

Bullying and Harassment Policy



Please complete the table below:	
<i>To be added by corporate team once policy approved and before placing on website</i>	
Policy ref no:	22
Responsible Executive Director:	Deputy Chief Executive & Chief Finance Officer
Author and Job Title:	HR Manager/HR Business Partner
Date Approved:	5 November 2018
Approved by:	Deputy Chief Executive & Chief Finance Officer
Date of next review:	4 November 2021

	Yes/No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	
Has legal advice been sought?	No	
Has HR been consulted?	Yes	
Have training issues been addressed?	Yes	
Are there other HR related issues that need to be considered?	No	
Has the policy been reviewed by SPF?	Yes	
Are there financial issues and have they been addressed?	No	
What engagement has there been with patients/members of the public in preparing this policy?	None	Internal Staff only
Are there linked policies and procedures?	Yes	Disciplinary Policy, Grievance Policy
Has the lead Executive Director approved the policy?	yes	
Which Committees have assured the policy?		
Has an implementation plan been provided?	Yes	
How will the policy be shared with: <ul style="list-style-type: none"> • Staff? • Patients? • Public? 		Via the BNSSG internet site – The Hub and dedicated communication to CCG employees
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	Yes	

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1. Introduction

BNSSG CCG is committed to creating a work environment free of Harassment and Bullying for all employees, where everyone is treated with dignity and respect and protected from harassment, intimidation and other forms of bullying at work.

The CCG will not tolerate victimisation of a person for making the allegations of bullying and harassment in good faith or supporting someone to make a complaint.

Managers and employees alike should note that the CCG's liability may extend to both "official" and "unofficial" social activities. These may be deemed to be an extension of the workplace. The CCG may have a duty of care in respect of such matters and will investigate where necessary complaints of inappropriate or improper conduct whether they are alleged to have occurred in or outside the workplace.

This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips, work-related social events and social media.

This policy sets out the steps that should be taken to deal with incidents of harassment and bullying by staff. It aims to support staff and managers to deal with all issues raised objectively, quickly, sensitively and confidentially and will investigate vigorously any allegations of harassment, regardless of whether the matter has been raised formally or informally.

2. Principles

Confidentiality is an important part of the process provided under this policy. The right of all parties to privacy and confidentiality will be respected as far as possible. However, it must be noted that those directly involved will need to discuss the matter with people able to give them support and advice. The matter must be discussed on a genuine 'need to know' basis only. Breach of confidentiality may give rise to disciplinary action under the Disciplinary Policy

Information about a complaint by or about, an employee that is upheld may be placed on the employee's staff file, along with a record of the outcome and any notes or other documents that are compiled during the process.

Any accusations raised under the terms of this policy which are found to be false and malicious will be regarded as misconduct and will be dealt with through the Disciplinary Policy.

This policy does not cover bullying or harassment by patients, visitors or employees of other organisations. In these cases, employees must report any such behaviour to their Line Manager who will support the employee in taking appropriate action. The Line Manager may decide that it is appropriate policy to follow.

If it is considered that one of the parties concerned in a personal harassment case should be moved from the workplace, then as a matter of principle, the CCG will normally remove the alleged harasser rather than the complainant. However, this will depend on the nature of the complaint and the circumstances at the time as in some cases it may be more appropriate to remove the complainant. It should be noted that by moving either party, there is no implied guilt nor will this have any detriment on the investigation.

Enquiries into complaints of harassment will be progressed promptly and objectively, with sensitivity and due respect for the rights of both the complainant and the alleged perpetrator.

3. Purpose and scope

The purpose of this policy is to provide clear guidance for managers and employees on the procedure regarding bullying and harassment, including informal and formal procedures and mediation, in a fair and equitable manner, and in line with ACAS guidelines.

4. Duties and responsibilities

Regardless of status, everyone working in the CCG is expected to treat colleagues with dignity and respect.

Directors are accountable for ensuring that robust systems are in place to ensure managers and employees comply with the arrangements set out in this policy.

Senior Managers are responsible for:

- Promoting a working environment free from harassment, intimidation and any other form of unacceptable behaviour that is personally offensive.
- Setting a positive example by treating all employees with dignity and respect.
- Ensuring that the processes set out in this guidance are observed and consistently applied by appropriate managers.
- Considering HR reports in order to monitor and review the effectiveness of the guidance.

