as per the above process.

## 10. MONITORING AND REVIEW

10.1 The Director of Organisational Development is responsible for monitoring overall compliance with this policy.

10.2 This policy will be reviewed every three years; however if national guidance or legislation changes then the procedure will be reviewed earlier. As part of the review procedure,

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information on the number of Dignity at Work complaints in the organisation will be collated and a diversity analysis will be completed by the Human Resources Department. This will be undertaken in such a way to protect the confidentiality of the individuals.

- 10.3 The Policy will be available to all employees on the intranet and will also be retained in Human Resources.

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## Appendix 1: Examples of Unacceptable Behaviour

The following is not an exhaustive list but starts to help define what types of behaviour are considered unacceptable in the organisation. Such behaviours may be considered to be harassment or bullying depending on the context but all are unacceptable and will be dealt with under this policy.

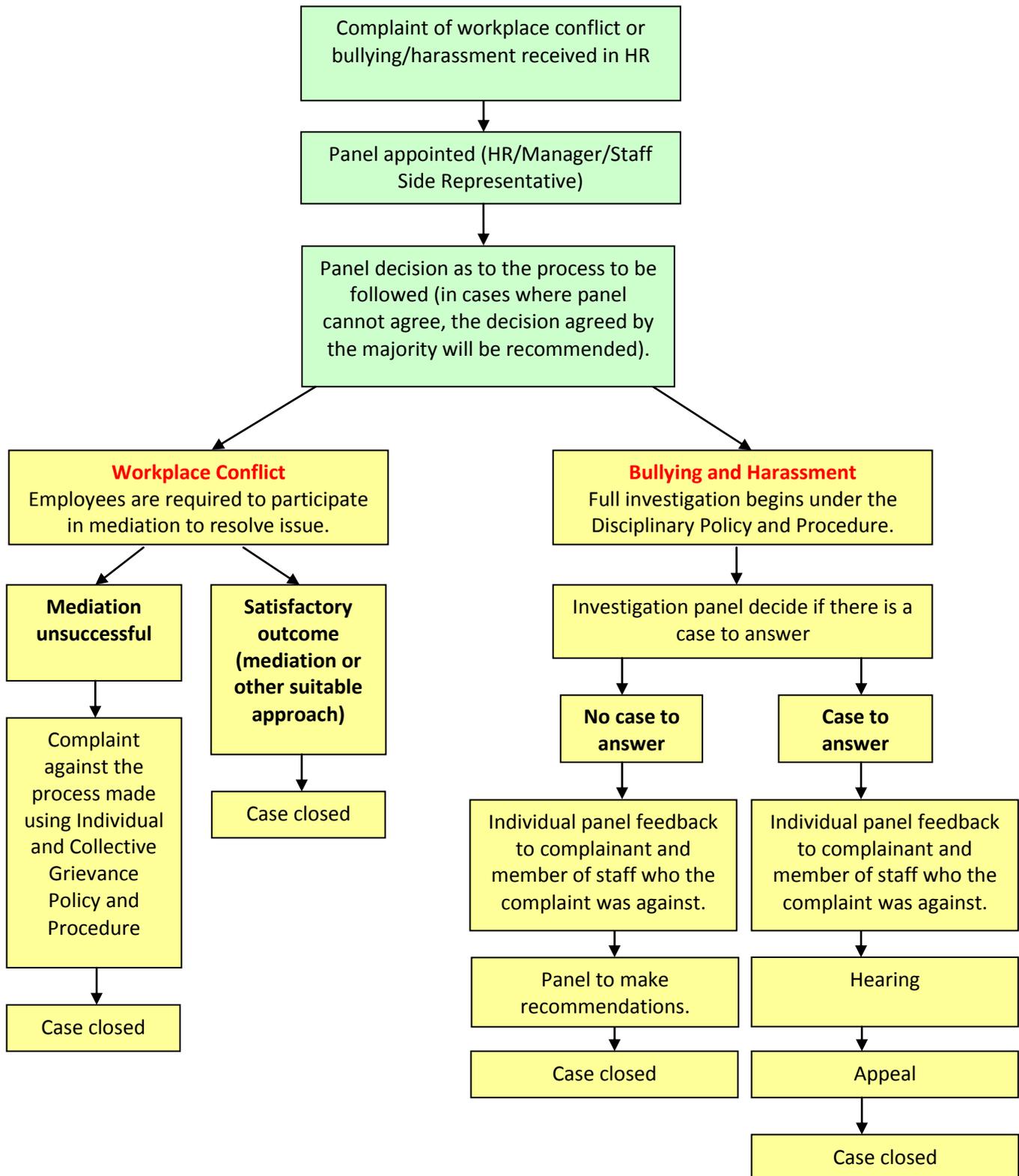
- Spreading malicious rumours or insulting someone. Where this is on the grounds of age, disability, gender, race, religion or sexual orientation, this could be unlawful
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion, isolation, non-cooperation, exclusion from social activities.
- Unwelcome physical contact or sexual advances – from standing too close, touching, horseplay, to serious sexual assault.
- Overbearing supervision or other misuse of power and position
- Visual display of offensive material, posters, graffiti, obscene gestures including circulation of offensive emails or website links
- Graffiti or other demeaning comments written on public documents, personal belongings, placed on noticeboards or in the public domain.
- Use of inappropriate, offensive or discriminatory language which may not be directed at an individual (e.g. using it whilst talking about an incident attended) but is made in a place where it is overheard by colleagues or others.
- Verbal or written harassment through jokes, banter, ridicule, nicknames, offensive language, gossip etc including text messaging, email correspondence and the use of internal or external internet message boards or chat rooms
- Making threats or comments (either face to face, on the telephone or email, outside work or via a third party)
- Suggestive remarks, innuendos, leering, whistling or other offensive or unwanted comments about dress or physical appearance which are unrelated to the requirements of an individual's job
- Mistreating personal property
- Deliberately undermining an employee

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- Coercion ranging from pressure for sexual favours to pressure to participate in activities within or outside the workplace which could not be reasonably expected of an employee
- Requests for favours, including implied or overt promises for preferential treatment or threats concerning present or future employment status
- Deliberately undermining a competent worker by overloading, constant public criticism, setting unrealistic deadlines, constantly undervaluing effort or setting demeaning tasks
- Public humiliation
- Misuse of power/status
- Swearing/shouting at an individual
- Deliberately ignoring someone at work i.e. sending to Coventry
- Mimicking the effect of a disability

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## Appendix 2: Formal Dignity at Work Process



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### Appendix 3: Workplace Conflict/Bullying and Harassment Complaint Form

<b>PERSONAL DETAILS</b>	
<b>Name:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Location:</b>	
<b>Line Manager:</b>	
<b>Contact telephone no:</b>	
<b>Contact email address:</b>	

<b>Name of Individual Complaint is Against</b>
<b>Nature of Behaviour causing Offence</b>
<b>Details of Dates/Times and Incidents</b>
<b>Details of Witnesses (if any)</b>
<b>Actions Already Taken</b>

Signature:

Date:

Once completed this form should be submitted to your HR Advisor.

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