

# Prevention of Bullying and Harassment Procedure

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Version Control Sheet			
This must be completed and form part of the document appendices each time the document is updated and approved			
Date dd/mm/yy	Version	Author	Reason for changes
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Consultation / Acknowledgements with Stakeholders		
Name	Designation	Date Response Received

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## 1 Introduction / Purpose

Blackpool Teaching Hospital NHS Foundation Trust (The Trust) believes that staff have the right to an environment in which the dignity of the individual is respected.

Bullying and/or harassment are unacceptable. We recognise that such behaviour threatens employee's health, well-being, undermining their ability to contribute effectively and to achieve their full potential. The Trust therefore has a zero tolerance of bullying behaviour.

We are committed to creating a safe, healthy and fair working environment in which all person's respect one another's human dignity and feelings and where bullying and/or harassment does occur that it is dealt with appropriately and prevents reoccurrence.

The prevention of bullying and harassment procedure supports the Trust's vision to provide a great place to work which in turn enables staff to provide the best possible care to patients, supporting the achievement of joy and pride in work.

## 2 General Principles / Target Audience

Trust wide.

## 3 Definitions and Abbreviations

GMC	General Medical Council
HPC	Health Professionals Council
HR	Human Resources
NMC	Nursing and Midwifery Council
The Trust	Blackpool Teaching Hospital NHS Foundation Trust
Trade Union Representative	Member of a recognised negotiating body of the Trust

## 4 Procedure

### 4.1 Definition

Bullying is not specifically defined in law but ACAS define bullying as:

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

Bullying or harassment may be by an individual against an individual or involve groups of people. Whatever forms it takes it is unwarranted and unwelcome to the individual.

In the Equality Act 2010 (1) Harassment is defined as 'unwanted conduct relating to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

What behaviour constitutes bullying and/or harassment?

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Examples of bullying may include, but are not necessarily limited to:

- Shouting at a colleague, persistently negative and inaccurate attacks on colleagues personal and professional performance; criticising a colleague in front of others
- Spreading malicious rumours / making malicious allegations.
- Threatening behaviour, both verbal and physical.
- Persistently setting objectives with impossible deadlines or unachievable tasks.
- Removing and replacing areas of responsibility with menial or trivial tasks.
- Placing unreasonable demands.
- Overbearing supervision or other misuse of power or position.
- Withholding information with the intent of deliberately affecting a colleague's performance.
- Excluding or isolating colleagues.
- Being sarcastic towards, ridiculing or demeaning others.
- Physical or psychological threats.

Typically for behaviour to be considered harassment it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute harassment.

Examples of harassment may include but are not limited to:

- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief).
- Exclusion or victimisation.
- Unfair treatment.
- Unwelcome sexual advances – touching, standing too close, the display of offensive materials.
- Deliberately undermining a competent member of staff by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, Social Media and phone.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration of being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity,

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illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

The Trust acknowledges that on some occasions, employee perceptions of bullying or harassment may be unreasonable. From time to time managers will need to take a firm approach to performance to ensure services are delivered to the required standard.

Legitimate management action, conducted reasonably and in line with our policies, is not bullying or harassment.

## 4.2 Confidential Advice and Support

Any employee who feels they are being harassed and/or bullied, or who has witnessed such behaviour or who is alleged to have harassed and/or bullied a colleague, may wish to seek confidential advice, guidance or support,

Support and advice is available from the following (See Appendix 2):

- Managers
- Human Resources Representative
- Staff Advocates
- Trade Union Representatives
- Occupational Health Department
- Freedom to Speak Up Guardian and Champions

This procedure must not be used to raise frivolous issues or to raise concerns in a vexatious or malicious manner. Inappropriate use of the procedure may result in disciplinary action being taken. Such complaints would be those that:

- Are made and found to be without foundation (malicious)
- Have the intention of causing aggravation or harm to others
- Are intended to delay another process
- Have no grounds.

## 4.3 Dealing with Complaints

In the first instance the normal expectation is for the complainant to pursue the informal process. It is recognised, however, that there may be circumstances when the matter should be progressed formally from the outset, for example where there is a previous history of bullying towards the complainant from that individual or where the matter is extremely serious.

