



# ACCEPTABLE STANDARDS OF BEHAVIOUR POLICY AND PROCEDURE

(Incorporating bullying, harassment and other behaviours which affect people's dignity at work)

## Policy reference – HR07

SUMMARY	This policy outlines the stance on acceptable standards of behaviour at work and procedure. This incorporates bullying, harassment and other behaviours which affect people's dignity at work.
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APPLIES TO	Single shared management policy revised, amended and applicable to all NHS Airedale, Wharfedale and Craven, Bradford City and Districts CCGs employees
APPROVAL BODY	CCG Senior Management Team
RELATED DOCUMENTS	Safeguarding Policy and Procedure Disciplinary Policy Grievance Policy Managing Sickness Absence Policy Incident Reporting Procedure Social Media Policy
REVIEW DATE	July 2020

## CCGs working together

Airedale, Wharfedale and Craven CCG  
Bradford City CCG  
Bradford Districts CCG

# THIS POLICY HAS BEEN SUBJECT TO A INITIAL EQUALITY IMPACT ASSESSMENT

## VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
Draft	October 2013	Alison Ewart	HR Lead	Withdrawn for safeguarding comments to be included
Draft	29.04.14	Alison Ewart	HR Lead	Updated with comments following period of consultation and presented at the Collaborative Social Partnership Forum
Final	23.05.2014	Alison Ewart	HR Lead	Updated with comments from the SPF and Ratified.
Final	June 2014	Alison Ewart	HR Lead	SMT
Revised	July 2015	Tazeem Hanif	HR Lead	Amendments made to the policy and taken to the West Yorkshire HR Policy Sub Group on 25.08.2015 to consult on changes.
Final	02.12.2015	Tazeem Hanif	HR Lead	Ratified at the Social Partnership Forum
Draft	28.06.2017	Tazeem Hanif	HR Lead	AWC CCG and Bradford City and Districts policies merged to reflect single shared management arrangements.  Change in logo, front sheet, 6.4,14.1 and 19  Amended policy consulted with Trade Unions at the HR Policy Workshop and comments incorporated.
Final	17.07.2017	Tazeem Hanif	HR Lead	Ratified at SMT

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## **1. PURPOSE**

- 1.1 This document sets out the organisations policy and procedure on acceptable standards of behaviour in the workplace. It is drafted to comply with statutory requirements, professional codes of conduct and other legal requirements.
- 1.2 Certain types of harassment are regarded as unfair discrimination and are covered by statute. The Equality Act (2010) covers age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Under the Criminal Justice and Public Order Act 1995 the use of threatening, abusive or insulting words, or disorderly behaviour intended to cause harassment, alarm or distress, is a criminal offence. Under Article 14 of the Human Rights Act 1998, discrimination in any form is prohibited. Employers are also responsible for the health, safety and welfare at work of all employees under the Health and Safety at Work Act 1974.
- 1.3 The organisation recognises that all employees have the right to be treated with consideration, dignity and respect. The purpose of this policy is to support a working environment and culture in which bullying, harassment and other similar behaviours are unacceptable. A zero tolerance approach to unacceptable behaviours is expected and any unacceptable behaviour's will not be tolerated in any form. Employees are encouraged to discuss support options with managers and Human Resources Representatives.
- 1.4 Each individual carries personal responsibility for their own behaviour in relation to this policy and are responsible for ensuring that their conduct is in line with the standards set out in this policy. The policy is underpinned by the following principles:
- Protect the dignity of all employees
  - Respect and value differences
  - Ensure all policies and procedures are consistent with the principles of justice, fairness and respect for all employees and the organisation
  - Prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours
  - Ensure that there are appropriate procedures, systems and campaigns in place to promote the dignity of employees at work
  - Provide advice, information and support that protects the dignity of employees
  - Raise awareness of this policy, making training and education available at all levels in the organisation to ensure individuals are aware of the behaviours expected of them and their responsibilities

## **2. SCOPE**

- 2.1 This policy will apply to all employees, office holders, contractors, employees of other organisations engaged to work on the premises such as Clinical Board and Governing Body Members, volunteers, visitors and patients at the point of service delivery (for the purpose of this policy the term "employee" will apply to all the groups stated). Any employee safeguarding issues will be dealt with in line with the Safeguarding Policy.

### **3. EQUALITY STATEMENT**

- 3.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. A single Equality Impact Assessment is used for all policies and procedures.

### **4. ACCOUNTABILITY**

- 4.1 The Chief Officer is accountable for this policy.