Line Managers are responsible for:

- Setting a positive example by treating all employees with dignity and respect.
- Communicating this guidance to all employees in their departments.
- Ensuring that staff in supervisory roles, are aware of their duties and responsibilities under this guidance.
- Ensuring that complaints are dealt with promptly, seriously and confidentially.
- Ensuring that appropriate support mechanisms are in place for employees involved in bullying and harassment complaints.

HR are responsible for:

- Regularly reviewing the effectiveness of the policy.
- Providing reports on the number of complaints raised annually to the CCG.
- Providing advice and guidance to managers and employees on the application of this policy
- Attending formal meetings.

Employees are responsible for:

- Ensuring that they are aware of all policies and understand their responsibilities in relation to them
- Treating others with dignity and respect and ensuring their own behaviour does not cause offence.
- Making it clear to others if they find particular behaviour unacceptable.
- Reporting any incident of bullying or harassment whether they are personally involved or observe such behaviour towards others.
- Maintaining confidentiality with regard to information concerning cases or allegations of bullying or harassment.
- Being responsive and open to any employee who makes an allegation of bullying or harassment.

5. Definitions/explanations of terms used

Bullying.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power which results in the recipient feeling intimidated, undermined, humiliated, denigrated, vulnerable, upset, offended or threatened.

Bullying is largely identified not so much by what is done, but the affect it has on the recipient. E.g. it can make an individual feel upset or threatened; it can undermine an individual's confidence or affect their performance at work.

Bullying can take the form of physical, verbal and non-verbal conduct.

Examples of bullying and harassment behaviour are in **Appendix 1**.

Bullying may include:

- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- Inappropriate or derogatory remarks about someone's performance.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour or reasonable instructions given to workers in the course of their employment, will not amount to bullying.

It is also recognised that an occasional raised voice or argument does not constitute bullying. It is however unacceptable to condone bullying behaviour under the guise of a particular management style. Effective managers obtain results whilst ensuring that employees are treated with dignity and respect.

Cyber bullying is bullying, harassment and victimisation conducted through social media such as blogs or social networking sites. It includes offensive emails or comments sent to a person's mobile phone via SMS text messages, or sharing a person's private data online.

Harassment.

Harassment is any unwanted physical, verbal or non-verbal conduct affecting dignity in the workplace. It has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

A single incident can be harassment if it is sufficiently serious. Examples of bullying and harassment behaviour are in **Appendix 1**.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to sex, gender reassignment, race, colour, nationality, ethnic or national origin, disability, sexual orientation, religion or belief, age, marital or civil partnership status, pregnancy or maternity. Harassment is unacceptable even if it does not fall within any of these categories.

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. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching.

It may not be clear in advance that some forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

Victimisation.

Victimisation is treating someone less favourably than others 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 has supported someone in making a complaint or given evidence in relation to a complaint. Victimisation can also occur if an employee is suspected of doing so.

Victimisation can include denying promotion or training, refusing requests for time off, isolating someone or giving him/her an unfair workload.

Victimisation is a disciplinary offence.

6. What support is available

It is recognised the distress and anxiety that such allegations can cause to both the complainant and the alleged harasser.

Employees can ask for help and support from a wide range of people including their line manager or their managers' manager, Human Resources staff, Trade Union Representatives, Occupational Health Service and the Employee Assistance Programme (EAP). Further information about the help and support is detailed in Appendix 2.

The above will be able to help by providing a range of support including; advice on how to prevent problems arising; practical support on how to stop harassment and bullying happening, representation for staff involved in formal proceedings; and support in dealing with the effects on physical and mental health of harassment and bullying.

7. Raising concerns due to Bullying and/or Harassment.

The CCG aims to promote a culture in which employees feel safe and confident about making a complaint relating to bullying and harassment. Reasons why such complaints are not reported include:

- Fear that it will make matters worse.
- The belief that nothing can be done about it.
- Concerns about confidentiality.
- Fear of possible victimisation.
- Concerns about being labelled a troublemaker.
- A degree of learned tolerance that may imply that the behaviour is acceptable

8. How should incidents of Bullying and Harassment be dealt with?

So far as possible, and in the first instance, harassment and bullying can and should be dealt with informally, locally and as quickly as possible. In the majority of cases you will simply want the inappropriate behaviour to stop as soon as possible, and if this can be achieved informally it is obviously preferable.