By pursuing the informal process opportunity is provided for a quick resolution and with the minimum upset to all parties. Often people are unaware that their behaviour in some circumstances is being perceived as bullying or harassment. Using the informal approach

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gives the alleged perpetrator the opportunity to stop if directly approached by the complainant or a representative on their behalf.

It is important the complainant raises an issue with an appropriate person at the time the incident occurs; as soon as reasonably possible in order that matters can be dealt with swiftly and that further potential bullying and harassment can be prevented. Collating a series or list of events in order to 'strengthen a claim' is not appropriate and does not allow for the behaviour to be 'nipped in the bud'. Tackling incidents at an early stage is key to preventing them from becoming more serious problems.

#### 4.4 Informal Process

If the individual feels able, they should raise the problem with the alleged perpetrator, either verbally or in writing, making it clear that the behaviour is offensive and unwelcome, and ask for it to stop.

Support is available to individuals who do not feel able to make a direct approach themselves or require to be accompanied from their line manager, a staff advocate, Freedom to Speak up Guardian / Champion, Human Resources (HR) Representative or a Trade Union Representative. Support can also be provided by these people in helping an individual to determine if a problem or issue is in fact bullying or harassment.

Where a meeting has been arranged in order to discuss the matter and a resolution is reached a note of the discussion and the outcome should be agreed and a copy provided to both parties.

Help is available in the form of a Facilitated Discussion where the aim is to bring both parties together to assist them to resolve their differences. For clarity on the appropriateness of this method, employees should contact the Human Resources Department to discuss.

Where relationships have been damaged it may be appropriate for Mediation to be offered. The Trust has a number of qualified Mediators who will help both parties to rebuild their relationship. Mediation is a voluntary and confidential process and encourages open communication of feelings and incidents, empowering parties to deal directly with the conflict and determine the resolution.

Referrals to the Mediation Service should be made by the line manager or a representative from HR to ensure that the matter is appropriate to be dealt with in this way. Details of the process can be found on OneHR (<http://www.bfwh.nhs.uk/onehr/hr-policies-advice/grievance/> (2)).

The line manager should make arrangements for ongoing monitoring of the situation along with arranging follow up meetings, normally no later than 2 months after the discussion. A note of these meetings should also be kept.

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## 4.5 Formal Process

If it is not possible to resolve the matter informally, or where the complaint is considered to be sufficiently serious then a formal complaint can be raised.

The complainant must submit their formal complaint in writing to their line manager using the template provided in Appendix 1, Formal Complaint Submission. Where the complaint relates to the line manager the complaint should be made to the next most senior manager.

The complaint will be fully investigated in accordance with the Investigation Guide for Managers (3). The commissioning manager must ensure that the Investigation Manager prioritises this investigation and agrees appropriate timescales which must be set out in the Terms of Reference.

Where an investigation concludes there is a case of bullying or harassment to answer a disciplinary hearing, conducted in accordance with the Trust Disciplinary Policy (4), will determine any subsequent action to be taken against the alleged perpetrator.

In cases where an investigation has not concluded that bullying and harassment has taken place recommendations may be made in order to rebuild the relationship. Recommendations may also include retraining, redeployment, facilitated discussion or mediation as an outcome. Ensuring that recommendations are fulfilled is paramount and line managers must be held accountable for ensuring compliance which will be audited as part of the annual Bullying and Harassment audit conducted by Human Resources.

Consideration may also be given, where practicable, to the voluntary transfer of one of the employees concerned, rather than requiring them to continue to work together against the wishes of either party.

Where an investigation concludes that an allegation made was frivolous or malicious it may require necessary action to be taken under the disciplinary policy.

Information gathered as part of any action under this procedure will be treated as confidential by all parties involved. Only in circumstances where there is a reasonable belief that a professional code of conduct (e.g. General Medical Council (GMC), Nursing and Midwifery Council (NMC), Health Professionals Council (HPC)) or there has been an illegal act or where there is a potential impact on the health, safety and welfare of others, would information be shared with the relevant individuals or agencies.

## 4.6 Outcome Letters

Only where cases of bullying and harassment proceed to a Disciplinary Hearing will the details of any investigation be fully shared with either party. Where no case to answer or recommendations are made the investigation report will not be shared.