### **5. IMPLEMENTATION AND MONITORING**

- 5.1 The CCGs Senior Management Team is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to staff via the intranet and internal communication methods.
- 5.2 The policy and procedure will be reviewed periodically by the Senior Management Team in conjunction with managers, Human Resource Representatives and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

### **6 RESPONSIBILITIES**

- 6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

#### **6.2 Employees**

- 6.2.1 It is the responsibility of employees to ensure that:

- They help ensure individuals do not suffer any form of unacceptable behaviour by conducting themselves in a manner that does not cause offence to another person
- They carry personal responsibility for their actions on or off site
- They are aware of their own behaviour and the affects this may have on others around them
- They understand the organisation has a zero tolerance approach to unacceptable behaviour
- They treat colleagues with respect and dignity and value diversity
- They use the procedure in this policy responsibly and in situations where they genuinely believe that unacceptable behaviour is taking place. Malicious use of this policy or false allegations may result in disciplinary action.

### 6.3 Line Managers

6.3.1 It is the responsibility of line managers to ensure that:

- All employees are aware of the content of this policy and what is acceptable and what is not acceptable behaviour at work
- There is a supportive working environment
- They take prompt action to prevent and stop inappropriate behaviours by using this policy
- If an employee makes a complaint (informally or formally) they execute their duty to consider it and take appropriate action and inform a Human Resource representative
- If an employee makes a complaint they give consideration and seek advice where appropriate regarding issues of protection
- They attend training session instigated by the organisation as well as taking ownership regarding their own Continuous Professional Development (CPD)
- There will be no victimisation of any employee who has made or assisted someone else to bring a complaint

### 6.4 Governing Body, Clinical Board Members, GP Executives and Senior Management

6.4.1 It is the responsibility of the Governing Body, Clinical Board Members, GP Executives and Senior Management Team to ensure that:

- They demonstrate full commitment to the prevention and elimination of unacceptable behaviour at work
- They act as role models in demonstrating appropriate and professional behaviour at work
- Policies are developed and implemented which respect the dignity of employees at work
- There will be no victimisation of any employee who has made or assisted someone else to bring a complaint
- Employees are aware that incidents of unacceptable behaviour will not be tolerated and will be dealt with as a disciplinary offence

### 6.5 Human Resources Team

6.5.1 The Human Resource representative will provide advice and support on all aspects of this policy to ensure application and support.

## 7 SCHEME OF DELEGATION

Informal Procedure	Line manager or equivalent level manager from elsewhere within the organisation
Formal Procedure	Line manager or equivalent level manager from elsewhere within the organisation or the line managers direct manager if the line manager has been previously involved or implicated
Appeal Procedure	Head of service, or alternative dependent upon who has been involved with earlier stages, and Trade Union / Staff Side representative if available and senior Human Resources representative

## **8 RECORDS**

- 8.1 Where the complaint is informal and resolved at this stage or where a formal investigation did not substantiate the allegations, no record will be kept on personal files.
- 8.2 Where a complaint is substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file of the perpetrator and supporting documentation retained in a separate file for a period of 12 months.
- 8.3 Where a matter proceeds to disciplinary hearing then the storage of records should be in accordance with the disciplinary policy.

## **9 APPROACH**

- 9.1 The organisation is committed to securing a working environment in which everyone is treated with dignity and respect, in addition to eradicating any unacceptable behaviour at work. Bullying, harassment and other similar behaviours are potentially gross misconduct offences and the offender may be dismissed without notice under the appropriate disciplinary procedure. The organisation encourages staff to report concerns and provides equality and diversity training to prevent discrimination. The organisation will give consideration as to whether unacceptable behaviour is part of institutional abuse and will take appropriate action to address.
- 9.2 The organisation recognises in line with Agenda for Change that unacceptable behaviour “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. This could therefore be at work or outside of work, this policy and procedure applies equally in both circumstances.
- 9.3 An allegation of behaviours such as bullying, harassment, victimisation and discrimination are very serious and should not be made lightly. Malicious, false or reckless allegations may themselves be disciplinary offences which could lead to disciplinary action being taken up to and including dismissal.
- 9.4 The organisation recognises that a balance needs to be struck between the rights and interests of the complainant and those of the alleged perpetrator. Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. Support will be provided to both parties during any stage of this procedure. The organisation gives assurance that there will be no victimisation against an employee making a complaint under this policy, against employees who assist or support a colleague in making a complaint or to the alleged perpetrator.
- 9.5 Consideration should be given to whether the alleged victim is an “adult at risk” and therefore whether a safeguarding referral should be made.

## **10 DEFINITIONS**

### **10.1 Discrimination**

10.1.1 Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

10.1.2 Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

10.1.3 Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

10.1.4 Indirect discrimination occurs when the organisation has a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages individuals who share a protected characteristic.

