

DIGNITY AT WORK POLICY

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| POLICY NUMBER & CATEGORY | HR07 | Organisational and Workforce Development |
| VERSION NO & DATE | 9 | June 2017 |
| RATIFYING COMMITTEE | Workforce Committee | |
| DATE RATIFIED | August 2018 | |
| ANTICIPATED REVIEW DATE: | June 2020 | |
| EXECUTIVE DIRECTOR | Deputy Director Workforce and inclusion | |
| POLICY LEAD | Head of HR Operations | |
| POLICY AUTHOR (if different from above) | As above | |
| FORMULATED VIA | HR Network, TU, Working Group | |
| GOVERNANCE APPROVAL | Workforce Committee | |

POLICY CONTEXT

The Trust is committed that all employees have the right to be treated with dignity and respect at work; the Trust is committed to ensuring there is a zero tolerance environment of all bullying, harassing and discriminatory behaviours.

POLICY REQUIREMENT (see Section 2)

The policy adheres to the requirements of appropriate legislation and sets out the steps to be taken when an employee experiences or observes bullying or harassment at work. Employees who breach this procedure will be dealt with through the Disciplinary Policy and procedure. Employees should also be aware that if they are responsible for any forms of discrimination, victimisation, harassment or bullying they could face criminal prosecution in a Court of Law.

CONTENTS

| | |
|---|----------------|
| 1 INTRODUCTION..... | 2 |
| 1.1 Rationale (Why) | 2 |
| 1.2 Scope (Where, When, Who)..... | 3 |
| 1.3 Principles (Beliefs) | 3 |
| 2 POLICY (What)..... | 4 |
| 3 PROCEDURE | 5 |
| 4 RESPONSIBILITIES | 6 |
| 5 DEVELOPMENT AND CONSULTATION PROCESS | 11 |
| 6 REFERENCE DOCUMENTS | 8 |
| 7 BIBLIOGRAPHY | 14 |
| 8 GLOSSARY | 8 |
| 9 AUDIT AND ASSURANCE | 9 |
| 10 APPENDICES | 10 |

Appendix 1 – Equality Impact Assessment Appendix 2 - Useful Contacts Appendix 3 – Dignity at Work Report Form Appendix 4 – Mediation Referral Form

1. INTRODUCTION

1.1 Rationale (Why)

Birmingham and Solihull Mental Health NHS Foundation Trust (hereafter referred to as the Trust) is committed to providing and creating a positive and safe working environment where every individual can work without fear of discrimination by bullying or harassment. The Trust will actively promote a working environment

that supports the right of each individual to be treated with consideration, dignity and respect.

The Trust recognises it has a legal and ethical duty to ensure that employees are not subject to inappropriate behaviour that will not only affect their performance but also their health and wellbeing.

1.2 Scope (Where, When, Who)

This policy applies to all Trust employees (including TSS workers and agency staff) and those working in the Trust on a placement, work experience students, contractors and employees of other Organisations that are on site and volunteers at the point of service delivery. Everyone is responsible for contributing to a working environment in which dignity of others is respected, where differences in others and their contributions are valued and everyone is treated with politeness, courtesy and respect.

1.3 Principles (Beliefs)

Under the Equality Act 2010, Bullying and harassment is described as unwanted or unwelcomed conduct or behaviour which is related to one of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnership
- maternity and pregnancy

The Trust will not tolerate any form of discrimination at any level nor condone bullying and harassment against the above protected characteristics, inclusive of gender identity and gender expression. Conduct that is acceptable to one person may prove to be unwanted by another and the test applied must be that the conduct, whether unwitting or deliberate, is unacceptable to the recipient and would be judged as harassment by any reasonable person. Such conduct is offensive and affects the dignity of employees at work.

Bullying and harassment can cause inappropriate stress and anxiety for employees. It is also recognised as a serious management issue as it can result in low morale, under performance and absenteeism.

2. **POLICY (What)**

2.1 Address all forms of offensive and unfair behaviour, whether or not such behaviour is unlawful. It aims to reinforce the standard of behaviour expected from all employees and the policy will provide practical guidance on how to deal with bullying and harassment.

