

Worcestershire Acute Hospitals NHS Trust

Dignity At Work Policy

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What this Policy Covers

Worcestershire Acute Hospitals NHS Trust is fully committed to promoting a fair and harmonious working environment in which everyone is treated with civility, respect and dignity.

Civility means being polite, courteous, having good manners and showing respect, friendliness and concern for others. We all have a responsibility to help shape a culture of positive relationships at work, where everyone is treated fairly, equally and with respect and where colleagues can politely challenge each other without fear of reprisal or discrimination.

This policy is designed to ensure

- the dignity at work of all our colleagues
- that our differences are respected and valued
- that harassment, bullying, acts of discrimination, exclusion, unfair treatment and other negative, demeaning, offensive or discriminatory behaviours at work are not tolerated and further action including provision of additional training and support, or disciplinary sanctions will be taken
- that effective working relationships are supported.

You should use this policy if you feel that you are being harassed, victimised or the subject of discrimination by your colleagues and need guidance on how to respond to, resolve and report problems that have arisen with someone while at work or where you feel a relationship at work is breaking down. If you need guidance following these types of interactions with patients or visitors, please refer to the No Excuse for Abuse Charter.

It is important to the Trust that our colleagues are fully supported so please talk to your trade union representative, HR representative, staff advocacy services or the Freedom to Speak Up Guardian at the earliest opportunity. Dignity at Work matters should be treated as strictly confidential between those concerned and full records will be kept.

Harassment and bullying behaviours can be experienced in different ways. They may:

- be a regular pattern of behaviour or a one-off incident
- happen face to face, on social media, in emails or phone calls
- be spoken or written words, imagery, graffiti, gestures, jokes, pranks or unwanted physical behaviour
- happen in the workplace or at work social events
- be a result of an abuse of seniority or power
- not always be obvious or noticed by others

Further examples on types of bullying behaviour can be found in the [Dignity at Work Policy Toolkit](#). If you feel that you're being treated unfairly, it's important to understand whether you might be experiencing:

Bullying which may include:

- someone spreading a false rumour or unkindly gossiping about you
- being put down in meetings
- not being allowed to go on training courses when everyone else is
- having a heavier or more complex workload than others in your role
- being excluded from team social events

This kind of behaviour towards us can cause distress and may make us feel uncomfortable, frightened, less respected and upset.

Harassment is when bullying or unwanted behaviour is related to any of the following:

- age
- disability
- gender reassignment / gender identity / gender expression
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- Pregnancy and maternity (*see maternity policy*)

To be considered harassment, the unwanted behaviour must have either:

- violated your dignity, whether intentionally or not
- created a hostile environment for you, whether intentionally or not.

If you are being harassed you might feel; disrespected, frightened, humiliated, made fun of, offended or threatened.

Harassment also applies:

- If you are being harassed because you are thought to have a certain protected characteristic when you do not.
- If you are being linked to someone with a protected characteristic
- If you witness harassment because of someone else's protected characteristic and are upset by it

You may raise concerns regarding behaviour that you find offensive even if it is not directed at you.

Further information about what to do next, including template forms, letters and details of what to expect during the Dignity at Work process can be found in the [Dignity at Work Policy Toolkit](#).

Policy In Practice

Stage 1 - Informal Stage

Promptly and as soon as they are identified, you should raise any concerns, informally and confidentially with the colleague concerned. Most of us will simply want to improve relationships as soon as possible and will understand that we all have a responsibility to maintain good working relationships.

We recognise it is not always easy to speak up about things that cause us upset and concern. However, it is important that any issues are raised as soon as they happen.

A colleague may not know that their behaviour is unwelcome. Helping them understand how it affects others and giving them a chance to change could help prevent a situation from escalating and becoming more difficult to resolve.

Ideally you should attempt one, or a combination of, the steps detailed below, before starting a formal process.

You may wish to go directly to the formal stage of this process. In these circumstances you are advised to seek advice from your trade union representative, HR representative or staff advocacy services.

Raising a concern

If you feel able to you should raise the matter directly face to face. We encourage open and honest conversations about concerns as soon as possible. Choose an appropriate time and private place, and use a non-confrontational approach.