### **10.2 Harassment**

10.2.1 Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, degrading, humiliating or offensive environment for that individual.

### **10.3 Victimisation**

10.3.1 Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act or the organisations policies, or because they are suspected of doing so.

### **10.4 Bullying**

10.4.1 There are various examples of bullying, this is not an exhaustive list and these may compromise of:

- an abuse of power
- threatening, abusive or humiliating behaviour directed at an individual
- more subtle isolating behaviour
- offensive discrimination through vindictive, cruel, insulting, malicious or humiliating behaviour
- attempting to undermine an individual or group of employees.

### **10.5 Violence**

10.5.1 Any incident in which a person or group is verbally abused, threatened or assaulted.

Please see Appendix 1 for further examples.



## **11 SERIOUSNESS / POLICE INVESTIGATIONS**

- 11.1 Unacceptable behaviours covered by this policy may be criminal offences for which the perpetrator could be prosecuted. The complainant may, under relevant criminal legislation, choose to make a formal complaint to the Police. If this route is chosen, the complainant should inform the Chief Officer of the CCG, if it is in connection with another employee of the organisation or its' provider organisation.
- 11.2 In such situations a decision will be taken in conjunction with the police to determine whether it is appropriate to continue or conclude the internal investigation before the conclusion of the Police investigation or that the Police investigation should take priority over the internal investigation. In exceptional circumstances, the employee must understand that the police investigation may take priority over the internal investigation. It is envisaged that there may be a delay as a result of this and timescales may vary. However, 3 months would be the maximum time period.

## **12 THIRD PARTIES**

- 12.1 The organisation has a duty to provide a safe and secure environment for employees. This includes protection against people who are not employees of the organisation such as clients, customers, providers, independent contractors, agency staff and members of the public.
- 12.2 Where concerns are related to an individual who is not an employee of the organisation i.e. member of the public, the procedure will depend on the nature of the allegation and the relationship. Many incidents of unacceptable behaviour can be dealt with effectively in an informal way please see procedure below. Whether action was taken or not the incident and the way it was managed should be reported to the line manager and documented. If the behaviour persists, or the employee was unable to approach the issue at the time, a further report should be made to the line manager, as it may be necessary to take further action. Repeated incidents of unacceptable behaviour from non-employees towards employees will be taken very seriously and may lead to legal action, exclusion from services or other appropriate sanctions.
- 12.3 Where allegations are made against employees of other organisations (where the unacceptable behaviour is connected to their workplace) the Head of Service should be informed. Examples of such behaviour can be found in appendix 1. If this is of a serious nature the Head of Service will consider action and if appropriate send a letter to a suitable senior manager in the perpetrators employing organisation outlining the concerns, explaining the organisation takes allegations very seriously and has a policy protecting all employees from such inappropriate behaviour. The letter will request the organisation of the perpetrator to follow their own procedures to protect the individual who raised the complaint. Advice should always be taken from a Human Resources representative before taking action.
- 12.4 If complaints are made about the organisations employees by external employees then the employee would be invited to a meeting as part of this policy and procedure.
- 12.5 Local guidance provided by the Continuing Healthcare Team for advice and support for dealing with difficult behaviour in telephone calls and face to face meetings, incorporating risk assessment – see Appendix 4.

### **13 PERSONAL RELATIONSHIPS AT WORK**

- 13.1 From time to time situations may arise where a personal relationship exists between employees of the organisation. It is expected that where a personal relationship exists, employees will behave responsibly and professionally and not put themselves in a situation where their relationship/behaviour may impact adversely on their work, each other or the organisation. Any incidents of unacceptable behaviour concerning a personal relationship at work will be dealt with under this policy. Managers are asked to follow guidance in appendix 2 when considering close working relationships with a personal association.

### **14 DOMESTIC ABUSE**

- 14.1 The organisation acknowledges that domestic abuse is a serious issue within our society and affects many people's lives. The organisation has a responsibility for health, safety and welfare at work and aims to reduce inequality and promote dignity at work. Employees or line managers who are approached by other employees experiencing domestic abuse are expected to follow the good practice guidance set out in Appendix 4 in the Managing Sickness Absence Policy. Line managers are expected to ask employees about domestic abuse during return to work interviews.