Examples of harassment can include (these lists are not exhaustive)

- Intentional isolation or exclusion
- Behaviour that could be determined as discriminatory towards any of the personal protected characteristics
- Abuse through email, text, websites or other social media
- Displaying offensive material (on paper or electronically)
- Unwarranted or suggestive remarks
- Persistent, unwelcome contact, which may include telephone calls, text messages, emails, gifts, letters, calling at your home or place of work. This could also be unwanted physical contact.
- Drawing attention to, or abusing someone's religious or cultural beliefs
- Inappropriate disclosure of any personal information without an individual's consent
- Compromising sexual invitations or demands
- Embarrassing, abusive or insulting words or behaviour, jokes or innuendo
- Unwelcome comments about clothes or appearance
- Aggressive behaviour, physical or verbal
- Persistent, demeaning and degrading through words and actions
- Inappropriate and derogatory remarks in connection with an individual's performance
- Explicit derision of lesbian, gay and bi people by use of language that could cause offence
- Invasion of personal space
- Purposefully using incorrect pronouns or the wrong name to address or refer to a trans individual
- Spreading rumours or gossip about someone's gender identity or sexual orientation
- The use of xenophobic, homophobic, biphobic or transphobic language
- Outing someone in the workplace as LGBT
- Threatening to out someone in the workplace as LGBT
- Rude or inappropriate comments about someone's partner or personal life

2.2 Examples of Workforce Bullying can include*

Bullying can occur in many different ways, some are obvious and easy to identify others are subtle and difficult to explain

- Verbal or written abuse including non-communication and exclusion from events
- Bullying behaviour or language that causes fear or distress to others
- Aggressive, offensive, malicious or insulting behaviour, physical or verbal
- Overbearing supervision, shouting, verbal, written or electronically transmitted abuse
- Abuse of power by someone in authority that violates the dignity of an individual or group of people or by junior staff towards a member of senior staff
- The deliberate undermining of an individual through unfair work allocation and/or constant criticism
- Undervaluing a colleague's contribution, placing unreasonable demands on and/or over monitoring a colleagues performance

- Inconsistent management style where some individuals are favoured more than others
- Public ridicule or sarcasm
- Comments on social media which may be perceived to cause offense or distress
- Creating a hostile environment against an individual

These are just a small number of the many forms bullying can take and other forms will be viewed equally seriously.

3. PROCEDURE

3.1 Informal Resolution

3.1.1 In some cases it may be possible to resolve issues informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

3.1.2 Where there are incidents of bullying and harassment the individual must first try to resolve those issues informally. There are a number of options available for informal resolution:

3.2 Raise concerns directly with the alleged harasser

3.2.1 Where an incident of harassment occurs, the complainant or witnesses to an issue can raise the issues with the alleged harasser to explain clearly to the person responsible that their behaviour is unwelcome and that it offends/makes the individual uncomfortable; with the aim of getting them to alter their behaviour or attitude. During the meeting the individual should make it clear that if the behaviour continues they may find it necessary to submit a formal complaint.

3.2.2 Where the individual does not feel able to raise their concerns with the person directly, they can write to them stating that they feel harassed, stating where and when this occurred and how they wish to be treated.

3.2.3 Alternatively, if the individual does not feel able to speak to the person directly either verbally or in writing, a Bullying and Harassment Advisor may informally support the individual.

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.3 Raise concerns with the line manager

- 3.3.1 Where the individual has been unable to resolve the situation by raising their concerns with the person they have concerns with, or where they do not feel comfortable to do so, they may raise their concerns with their line manager (or most senior person on duty). Where their immediate line manager is the person they want to raise concerns about; the individual may raise their concerns with a more senior manager or liaise with a Bullying and Harassment advisor for advice and support.
- 3.3.2 The line manager can speak to the alleged harasser on behalf of the complainant explaining the situation and how their behaviour is perceived.
- 3.3.3 Alternatively the line manager or a harassment advisor can commission a mediation meeting between the complainant and the alleged harasser. Where possible the matter will be resolved through informal discussions and agreements about future behaviour.

3.4 Mediation

- 3.4.1 If the options above are not suitable (e.g. if the alleged harasser is the line manager) or they have been unsuccessful. The individual can request mediation, either via their manager, HR the union or refer themselves directly.
- 3.4.2 Mediation is a confidential process where two impartial non-judgemental mediators bring people in conflict together in a safe environment to facilitate an open and honest conversation. It helps people explore their differences and arrive at mutually agreed solutions. The mediators are trained, assessed and accredited and inclusive practices formed a significant part of the training.
- 3.4.3 This approach operates outside of any formal dispute or grievance procedures and is voluntary. If any formal procedure occur involving the two people who attend mediation, the contents of the mediation discussion cannot be used as part of the formal process.
- 3.4.4 Mediation can be re-entered at any stage of the policy, even after pursuing the formal route, should both parties agree.
- 3.4.5 The referral goes to HR; they arrange the appointments between mediators and the two staff members. The mediators meet each staff member individually then together. The mediation is usually arranged within four weeks and completed in a half day. The mediators and staff members agree whether the mediation has been successful or not. This is the only communication recorded or reported as part of the mediation

3.5 Informal Resolution

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3.5.1 There are a number of different ways a manager can look to resolve conflict within the workplace informally, further advice and information is available in the guidance – see Connect pages for more information. All informal resolution methods should be exhausted before proceeding to formal process.