Formal procedures should therefore only be applied once the informal steps have been exhausted.

9. Timeliness of Managing Bullying and Harassment cases

To assist the speedy resolution of any Bullying and Harassment cases raised, all reasonably practicable steps will be taken to ensure that the relevant stage is completed as soon as is possible. Completion of each stage of the procedure must be taken without unreasonable delay. In the interests of employee relations every effort should be made to complete the relevant part of the procedure without delay.

10. Stage 1 - Informal Process.

Bullying and harassment issues are best dealt with on an informal basis, resolving matters as soon as is practicable. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help the individual to understand the effects of their behaviour and agree to change it. In this way, it can help to prevent the situation from escalating and getting any more difficult for the employee.

Methods for dealing with any bullying and harassment issues informally are set out below. The employee must attempt one, or a combination of, the methods detailed below, before considering a formal complaint.

1 Raising a concern directly.

If an employee feels able to raise the matter directly with the alleged bully or harasser face-to-face, it is important to choose an appropriate time and surroundings and use a non-confrontational manner. The employee must make it clear, using specific examples, what it is that they find unacceptable or what is causing them concern and give the alleged bully or harasser the opportunity to respond.

From this exchange it must be possible for the employee to assess if they feel the person has understood the affect their behaviour is having and whether they are prepared to change this.

The employee must keep a note of what has been said by both parties, along with the date and time, and over a period will see if the unwanted behaviour desists.

2 Raising a concern with support.

Employees may wish to approach the alleged bully or harasser with the support of someone else, such as a work colleague. The accompanying person must be there for moral support and must take no active part in the discussion. In this instance the alleged bully or harasser must be afforded the same opportunity of being accompanied.

As this stage is informal, HR representatives need not be present at the discussion. It may, however, be useful for either or both parties to approach HR for advice on how to conduct these discussions carefully and sensitively.

3 Raising a concern through a colleague.

If employee does not feel able, in the first instance, to raise the issue directly they can ask a colleague, or their Line Manager, to approach the alleged bully or harasser and outline the matter on their behalf. After the initial raising of awareness, employees may feel more able to involve themselves directly as outlined in above.

As this stage is informal, HR representatives need not be present at the meeting unless specifically asked.

Following the use of one of the approaches set out above, if the employee making the complaint feels his/her concerns have not been adequately addressed, it is strongly

recommended that the complaint be progressed to **Stage 2 Mediation** in agreement with both parties.

11. Stage 2 - Mediation

Mediation should be adopted when alleged bullying or harassment claims have not, or could not be resolved at the **Stage 1 Informal Process**. This stage involves an independent mediator meeting on a one-to-one basis both with the complainant and alleged bully or harasser, after which they will arrange and facilitate a mediated session between the two parties with the aim of finding an acceptable resolution.

The mediator will function independently and without bias to strive to find a settlement to the issues between the parties and the mediator should be acceptable to both parties. They will be fully trained.

The mediator remains an impartial third party who does not represent either of the parties, but who is mindful of the sensitivity of the issues and maintains the confidential nature of the discussions.

To initiate this stage, employees must put their concerns in writing to their Line Manager or Line Manager's manager stating the allegations, whom they are against and the reasons why the Stage 1 process has not, or could not, resolve the matter.

The written account must be as specific as possible about the incident(s) and where possible state:

- The names(s) of the alleged person(s) responding to the complaint.
- The nature of the bullying or harassment.
- Dates and times when bullying or harassment occurred.
- Names of any witnesses to any incidents of bullying or harassment.
- Any action already taken by the individual to stop the bullying or harassment.

When the Line Manager has received a written account, they must then arrange for a mediator to be appointed with advice from Human Resources. The mediator must be someone from outside the immediate work area of the two parties to ensure impartiality and must be agreed by both parties.

The complainant must agree to the details of their complaint being released to the employee against whom they are making the allegation(s).

The Line Manager must arrange to meet with the alleged bully or harasser as soon as possible to inform them of the complaint and outline the Stage 2 process including possible outcomes and available support.

Once appointed, the mediator will arrange to meet individually with the complainant and alleged bully or harasser as soon as reasonably possible to discuss the complaint in full.

Following the individual meetings, the mediator will arrange a formal mediation session between the complainant and the alleged bully or harasser as soon as reasonably possible.