### **15 DRESS AND APPEARANCE**

- 15.1 It is the responsibility of employees to ensure they present a professional and smart appearance when at work so as to not cause offence to others. Employees are considered to be ambassadors for the organisation and it is recognised that appearance acts as a visual measure of how the public, clients and partner organisations view the organisation. There is therefore the expectation employees will not only act professionally in their behaviour but also in their image. Dress must comply with health and safety policies. Employees working with patients should refer to the organisations clinical policy on dress standards to comply with infection prevention and control.
- 15.2 Clothes must be professional, clean, tidy and a good state of repair. The organisation recognises the religious, cultural, disability and pregnancy related requirements of employees in relation to dress or the uniform they wear. These requirements will be handled with sensitivity, taking into account both infection control and risk management considerations where appropriate. On some occasions and agreed by the senior management team that there will be dress down days. However, employees must ensure that the appropriate dress code is followed should there be a need to attend meetings or events.
- 15.3 Line managers will promote appropriate standards of dress and appearance and remind employees of their responsibility to comply. If employees fail to dress appropriately for work, the line manager should raise concerns, bringing this to their attention in an informal meeting. As part of this the manager should offer support and explore whether there is any particular reason why they are unable to dress professionally, such as a disability preventing them from this. If there are no sound reasons to make an adjustment and the employee continues not to comply with professional standards, this may result in disciplinary action. Managers should seek advice from a Human Resource representative in this case.

## **16 PROCEDURE**

- 16.1 Any employee who believes they are subject to unacceptable behaviour should not accept the situation and seek support from their line manager if appropriate or a HR representative. Wherever possible the emphasis should be on resolving issues informally without resorting to the formal procedure. However, an employee may seek to resolve the situation by taking action at any of the stages in the process described below depending on the severity of the behaviour.
- 16.2 The complainant should record notes of any alleged incidents as soon as practicably possible after the incident has taken place. These notes should contain the following:
- Date, time and place of the incident(s),
  - Name of the person(s) carrying out the unacceptable behaviour
  - Full details of what actually happened and what was said
  - Names of any witnesses
  - Any other relevant information, i.e. how it made them feel or how it affected them
  - Whether they took any action at the time, i.e. if anything was said to the alleged perpetrator
- 16.3 It is possible that employees are unaware of or insensitive to the impact of their actions and behaviour on others whether this is one instance or cumulative behaviour. Wherever practicably possible the person(s) responsible for the behaviour that is causing offence should be made aware of the fact that his/her behaviour is unwelcome and unwanted. Making the person(s) responsible for the unwanted behaviour aware of the impact of their behaviour may be undertaken in a number of ways as below.
- 16.4 A face to face approach is often the better initial approach, if the employee feels he/she is able to do this. If not they may wish to put this in writing to them or communicate via a third party such as a colleague or line manager. Whatever approach is used to raise the issue with the person concerned, the action taken and the outcome should be recorded by the individual concerned as evidence of his/her attempt to deal with the situation.

## **17 INFORMAL STAGE**

- 17.1 If the offending behaviour continues, or if the individual feels unable to take action personally, then management support to deal with the behaviour on an informal basis may be required. The employee should initially approach their line manager to discuss. If the incident involves their line manager they should approach their manager's manager or a Human Resource Representative.
- 17.2 Where the employee wishes to attempt to resolve the problem informally the line manager responsible for the person whose behaviour is causing offence should be approached and the situation discussed in full (if needed the line manager of the employee making the complaint should help facilitate this) . It should be made clear to the manager that, at this stage, the matter is to be handled on an informal basis in order to resolve the situation.

- 17.3 The manager who is responsible for the person, whose behaviour is causing offence, will agree the action to be taken and an appropriate timescale. This will involve bringing both parties together in an informal meeting to seek a better understanding of the problem and to find a joint resolution. This may include or lead to:

**Mediation** – Where both parties agree to be supported in resolving their differences by a trained mediator.

**Facilitation** – Where both parties agree the issue and the solution based on common ground.

**Direction** – Where there is no common ground the manager will direct the outcomes, with advice from a Human Resources representative.

Line Managers are encouraged to discuss the various support options available (highlighted above) with a Human Resource Representative in order to find the best solution in resolving the matter.

- 17.4 The manager will keep a written record of the informal action. They will also write to the employee to record the issue, the outcome and the reasons for it. This letter will also detail who to contact if the employee wishes to raise the matter formally. The manager should then monitor the working relationship between the parties concerned to ensure there is no further repetition of the unacceptable behaviour. The manager will make the Human Resource representative aware of the case in order to assist with general monitoring of such incidents.

## 18 FORMAL STAGE

- 18.1 If informal attempts to resolve the situation have not been successful, or if the allegations are so serious that the informal procedure will not be appropriate, then the next steps could be a formal investigation. If an employee wishes to make a formal complaint it should be done so in writing to their immediate line manager unless that person is subject to the allegations. In this case it should be sent to their manager or to a Human Resources Representative. The letter must set out the facts and include the following information:

- personal details i.e., name, base, line manager and contact numbers.
- the nature of the complaint – what was said or done (the facts).
- the name and position of the alleged perpetrator.
- dates and times of incidents.
- what each incident is said to be (bullying/harassment/victimisation etc).
- the names of any witnesses.
- what steps have been taken to resolve the issue informally.
- Any further supporting evidence and/or documentation
- what is wanted as an outcome.