Explain, using examples:

- what behaviour you have found challenging or what is causing you concern,
- how you think this can be improved
- give your colleague the opportunity to respond,
- listen to their perspective,
- you may need to explain that it is important to you that the behaviour improves and that the next stage of the process may be formal.

This is an informal step, however notes and records should be kept. You are encouraged to keep a diary of events to show how the behaviour (and relationship) has changed over a period of time, including steps you have taken to address problems.

Further information and help can be found in the [Dignity at Work Policy Toolkit](#).

Raising a concern to your manager or their manager

If a discussion with your colleague has not resolved the problem, speak to your manager to get their support and advice. If your concern is with your manager, then you will need to speak to their manager. (If neither is appropriate speak to the HR Advisory team).

To start this stage, you will need to outline your concerns in writing and provide as much information as possible, explaining:

- the names(s) of the colleague(s) involved
- the nature of the problem(s)
- dates and times
- names of any witnesses
- any action already taken to improve the relationship.
- Any resolutions you can think of or would like to see

A template form for this can be found in the [Dignity at Work Policy Toolkit](#).

After your manager has received this information, they will seek advice from the HR Advisory team. Your manager will then arrange a meeting with you, normally within 7 calendar days, to fully understand the issue(s) and discuss next steps, so that the problem can be resolved informally where possible. Where necessary, the manager may speak to other parties or carry out fact finding to establish the nature of the issue and consider the most suitable resolution. You need to be honest and open about what has gone wrong and be focussed on how things can improve. It is important to understand that we all have some responsibility when relationships have deteriorated.

You and your manager (or their manager) will agree which of the following options to take (you may choose to do all):

a) Further discussion of the concern with your colleague

If you do not feel able to raise the issue directly with your colleague again, your manager may raise the matter on your behalf.

b) A facilitated conversation with your line manager (or their manager) as facilitator

c) A facilitated conversation with an independent manager as facilitator

Please refer to the guidance for Facilitated Conversation and Mediation for further information in the [Dignity at Work Policy Toolkit](#).

Once the steps above have been completed, your manager will write to you to outline potential resolutions and a way forward. This will usually be within 14 calendar days of receipt of your written concern.

Your letter will also confirm what you can do if you're not satisfied with the outcome and wish to proceed to the next stage.

Mediation

Mediation should be used when:

- relationships have not been improved through the informal process or
- Where it was not appropriate to hold a facilitated conversation due to the nature of the concerns

The outcome of mediation is usually a written agreement which will be provided to your manager so they can support this going forward. All parties are expected to be positively involved in mediation and committed to building working relationships and reaching an agreement at this stage.

Stage 2 - Formal Stage

If the informal process did not resolve the issue, you may wish to raise the concern to the formal stage. You will need to send a formal concern letter to the manager who dealt with the informal stage. A formal concern can also be raised if you feel that the matter cannot be dealt with informally.

A template letter can be found in the [Dignity at Work Policy Toolkit](#).

If you are uncomfortable or having difficulties putting the concerns in writing you can talk to your line manager, (or another appropriate senior manager), HR Advisory team, your Trade Union representative, Freedom to Speak Up Guardian or staff advocacy services. Where you haven't used the informal process you may be advised to try these first if appropriate, however this is your decision. If preferred, you can send the formal concern letter directly to HR.

The formal concern will be acknowledged as soon as it has been received and forwarded to an appropriate independent manager and HR. The independent manager will be supported by a HR representative and will arrange a formal meeting with you. Any relevant information / statements that you wish to be considered as part of the formal stage should be submitted with your formal concern.

The formal meeting will be arranged as soon as possible – without any undue delay and normally within 14 calendar days.

At the formal meeting the independent manager will consider the formal concern, allowing you to expand on the concerns you have outlined and review any further documentation provided. The independent manager will decide whether further fact finding is needed so that a decision as to the most suitable outcome or resolution can be reached. If appropriate, the independent manager may commission a formal investigation. If this is required, they will appoint an independent Investigating Manager and agree Terms of Reference for the investigation with you. You should have in mind what resolution you are seeking, so that it can be considered.

Depending on the nature and seriousness of the concerns raised, interim support measures may need to be considered while the investigation takes place, such as a temporary change to duties or a move for those involved.