This is to minimise the pressure and stress placed on both parties during this process and to ensure that the matter is dealt with as quickly as possible.

If, during the course of the individual meetings, it becomes apparent to the mediator that a disciplinary standard may have been breached, the mediator must refer to HR for advice.

The purpose of mediation is to:

- Clarify the incidents referred to.
- Examine how they are perceived by both parties and establish the expected standards of behaviour.
- Make a written agreement regarding how both parties are going to resolve the issues and work together in the future.

It is expected that both parties will make every effort to reach an agreement at this stage. Obstruction of the process may result in intervention from the complainant's Line Manager. It may be necessary to arrange more than one mediation session. Once an agreement has been made, it is then the responsibility of the complainant's Line Manager to monitor the situation.

The written agreement will detail each party's expectations of the other party in order to move forward. The agreement must include a review date of up to three months to allow time for improvement of the relationship, and both parties must sign the agreement and keep a copy. If agreement cannot be reasonably reached, the complainant must then decide how they wish to proceed. They can request a further mediated session or take the complaint to **Stage 3 Formal Process**.

12. Stage 3 – Formal Process

It is important to remember that employees often become more defensive and relationships can become more strained when going through the formal process and this can lead to further tension and additional stress for all parties. For these reasons, it is recommended that every effort is made to try and resolve issues of bullying and harassment through one of the informal routes. Only in exceptional cases, where a very serious incident has occurred, will the formal process be used without exhausting the informal stages.

To initiate the formal stage the employee must submit a formal letter to their Line Manager or, where the allegation is against their Line Manager, their Line Manager's manager, requesting the matter be dealt with under Stage 3, stating the allegations, against whom they are made, and the reasons why the mediation process has not resolved the matter or could not be used.

The formal complaint must be factual and include the allegations, including dates and times of incidents and specific examples. The complainant has the right to withdraw the complaint at any time. However, the CCG has a responsibility to conclude investigations into all formal complaints of bullying or harassment.

Upon receipt of the formal complaint the Line Manager must notify and take advice from HR regarding the commissioning of an investigation. The manager who commissions the

investigation is referred to as the Commissioning Manager and will usually be a senior manager in the Department.

The employee will be informed in writing as soon as possible and within five working days, acknowledging receipt of the complaint, and stating that it will be investigated in line with this policy.

The Commissioning Manager will appoint an Investigation Officer who, wherever possible, will have no prior involvement in the complaint. The Commissioning Manager will provide a clear written remit to the Investigating Officer to commence the investigation. The Investigation Officer will be supported by a member of HR and will be provided with documentation from previous meetings / mediation sessions, and any other relevant documentation in relation to the allegations and the process that has been followed to date.

The Commissioning Manager must consider, in conjunction with HR, whether any interim measures are required while the investigation takes place. These may include:

- Temporary redeployment or relocation of the complainant.
- Temporary redeployment or relocation of the alleged bully or harasser.
- Suspension of the alleged bully or harasser.

The Commissioning Manager will also consider any request that the complainant makes for changes to their own working arrangements during the investigation. For example, the complainant may ask for changes to their duties or working hours in order to avoid or minimise contact with the alleged bully or harasser.

Notifying and meeting with the alleged offender?

The alleged offender should be informed in person at the outset that there will be an investigation concerning their alleged behaviour. This should be done by the relevant manager, after consulting with the HR Department. In exceptional circumstances the individual can be informed by telephone and a meeting arranged as soon as possible. The manager should check that the individual is aware of the procedure that will be followed, and the support that is available to them. The manager should be aware at all times of the sensitivity needed when notifying an individual that they are being accused of harassment or bullying. The alleged offender should have the allegations made against them clearly defined so they are able to respond to the allegations made against them.

The investigation must be thorough, impartial and objective and carried out with sensitivity and due respect for the rights of all parties concerned and within a reasonable timeframe to avoid any unnecessary distress to either party.

The Investigation Officer, accompanied by a HR Representative will meet with the employee to gain a thorough understanding of the issues and separately meet with the alleged bully or harasser to hear their account of events. They have a right to be told of the details of the allegations against them, so that they can respond.

Both parties are entitled to be accompanied by a colleague who is an employee of the CCG, a full time or trade union representative.

It may be necessary to interview witnesses to any of the incidents mentioned by the complainant. If so, the importance of confidentiality must be emphasised to them.