- 18.2 An employee who is a trade union member is encouraged to seek advice from the union at all stages for the completion of the letter and to arrange for Trade Union representation at the meeting(s) and be accompanied by a work colleague and not acting in a professional capacity.

### **18.3 Investigation**

- 18.3.1 When a matter is referred to the formal stage, there will be an independent manager invited to investigate the case, supported by a Human Resources representative. Employees are required to co-operate in the investigation fully. No undue delay should be caused to the process while employees seek advice or representation. However, a letter will be sent detailing the allegation and arrangements for the investigation to the employee giving five working days' notice to any meeting and outlining their rights to representation and an agreed location to conduct the meeting.
- 18.3.2 The investigation must be prompt and reasonable in all the circumstances of the case. The investigating team will gather evidence and take statements from witnesses. Witnesses should be made aware that they might be required to attend any future proceedings i.e. disciplinary hearings to substantiate their evidence. The importance of confidentiality will be emphasised. A report will then be produced setting out the conclusions. Both the alleged perpetrator and complainant will be regularly updated on progress of the investigation by the investigating officer.
- 18.3.3 Management is responsible for keeping records of investigation interviews, hearings and appeals. The records will usually be notes of meetings rather than a verbatim record.
- 18.3.4 In certain circumstances, it may be necessary to separate the complainant and the alleged perpetrator or to suspend the alleged perpetrator. This is a matter of judgement by the Manager dealing with the complaint. The Manager should take advice from a Human Resource representative before making a decision. Suspension is not a disciplinary sanction and will be on full pay. Alternatives to suspension, such as a transfer to other duties may be considered. If an employee is suspended the suspension will be reviewed usually at fortnightly intervals in order to decide whether it is necessary to continue to suspend.

### **18.4 Outcome Meeting**

- 18.4.1 On conclusion of the investigation report a HR representative will send a letter outlining arrangements for the outcome meeting, to the complainant and alleged perpetrator, giving at least five working days' notice. The investigating officers will decide whether there has been unacceptable behaviour. It is not the intention of the alleged perpetrator that is the key to deciding whether unacceptable behaviour has taken place. The defining principle is whether the behaviour was unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it. The perception of the complainant is an important factor which will be taken into account in making the decision, but is not the deciding factor. The investigating team will meet with the complainant and alleged perpetrator separately and explain the rationale for the decisions.

18.4.2 Whether or not the complaint is upheld, the investigating team has a range of options including:

- Take no action, as the allegation has not been substantiated or there is insufficient evidence.
- Take alternative management action, as the evidence and / or nature of the complaint does not justify formal disciplinary action. This could include:
  - A recommendation for facilitated discussion / counselling for both parties, where both parties agree to this
  - A recommendation for redeployment of one or more parties, either on a temporary or permanent basis
  - Setting up arrangements to monitor the situation
  - Required attendance on training courses (such as equality and diversity awareness training)
  - A period of special leave to enable working arrangements to be put in place.
  - Mediation may be considered
- Proceed to a disciplinary hearing, as the investigation has found that there may be a case to answer.

18.4.3 The panel will confirm the decision in writing to the employee and their representative. The letter will set out the decision and reasons for it and notify the employee of the right of appeal. The alleged perpetrator cannot appeal the outcome.

## **18.5 Appeal**

18.5.1 Employees who invoked the complaint have the right of appeal against outcome decisions. In wishing to exercise this right, the employee should write to a senior Human Resources Representative within fifteen working days of the date of the outcome letter. The letter of appeal must set out the grounds of appeal, saying why the original decision was wrong and specifying the outcome desired.

18.5.2 A Human Resources representative will be responsible for setting up the appeal hearing and will send a letter confirming the grounds for the appeal and arrangements for the hearing giving at least ten working days' notice.

18.5.3 The investigating team will prepare the management case for the hearing. The management case will typically include the outcome report, any agreed actions, the rationale for the decisions and copies of any relevant documents and other information.

18.5.4 The employee may also produce a statement of case including any relevant material to support their case. This information should be provided to the Human Resources representative five working days prior to the hearing so that an exchange of information between the parties is made. The information will be presented to the panel at least two working days prior to the hearing.