It is essential, however, that the individual who has raised the complaint is assured that the process has been robust and fair and thus a detailed outcome letter must be provided. This letter must summarise the investigation and confirm the basis upon which the findings

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have been made. It should include confirmation of who was interviewed as part of the investigation and a summary of the questions asked.

Where no case to answer has been found the complainant will be given the right of appeal against the outcome and details of who they should appeal to must be included in the letter, along with the appropriate timescales.

#### 4.7 Appeal

An appeal against the finding of no case to answer will be referred to the Head of Strategic HR who will appoint an Adjudicating Manager to review the findings of the investigation. Where possible this manager will be a more senior Manager than the Investigating Manager but in all cases the Adjudicating Manager will have had no prior involvement in the case.

The Adjudicating Manager will review the investigation and determine if the investigation has been thorough, fair and the findings appropriate. The Adjudication Manager has the authority to determine if further investigation is required, in which case they will refer the case back to the Investigation Manager giving clear instructions as to how the investigation should proceed. Following further investigation, the case will be resubmitted back to the Adjudication Manager who will continue with their Adjudication.

The Adjudication Manager will summarise their findings in an Outcome Letter to both parties.

If the Adjudicating Manager believes there is a disciplinary case to be answered, they matter will be dealt with in accordance with the Trust's Disciplinary Policy (4). In the case of formal disciplinary action, the Adjudicating Manager will present the management statement of case at a disciplinary hearing.

If the Adjudicating Manager agrees with the original findings that there is no case to answer then all internal processes are regarded as exhausted.

## 5 References and Associated Documents

Cumbria Partnership NHS Foundation Trust. (POL/004/002 October 2017). Grievance Policy (incorporating Dignity at Work). Available: [https://cdn.cumbriapartnership.nhs.uk/uploads/policy-documents/Grievance\\_Policy\\_POL-004-002.pdf](https://cdn.cumbriapartnership.nhs.uk/uploads/policy-documents/Grievance_Policy_POL-004-002.pdf) . Last accessed 20/12/2017.

Wrightington, Wigan and Leigh Dignity at Work Policy

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3. **BTHFT - Guideline**. Investigation Guide for Managers. [Online] 03 09 2020. [Cited: 19 04 2021.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-GUID-201.docx>. CORP/GUID/201.

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11. —. Working with care – improving working relationships in health and social care. [Online] 01 09 2015. [Cited: 21 05 2021.] <https://www.rcn.org.uk/professional-development/publications/pub-004972>. Publication code: 004972.
12. **Southern Health NHS Foundation Trust.** Discrimination, Bullying & Harassment Policy and Procedure. [Online] 10 2020. [Cited: 21 05 2021.] [https://www.southernhealth.nhs.uk/EasySiteWeb/HandleRequest/\\_resources/assets/inline/full/0/43423.pdf?IsMSOfficeRedirect=1](https://www.southernhealth.nhs.uk/EasySiteWeb/HandleRequest/_resources/assets/inline/full/0/43423.pdf?IsMSOfficeRedirect=1).
13. **University of Birmingham.** Harassment, bullying and victimisation. [Online] [Cited: 21 05 2021.] <https://intranet.birmingham.ac.uk/as/registry/policy/conduct/harassment/index.aspx>.

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Appendix 1: Formal Complaint Submission		
 <b>Blackpool Teaching Hospitals</b> NHS Foundation Trust		
Employee Name	Contact Number	Date
Name of Alleged Perpetrator(s)	Date and times when alleged bullying and harassment occurred	
Names of any witnesses	Contact details of witnesses (job title/department/contact number)	
Details of complaint		



## Appendix 2: Support and Advice



**Blackpool Teaching  
Hospitals**  
NHS Foundation Trust

### Support and Advice

Any employee who feels they are being bullied and/or harassed, or who has witnessed such behaviour or who is alleged to have bullied and/or harassed a colleague, may wish to seek confidential advice, guidance or support,

Support and advice is available from the following sources:

#### Managers

This can be your line manager or indeed any manager of the Trust.

#### Human Resources Representative or Trade Union Representative

You may wish to discuss your concerns via the HR Team or your Trade Union Representative as follows:

##### The oneHR Gateway

- [www.bfwh.nhs.uk/onehr](http://www.bfwh.nhs.uk/onehr)

##### The HR Team

- Telephone 01253 95 1600 (option 4)
- In writing to: Human Resources  
Aster Offices  
Blackpool Victoria Hospital  
FY3 8NR

##### Trade Union

- A full list of Union details can be found on the OneHR gateway on the Trust Intranet Site.