The investigation must normally be completed within a maximum of six weeks of the appointment of the Investigation Officer. Both parties must be regularly informed of the progress of the investigation by their Line Manager(s) and are entitled to enquire from the Commissioning Manager about potential timescales for its completion.

What happens at investigatory meetings?

The purpose of investigatory meetings is to establish the facts – they are not a disciplinary hearing of any kind. Meetings should be held in private and any party may ask for an adjournment at any stage.

All employees involved in any investigation will be expected to fully cooperate with the process. This includes making themselves available for any investigatory meetings within 5 working days of a request being issued by the investigatory team. Failure to attend an investigatory interview within this timeframe will result in the matter being escalated to the employee's line manager unless there is a substantial reason as to the lack of availability for the meeting. Please note other work commitments will not be seen as a reasonable reason for delaying an investigatory meeting.

If the employee or their companion cannot attend on the proposed date, they may suggest another date, provided it is reasonable and not more than 5 working days after the date originally proposed. This limit may be extended by mutual agreement. Alternatively, in the case of a representative not being available for the meeting, staff may wish to seek a suitable alternative, including other staff side representatives, or an employee colleague not acting in a legal capacity, who can accompany them but not represent them.

All investigations must be seen as a priority due to the stress and upset that investigations cause individuals.

Meeting complainants

Complainants (where relevant) should be invited to a meeting with the investigating officer, at formal stages of the procedure, employees have the right to be accompanied by their staff side representative or employee colleague not acting in a legal capacity. In order to ensure that the process is not unduly delayed, in the case of a representative not being available for the meeting, staff should seek a suitable alternative, including other staff side representatives, or an employee colleague not acting in a legal capacity.

The purpose of the meeting is to gather any further information (i.e. beyond what is contained in the letter of complaint), including details of any witnesses to incidents. By the end of this meeting the investigatory officer should have a clear and detailed picture of the events surrounding the alleged incident(s). The investigatory officer should write a detailed statement of the allegation, which the complainant is invited to sign to say that they are in agreement.

Meeting the alleged offender

The investigatory officer then needs to meet and take a statement from the alleged offender. They will already be aware of the nature of the allegations and should be in a position to respond. They should be informed that they are entitled to be accompanied by their staff side representative or employee colleague not acting in a legal capacity. They should also be given the opportunity of nominating relevant witnesses to be interviewed.

By the end of the meeting the investigatory officer should be able to write a detailed written statement of the alleged offender's response to the allegations, which they should be invited to check and sign to confirm agreement.

Meeting witnesses

The investigatory officer then needs to meet any relevant witnesses to the alleged incidents, including those nominated by the complainant or alleged offender. Witnesses would include people who have seen the complainant in distress after incidents. By the end of each meeting the investigatory officer should be able to write a detailed written statement of the witness's involvement in the alleged incident(s), which they should be given the opportunity to check and sign to confirm agreement.

Further meetings

Where necessary in order to gain further information or clarification the investigatory officer may convene additional meetings with the complainant, the alleged offender, or witnesses.

What happens after the investigation?

The Investigation Officer must submit a written report of their findings, conclusions and recommendations to the Commissioning Manager.

A copy of the report and recommendations, including witness statements, will be shared with the Manager who commissioned the investigation for review. The Commissioning Manager will then confirm to the investigation panel whether they feel any further action should be taken.

Recommendations may include one or more of the following outcomes:

- The case is referred to the CCG's Disciplinary Policy and a disciplinary hearing held to address the outcome of the investigation.
- Arrangements are put in place to assist both parties in the rebuilding of their working relationship. This may include training, mentoring, supportive management or other suitable options.
- One or both parties are recommended for permanent redeployment to another department within the CCG, to be agreed with involved managers and HR.

If the Commissioning Manager considers that bullying or harassment has occurred, prompt action will be taken to address it.

The Commissioning Manager and HR must meet with the complainant and the alleged bully or harasser separately to explain the findings and conclusions of the investigation and inform both parties of the next steps in the process.

If it is felt that no further action is to be taken an executive summary will be compiled and shared only with the complainant.

The alleged offender will be sent a letter detailing that no further action will be taken.

If it is felt that further action needs to be taken the full report, recommendations and witness statements will be shared with the complainant and the alleged offender. Following this a formal disciplinary panel will be convened.