18.5.5 A failure by either party to disclose written material in accordance with the above guidelines may result in a refusal to admit such information at the hearing. The panel hearing the case will decide whether to accept information following discussion with the individuals present as to the reason(s) for the late disclosure and the possible significance of the information.

18.5.6 The composition of the appeal panel will be a Head of Service as Chair, Trade Union representative if available and an independent Human Resource Representative accompanying the member.

18.5.7 The appeal hearing will follow the following procedure:

- the employee/employee's representative sets out the reason for the appeal.
- a member of the panel who investigated at the formal stage explains the reasons for the decision and comments on the appeal case.
- the appeal panel may ask questions of either party.
- the appeal panel considers the appeal in private.
- the panel informs the parties of the decision on the day (under exceptional circumstances and by agreement the outcome may be given at a later date).
- the panel will confirm the decision in writing to the employee and their representative.

18.5.8 The appeal is the end of the internal process. The appeal panel will decide if the appeal is upheld on the basis of:-

- whether there has been a reasonable investigation.
- what they believed happened (more likely than not).
- whether they believe that the employee is guilty of unacceptable behaviour alleged or not.
- whether the recommendation, actions are appropriate.

If the appeal is upheld the panel will be responsible for instigating any further action which may include further investigation or proceeding to a disciplinary hearing.

## **19. Consultation, Approval and Ratification**

19.1 The HR Policy Workshop which is composed of management, staff side and HR representatives considers all draft HR policies and guidance. All members have the opportunity to make comments and suggestions on the document content which is debated within the group and amendments made and agreed.

19.2 The CCGs Senior Management Team and/or other relevant Committees ratify the final HR policies. The role of the Staff Partnership Forum is to discuss and minute the policies and procedures that are submitted to the HR Policy Workshop.

## **Examples of Unacceptable Behaviour**

### **Examples of Bullying (not an exhaustive list)**

Persistent unjustified criticism  
Isolation or exclusion  
Shouting  
Intrusive or personal comments  
Spreading malicious rumours  
Making false allegations  
Blocking promotion or opportunities  
Invading personal space  
Joining in supporting or condoning such behaviour

### **Examples of Harassment (not an exhaustive list) Verbal or Written**

Insults, ridicule, innuendo, teasing  
Offensive, threatening or abusive language  
Intrusive personal questions/comments  
Some jokes/banter, gossip  
Offensive e-mails  
Imposing extremist views/attitudes

### **Physical**

Unwanted touching or contact  
Invading personal space  
Pestering, following stalking

### **Use of Offensive Material**

Issuing or displaying offensive posters, magazines, graffiti, screen displays, badges  
Joining in, supporting or condoning such behaviour

### **Sexual**

Lewd comments  
Leering  
Whistling  
Sexually suggestive comments or gestures  
Suggestions that sexual favours may further a colleague's career, or that refusal may hinder it  
The display of pornographic or sexually suggestive pictures, objects or written material  
Unwanted, non-accidental physical contact  
Unwelcome sexual advances  
Undermining an individual on the grounds of their sex  
Ignoring or dismissing of a colleague's work specifically because of their gender

### **Racial**

Racial name calling  
Derogatory nick-names  
Display or sending of offensive letters or publications  
Racist graffiti  
Threatening behaviour on the grounds of race  
Being frozen out of a conversation  
Assault or any other non-accidental physical contact  
Open hostility to employees from a particular ethnic or racial group  
Undermining, ignoring or dismissing the quality of a colleague's work specifically because of their race



## **Managing Personal Relationships at Work**

The aim of this guidance is to protect employees of the organisation in situations where a personal relationship exists, or develops by setting boundaries. Employees are expected to act professionally at all times and not let any personal relationship impact on their conduct at work.

The organisation's stance on personal relationships at work is that in the majority of situations where a line management relationship exists the organisation will not support employees working together where they have a close personal relationship as described below.

### **What Constitutes a Personal Relationship?**

A personal relationship includes any relationship where a close family relationship exists, for example, including mother, father, daughter, son, sister, brother (and including step and in-laws) partner, ex-partner (including spouse or cohabitee), civil partner.

### **Managing Situations where a Work/Personal Relationship Conflict Arises**

Where a personal relationship exists or develops and this is seen to impact upon the organisation the employees concerned will be helped to resolve the matter to the benefit of the organisation and themselves. As a basis it would not be appropriate for a line management relationship to exist between two employees who have a personal relationship. The Recruitment and Selection Policy gives further guidance around employing prospective employees who have a personal relationship with the expected line manager. Where a personal relationship develops whilst working for the organisation, and there is line management/supervisory relationship between the two employees involved, they should declare this to the organisation.

The organisation expects employees to take responsibility and not put themselves into a situation where their relationship may cause the organisation problems.