During the investigation process, welfare support will be offered to all parties involved. Individuals may be referred to Occupational Health and/or the Trust counselling services. The independent manager will be responsible for ensuring that all parties are kept up to date with progress and notified of any delays. Where appropriate, a nominated, independent manager may be appointed to provide pastoral support to each party.

Where further investigation is required, you will be kept informed of the progress and the likely date when you can expect to hear from the independent manager. Once complete, the independent manager will contact you to inform you of the investigation findings and outcome, including their decision on any next steps. Where the outcome involves other colleagues, they will also be contacted to discuss outcomes/next steps, but usually after the colleague who has raised the concern has been informed. The outcome will be communicated in writing to all parties and include:

- a summary of findings, responding to all points
- any recommended actions which may include further training or disciplinary action (due to data protection and confidentiality restrictions you may not be advised of the precise action taken against other individuals as a result of the concern raised)
- the outcome which will be one of the following:
 - Find in favour of all grounds –concern upheld.
 - Find in favour of some but not all grounds – concern partially upheld
 - Do not find in favour of any grounds – concern not upheld

A template response letter for the manager can be found in the [Dignity at Work Policy Toolkit](#).

Stage 3 – Appeal

You can appeal if you have strong grounds to believe:

- the procedure has not been followed properly
- the decision reached was not objective or fair
- the decision was not appropriate in light of the evidence presented.

Appeals must be made in writing within 7 calendar days of receiving the outcome letter and should be sent to the Deputy Director of People and Culture. A template appeal form can be found in the [Dignity at Work Policy Toolkit](#).

You will receive acknowledgment and then an appeal meeting will be arranged at which a panel is convened.

A panel will be arranged to hear the appeal, normally within 14 calendar days of receipt of the written appeal. The appeals panel will include an appropriate Director and Senior Manager and HR representative.

All parties will be invited to be present at the appeal meeting and copies of any evidence, statements, meeting notes and responses from earlier stages will be provided to the appeals panel and all parties at least 7 calendar days before the meeting.

Written confirmation of the decision made by the appeal panel will be sent within 7 days of the meeting. There will be no further right of appeal.

The dignity at work appeal process follows the grievance appeal process. If you do not gain the desired outcome following appeal under the Dignity at Work Policy, the same issues cannot then be raised again under the Grievance Policy.

Time Limits

The time limits included in this policy are in place to try and resolve concerns as quickly as possible.

A dignity at work concern that refers to a matter that occurred three months or more before the concern was raised shall usually be considered to be time expired and will not be dealt with under this policy. If there is evidence to prove that the time lapsed was due to attempts to resolve the concern informally further consideration will be given.

Should there be unavoidable delays or if by mutual agreement the timescales are extended, then you should be provided with a written explanation and advised of the anticipated timescales.

Rights for a colleague to be accompanied

At the informal and formal stages of this policy, you are entitled to be accompanied by your recognised trade union representative or fellow colleague. There are differences between these accompanying roles and we recommend colleagues take advice to ensure this is fully understood. It is your responsibility to arrange who you wish to accompany you, and to inform the manager, who is managing the concern, who this will be in good time before any of the meetings. If witnesses are necessary full support will be available to them if required.

Withdrawing your concerns

You may decide to withdraw a concern at any time. Before any decision to withdraw is taken, the manager or HR Advisory team or your trade union representative will seek to understand the reasons for withdrawal. Depending on the nature and substance of the concern, the Trust may feel it is necessary to follow up on the issues raised, even if you do not wish to pursue this.

Leaving Employment

If you decide to leave the Trust's employment and have raised a concern the Trust will still consider the concern and provide a response in writing. Concerns submitted after you have left the Trust will be considered outside the scope of this policy.

Professional Advice

It may be beneficial for a manager to seek the advice of an independent technical adviser to provide further guidance / evidence as they deem appropriate during all stages

Monitoring and Compliance

The Trust will monitor reports of all anonymised informal complaints from Freedom to Speak Up Guardian/ Champions, Occupational Health, Trade Unions as well as formal complaints and their outcomes to enable appropriate actions to remove causes of inappropriate behaviour, harassment or bullying from the organisation.

Casework will be reviewed and monitored regularly in line with Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES) reporting requirement.

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

[HR Key Documents Supporting Documents](#)

[Dignity at Work Policy Toolkit](#)