Witnesses will not receive an executive summary or a copy of the report.

The CCG has a responsibility to refer the matter to the police in the case of a suspected criminal offence.

13. What do I do if I feel this procedure has not been applied properly?

Either party has the right to invoke the CCG's Grievance Policy if they consider that the formal procedure set out above has not been applied or followed correctly, and they consider that this influenced the outcome of the investigation. Should either party wish to raise a grievance this will need to be done in line with the CCG's Grievance Policy and within 5 working days of receiving the outcome of the bullying and harassment investigation.

14. Appeal

The complainant may appeal if it is felt that the process of the investigation and subsequent application, or not, of the disciplinary policy, has been unfairly or poorly carried out or agreed.

The framework for an appeal will be in line with the CCG's Appeal Policy.

There is no right of appeal against the perceived severity or leniency of the disciplinary action taken for either the Complainant or alleged bully or harasser.

The alleged bully or harasser may appeal if it is felt that the process of investigation or subsequent application of the disciplinary policy has been unfairly or poorly carried out or agreed.

15. Records

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

In all cases, a summary of the complaint and the outcome will be recorded.

16. Training requirements

Training and support will be available to all line managers in the implementation and application of this policy.

17. Equality Impact Assessment

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

18. Monitoring compliance and effectiveness

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

19. Counter fraud

The CCG is committed to reducing fraud in the NHS to a minimum, keeping it at that level and putting funds stolen through fraud back into patient care. Therefore, we have given consideration to fraud and corruption that may occur in this area and our responses to these acts during the development of this policy document.

20. References, acknowledgements and associated documents

Grievance Policy
Disciplinary Policy

21. Appendices

Appendix 1:- Examples of Bullying and Harassment Behaviour.

Bullying and harassment can take many forms ranging from physical violence to less obvious manifestations such as exclusion or ignoring someone. It does not necessarily involve face to face conduct. It may also occur in written communications, email or telephone.

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

Bullying:

- Picking on someone or setting them up to fail.
- Belittling or patronising comments.
- Making threats or comments about someone's job security without good reason.
- Ridiculing someone or criticising them in their presence in front of others.
- Public humiliation.
- Personal insults.
- Consistently undervaluing a person's efforts.
- Isolation or non-co-operation at work.
- Excluding someone from social activities.
- Persistently criticising someone unnecessarily.
- Deliberate wrongful attribution of blame.
- Shouting at colleagues in public or private.
- Physical assault.
- Cyber bullying through social media such as blogs or social networking sites.
- Withholding information or removing areas of responsibility without justification.
- Setting objectives with impossible deadlines with the deliberate intention of undermining an individual.
- Blocking leave or training applications without reason.
- Assumptions and spreading rumours.

Harassment:

- 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, advances, 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.
- Questions about a person's sex life.
- Unwanted nicknames related to a person's sex, race, age, gender, disability, sexual orientation, national or ethnic origin, pregnancy or maternity, marital or civil partner status or religion.
- The use of obscene gestures.
- 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.

Appendix 2 Available Support

Staff who make complaints, or who participate in good faith in any investigation, must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against, or victimized, someone in this way will be subject to disciplinary action under the Disciplinary Policy.

If an employee believes they have suffered any such treatment, they must inform their Line Manager or Human Resources. If the matter is not remedied, it must be raised formally using the CCG's Grievance Policy or this policy if appropriate.

The following support is available to all employees whether they are the victim of bullying or harassment, the subject of the complaint, or a witness to any inappropriate behaviour.

It is important to remember that the employee being accused of bullying and harassment may need support. This is even more crucial in cases where the allegations prove to be unfounded, as the accused party may also be going through undue anxiety and stress as a result of the allegations and in some cases may need support to help rebuild their reputation.

The CCG will ensure that staff involved in incidents or complaints of harassment or bullying have access to an appropriate range of support. Support available includes: advice on how to prevent problems arising; practical support in how to deal with incidents; representation for staff involved in formal proceedings; and support in dealing with the effects on physical and mental health of harassment and bullying. Contact details for these services are provided in the leaflet: "Dealing with Harassment and Bullying at Work – Guidance for Staff".