Termination of contract would only be considered in exceptional circumstances under the Disciplinary Policy, where the employees concerned have not declared the potential conflict of interest issue caused by their personal/work relationship and this has adversely affected the organisation, its employees or clients.

In all other cases every effort will be made to resolve the situation by consulting the employees involved, so that a mutually acceptable solution may be found.

## Continuing Healthcare Team

### Advice and support for dealing with difficult behaviour in telephone calls and face to face meetings, incorporating risk assessment

#### LOCAL GUIDANCE

##### Background

The CCG has in place an ACCEPTABLE STANDARDS OF BEHAVIOUR POLICY (incorporating bullying, harassment and other behaviours which affect people's dignity at work). The policy states that each individual carries personal responsibility for their own behaviour in relation to this policy and are responsible for ensuring that their conduct is in line with the standards set out in this policy.

This advice must be read in conjunction with the ACCEPTABLE STANDARDS OF BEHAVIOUR POLICY and the Lone Working Policy and the reporting structures followed at all times.

The organisation has a duty to provide a safe and secure environment for employees. This includes protection against people who are not employees of the organisation such as clients, customers, independent contractors, agency staff and members of the public.

Where concerns are related to an individual who is not an employee of the organisation, the procedure will depend on the nature of the allegation and the relationship. Many incidents of unacceptable behaviour can be dealt with effectively in an informal way. Whether action was taken or not the incident and the way it was managed should be reported to the line manager, formally documented as required under the Incident Reporting Policy. If the behaviour persists, or the employee was unable to approach the issue at the time, a further report should be made to the line manager, as it may be necessary to take further action. Repeated incidences of unacceptable behaviour from non-employees towards employees will be taken very seriously and may lead to legal action, exclusion from services or other appropriate sanctions. Where allegations are of a serious nature the appropriate Head of Service should be informed who will send a letter to an appropriate senior manager in the individuals employing organisation outlining the concerns, explaining the organisation takes allegations very seriously and has a policy protecting all employees from such inappropriate behaviour, requesting that the organisation follows their own procedures to ensure this stops. Advice should always be taken from a Human Resources representative before taking action.

##### **In the event of a difficult/abusive telephone call**

Be polite but firm: 'I am sorry I am going to have to stop you there as I cannot deal with your concerns. If you could please give me your name and telephone number and a reason for your call I will ask someone to ring you back' OR ask them to put their concerns in writing and send to the CHC team.

If they persist/continue to be abusive:

'I am sorry but I will have to put the phone down now as I am unable to assist you further. If we have your contact details someone will ring you back OR get back to you in writing'

**In the event of a difficult/abusive meeting**

Be polite but firm: 'I am sorry but I will have to terminate this meeting if you continue in this way'.

If they persist with their behaviour/comments/abuse

'I am ending the meeting at this point and leaving. If you wish to make any further comments please put them in writing and send them to the CHC team'.

And, if applicable, 'Arrangements will be made between CHC and the Local Authority to complete the DST.

In either event make a formal record (not on System1) of the date, time, venue, who was involved, witnesses and a description of what occurred and an Incident Form completed. This must be discussed with your line manager at the earliest opportunity who will decide on the further action to be taken, in line with the Policy.

**Risk Assessment**

If you are aware that that you may be subjected to unacceptable behaviour or contentious meeting or you are travelling to an area of increased risk (such as a high crime rate neighbourhood or isolated farmhouse) please complete a risk assessment, see Appendix 1. Your line manager will advise on identifying and evaluating risk and planning precautions.

Line managers are responsible for maintaining a record of risk situations and events. Findings from an analysis of events will be fed back to staff at the whole team meetings. Line managers, with staff assistance will monitor, review and update the risk assessment and advice as appropriate.

**Support following an incident**

Despite conducting a risk assessment and putting control measures in place, there may be times when staff experience work-related unacceptable behaviour, verbal threats and we know from experience that abuse can happen quite regularly. Line Managers will support staff, liaise with Human Resources and consider whether further actions are needed.

There can be numerous consequences for staff which can either affect the member of staff directly involved or those who witnessed an incident. They include:

- lack of confidence
- insomnia and nightmares
- anger
- fear
- anxiety
- depression
- guilt
- difficulties performing tasks
- absenteeism
- feelings of incompetence
- increased use of alcohol, caffeine and medication
- post-traumatic stress disorder (PTSD)

In the event of a serious incident Line Managers, with the support of Human Resources will :

- Provide immediate support. Which may include medical care
- Notify the police if appropriate
- Secure premises and evidence. If appropriate
- Arrange communications. Make arrangements for staff to get home if required
- Try and get back to normal. Ensure work is covered and restored to normal as soon as possible.