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## Appendix 2: Support and Advice

### Freedom to Speak Up Guardian/Champion

The Free to Speak up Guardian, Ambassadors and Advocates have been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful.

### Staff Advocate

Staff Advocates are drawn from a wide range of roles across the Trust and have been provided with specialist training. They are an independent and confidential resource. As part of their role they provide empathetic assistance to staff with complaints of bullying and harassment, explain how the procedures for making a complaint operate both informally and formally and they help establish and provide support for both alleged harassers and complainants through the process. Staff Advocates will facilitate informal outcomes where possible between those who have raised concerns and the people that they have concerns about.

### Occupational Health

Any member of staff who is involved in a claim of bullying and harassment may find it helpful to talk to the Occupational Health service. All employees have a right to self refer to Occupational Health.

### Chaplaincy

The Chaplaincy team offers a confidential service for employees, regardless of religious belief, to discuss concerns and anxieties.

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## Appendix 3: Procedure Flowchart

Bullying and Harassment Allegation  
 Informal Process

Raise with the alleged perpetrator

Meeting to discuss – would a Facilitated Discussion help? If yes contact HR

Is mediation needed to repair relationships – see OneHR for referral

Outcome agreed – put in writing to both parties

Serious Allegation or reoccurrence of issues previously thought to be resolved

Complete Formal Complaint Submission and send to line manager (See Section 3.3)

Investigation

Case to answer – refer to disciplinary policy

No case to answer – Outcome delivered to both parties verbally and comprehensive letter to complainant – right of appeal

Appeal – Adjudication Manager appointed to:

- Review the case file
- Consider if further investigation needed
- Determine final outcome
- Outcome in writing

Do you need support?

- Line Manager
- Staff Advocate
- FTSU Guardian/champions
- HR Representative
- Trade Union Representative

<b>Appendix 4: Equality Impact Assessment Form</b>					
<b>Department</b>	Organisation Wide	<b>Service or Policy</b>	Policy	<b>Date Completed:</b>	October 2017
<b>GROUPS TO BE CONSIDERED</b> Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
<b>EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED</b> Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
<b>QUESTION</b>	<b>RESPONSE</b>		<b>IMPACT</b>		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	The Policy Document is to ensure that all members of staff have clear guidance on processes to be followed. The target audience is all staff across the Organisation who undertakes this process.	Raise awareness of the Organisations format and processes involved in relation to the procedural document.	Yes – Clear processes identified		
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	Not applicable to community safety or crime	N/A	N/A		
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	No	N/A	N/A		
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No	N/A	N/A		
How does the service, leaflet or policy/ development promote equality and diversity?	Ensures a cohesive approach across the Organisation in relation to the procedural document.	All policies and procedural documents include an EA to identify any positive or negative impacts.			
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The Policy includes an initial EA which provides the opportunity to highlight any potential for a negative / adverse impact.				
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	Our workforce is reflective of the local population.				
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	N/A				
Does the service, leaflet or policy/ development promote equity of lifelong learning?	N/A				
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	N/A				
Does the service, leaflet or policy/ development impact on transport? What are the implications of this?	N/A				
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	N/A				
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	None identified				

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<b>Appendix 4: Equality Impact Assessment Form</b>				
Does the policy/development promote access to services and facilities for any group in particular?	No			
Does the service, leaflet or policy/development impact on the environment	No			
<ul style="list-style-type: none"> <li>• During development</li> <li>• At implementation?</li> </ul>				
<b>ACTION:</b>				
<b>Please identify if you are now required to carry out a Full Equality Analysis</b>		<b>Yes</b>	<b>No</b>	<b>(Please delete as appropriate)</b>
<b>Name of Author:</b>	Eleanor Palmer Rigby	<b>Date Signed:</b>		October 2017
<b>Signature of Author:</b>				
<b>Name of Lead Person:</b>	Eleanor Palmer Rigby	<b>Date Signed:</b>		October 2017
<b>Signature of Lead Person:</b>				
<b>Name of Manager:</b>	Lesley Smith-Payne	<b>Date Signed:</b>		October 2017
<b>Signature of Manager</b>				

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