Support is available from the following sources:

Line Managers

Line managers can play an important role in helping staff to deal with any incidences of harassment and bullying that they may be experiencing. To support this, the CCG will provide training for managers in how to prevent and deal with harassment. As described in these procedures, members of staff experiencing harassment or bullying from their line manager may speak to their manager's manager for support and development to help them deal with problems at work.

Human Resources Staff

Human Resource Reps are also familiar with the contents of these procedures and the options available to staff for resolving any problems they may be experiencing. Human Resources staff will give you advice and support in complete confidence, helping you to find an effective solution that you are comfortable with.

Trade Union Representatives

Local trades unions have been involved in the development of these procedures and representatives will therefore be able to advise you on your rights and options, as well as representing you in any formal meetings that are required.

Occupational Health Service and Employee Assistance Programme

Your local Occupational Health service will be able to advise you in relation to the effect of harassment or bullying on your physical or mental health, including where you may seek specialist support. Occupational Health may be able to refer you to a counsellor, if available, or suggest that you see your general practitioner. Occupational Health nurses also advise managers in relation to the likely effects of harassment and bullying on staff member's attendance and performance at work.

The Employee Assistance Programme (EAP) is provided by Health Assured. Details are found on The Hub.

Equality Impact Assessment Screening		
Query	Response	
What is the aim of the document?	to set out the CCG responsibilities in relation to	
Who is the target audience of the document (which staff groups)?	All staff	
Who is it likely to impact on and how?	Staff	Yes - All Bullying and Harassment cases will be handled and processed in a fair and transparent way and to avoid any subjective bias. No anticipated detrimental impact on any equality group. The policy adheres to AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a

		protected characteristic.
	Patients	No
	Visitors	No
	Carers	No
	Visitors	No
	Other – governors, volunteers etc	Yes
Does the document affect one group more or less favourably than another based on the 'protected characteristics' in the Equality Act 2010:	Age (younger and older people)	no
	Disability (includes physical and sensory impairments, learning disabilities, mental health)	no
	Gender (men or women)	no
	Pregnancy and maternity	no
	Race (includes ethnicity as well as gypsy travellers)	no
	Sexual Orientation (lesbian, gay and bisexual people)	no
	Transgender people	no
	Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)	no
	Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)	no

Target Group	Implementation or Training objective	Method	Lead	Target start date	Target End date	Resources Required
Governing Body	Ensure GB is aware of CCG's responsibilities for implementation and monitoring of HR Policies	Cover paper to the policies to be presented to the Governing Body	HR Business Partner	1 January 2019	28 February 2019	staff time, governing body time
Executive Directors	Ensure awareness of responsibilities of CCG process to ensure compliance Individual Executive Director responsibilities Directorate Responsibilities	<p>Ensure systems are in place to implement relevant policies in their areas</p> <p>Discussion/bite size workshop on overview of policies with Individual Directors</p> <p>Launch of Policies at SMT</p> <p>Launch of Policies through Directorate meetings/briefings</p> <p>To ensure the provision of advice, guidance and support to Directors in the operation of HR policies.</p> <p>Ensure systems exist to identify staff training needs on the implementation of new and updated policies</p>	HR Business Partner	1 February 2019	31 March 2019	staff time, executive director time
Managers	Ensure awareness of CCG process and roles	<p>Ensure staff have read and understood the relevant policies, strategies and procedures.</p> <p>Ensure policies and procedures are accessible for all their staff on the Hub</p> <p>Ensure systems exist to identify staff training needs on the implementation of new and updated policies</p> <p>Specific training sessions and 1:1 support to be provided, including awareness of the application of HR policies.</p> <p>Implementation of training workshops for Line Managers.</p>	HR Manager/ Learning and Development Manager	9 th January 2019	31 March 2019	staff time, training room resources
All Staff	Ensure awareness of CCG processes and procedures	Information about the policy and CCG processes to be placed on the Hub/Consult HR platforms and to	HR Business Partner/HR	1 January 2019	31 March 2019	staff time,



		<p>familiarise themselves with this policy and the how it may impact upon them.</p> <p>Ensure a system is in place for policies to be placed on the intranet</p> <p>Information about the policy and CCG process to be communicated through the Voice</p> <p>Awareness raising item at individual Directorate/Directorate SMT and team meetings</p>	<p>Manager/Comms</p> <p>Corporate Team/Comms Team</p> <p>Comms Team</p> <p>Executive Directors/Senior Managers</p>			
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