Anyone affected by an incident will be provided with:

- An opportunity to talk.
- Constructive support
- Shared or individual debriefing as appropriate
- Access to Occupational Health and staff counselling services.

## Continuing Healthcare Risk Assessment Tool

Meeting to take place on (date)

Venue

Attendees

Person completing form

Line Manager

	CONSEQUENCE				
LIKELIHOOD	5 Insignificant	4 Minor	3 Moderate	2 Major	1 Tragic
A -Almost					
B - Likely					
C - Possible					
D - Unlikely					
E - Rare					

Risk score =

<b>VERY LOW RISK</b>	<b>LOW RISK</b>	<b>MODERATE RISK</b>	<b>HIGH RISK</b>	<b>VERY HIGH RISK</b>
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Please identify the following

	Example	Actual
Potential Hazard or risk	Intimidation from large family contingent, known previous incident of intimidating and threatening CHC staff.	

<b>Who might be harmed and how</b>	<b>CHC Nurse may feel intimidated and undermined. Disagreements and contentious arguments are expected.  Meeting to take place in remote house.</b>	
<b>Level of risk based on score above</b>	<b>B3 = Moderate risk</b>	
<b>Planned Precautions</b>	<b>To be accompanied by colleague.  Keep phone on at all times.  Inform base of time of meeting.  Inform base of expected end/return time by completing office diary and Outlook calendar.</b>	
<b>Outcome (please complete after event has taken place).</b>	<b>Meeting went well; there were no problems with service user or family.</b>	

Please provide a copy of the completed form to your Line Manager.

## Equality Impact Assessment

<b>Title of policy</b>	Acceptable Standards of Behaviour Policy and Procedure	
<b>Names and roles of people completing the assessment</b>	Alison Ewart, HR Business Partner Nadeem Murtuja, Senior Associate Equality and Diversity	
<b>Date assessment started/completed</b>	Started March 2014	To be reviewed July 2020

1. Outline	
<b>Give a brief summary of the policy</b>	This policy sets out the informal and formal procedure for managing unacceptable behaviour, including bullying harassment and other behaviours affecting peoples dignity at work
<b>What outcomes do you want to achieve</b>	To reduce unacceptable behaviour in the workplace and give staff a means to raise issues.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	<b>Are there any likely impacts? Are any groups going to be affected differently? Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Carers</b>	Yes, there is potential for this particular group to be subject	Positive	The policy has provision to protect the group against

	to discrimination		unacceptable behaviour by having a clear procedure in place.
<b>Disability</b>	Yes, for employees who have a long-term illness or impairment the standards around professional dress can be adjusted to take account for this. There is also potential for this particular group to be subject to discrimination	Positive	The policy outlines the support in terms of reasonable adjustments and has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Sex</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Race</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Religion or belief</b>	Yes, for employees who follow a particular religion and they are required to dress a certain way, the standards around professional dress can be adjusted to take account for this. There is also potential for this particular group to be subject to discrimination	Positive	The policy outlines the support in terms of reasonable adjustments and has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Sexual orientation</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Gender reassignment</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Pregnancy and maternity</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in



			place.
<b>Marriage and civil partnership</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>Other relevant group</b>	Yes, there is potential for this particular group to be subject to discrimination.	Positive	The policy has provision to protect the group against unacceptable behaviour by having a clear procedure in place.
<b>If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.</b>	The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic. The policy has provision to protect all groups against unacceptable behaviour by having a clear procedure in place.		
<b>3. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	<p>Complaints raised under this policy may be monitored against protected characteristics to look for any trends and action taken as appropriate. Dress can be adjusted for religious or disability needs as appropriate.</p> <p><b>ACTION:</b> To share trends and analysis (even if nil) with Employee Reference Groups, Strategic Committees and organisational development to manage and monitor risk, commission appropriate training, ensure training is relevant to need, enhance the corporate health and understanding of the organisation. THIS POLICY IS ROBUST FROM AN EIA PERSPECTIVE, BUT MUST BE REVIEWED ALONGSIDE THE DATA COLLECTED THROUGH OTHER POLICIES EG GRIEVANCE, PAY PROGRESSION, SECONDMENT ETC.</p>		
<b>Lead Officer</b>	Tazeem Hanif	<b>Review date:</b>	July 2020

**4. Equality and Diversity Sign off**

Equality Lead Officer	Nadeem Murtuja		
		Date approved:	April 2014

**5. Sign off**

Lead Officer	Fiona Jeffrey		
Director	Associate Director of Corporate Affairs	Date approved:	August 2015