.6 Formal Resolution

3.6.1 If informal attempts to resolve the situation have not been successful or the allegation is so serious as to prevent the use of the informal procedure; a complaint should be raised formally. The employee raising the concerns will be required to complete the attached pro-forma (Appendix 3), including the name of the person they are raising concerns about; they must include the nature of the harassment and/or bullying behaviour; date and times; names of witnesses; and action taken so far including, where it is appropriate, how they have tried to resolve the issues informally.

3.6.2 A decision to conduct a formal investigation should be made by a Senior Manager after consultation with the HR department.

3.6.3 The senior manager will decide on the working arrangements for the parties' involved pending conclusion of the investigation and that their decision will be primarily based on ensuring a fair investigation combined with the needs of the service area, and that if either or both parties are relocated it is without prejudice or assumption either way

3.7 Investigations

3.7.1 The appointed investigation manager will undertake the investigation and it should be completed within 40 working days of being commissioned.

3.7.2 The investigating manager will detail their findings in a written report, using the appropriate report template. If the investigation confirms there is a case to answer; the commissioning manager will need to decide on the next steps, including whether a disciplinary hearing should take place.

3.7.3 If no further action is to be taken against the individual then a meeting will need to take place to explain the decision and followed up in writing.

3.8 Vexatious Allegations

All complaints should be made in good faith if an allegation of harassment or bullying cannot be substantiated following a formal investigation and there is reasonable cause to believe that the complainant acted maliciously, the matter may be investigated under the Trust's Disciplinary Policy.

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3.9 Appeals

The complainant and the alleged harasser may appeal if they feel that the process of the investigation has not been carried out appropriately. (There is no other ground for appeal). Appeals must be to the next level Trust manager not previously directly involved. Appeals must be in writing and received no later than 10 working days from the date of the letter that informs the employees of the outcome of the investigation, this letter will be sent via post to the employee, unless otherwise requested.

.10 Training

Harassment and bullying training is mandatory for all staff, please refer to the Fundamental Training Policy, this can be found on the Connect pages.

4. RESPONSIBILITIES

4.1 Manager Responsibilities

- 4.1.1 Ensure all employees are aware of behaviour which may constitute bullying and harassment and their responsibilities for preventing such behaviour
- 4.1.2 Ensure that the Trust makes every effort to protect every employee from bullying and harassment by colleagues.
- 4.1.3 Provide arrangements where informal and formal complaints can be investigated in a manner that recognises the sensitivity of the issues raised, and offer appropriate support to all involved, this may include signposting them to the most appropriate support mechanism
- 4.1.4 Ensure that all allegations are responded to promptly, fairly and in confidence
- 4.1.5 Promote an environment in which employees feel able to bring forward complaints of bullying and harassment without fear of victimisation
- 4.1.6 The Trust is committed to achieving informal resolution of complaints relating to bullying/harassment wherever possible.
- 4.1.7 To carry out appropriate risk assessments when and where required.
- 4.1.8 To understand and comply with this policy and the Trusts behavioural profile in all aspects of their role
- 4.1.9 To reinforce the expected standard to their employees

4.2 Employee Responsibilities

- 4.2.1 Where an allegation is made against a service user, visitor, and contractor or employee from another organisation, this should be reported immediately to their manager.
- 4.2.2 To comply with this policy and familiarise themselves with this policy

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4.2.3 To raise any concerns with the most appropriate manager/clinical supervisor as soon as practically possible

4.2.4 Employees have the right to be treated with respect. Employees must alert their manager (or the most senior person on duty) in the event of bullying and harassment by a service user and complete an incident form.

| Post(s) | Responsibilities | Ref |
|----------------|---|------------|
| All Staff | It is the responsibility of all employees to ensure that harassment and bullying does not occur in their place of work. This will involve tackling incidents as they arise, providing support to those who are harassed or bullied, reporting | |

| | | |
|--------------------------|--|--|
| | incidents to management or to Trades Union representatives or to the Dignity at Work Advisors, and coming forward as witnesses. | |
| Managers | <p>Every manager has an obligation to prevent bullying and harassment and to take immediate action once it has been identified.</p> <p>Managers have a duty of care to staff to be aware of dynamics within the team, and when concerns arise, they must seek advice immediately from the appropriate individual.</p> <p>Managers should positively promote the policy by:</p> <ul style="list-style-type: none"> • Explaining and advising on the policy to their staff • Ensuring a work place free from visual forms of harassment and bullying • Being alert to the possibility of harassment and bullying, and taking appropriate action • Being responsive and supportive to any member of staff who complains about harassment or bullying • Ensuring confidentiality • Dealing with the case promptly • Provide sign-posting to additional counseling to staff who have difficulty in accepting the policy; <p>Ensuring their own behaviour is consistent with the policy</p> | |
| Dignity At Work Advisors | <p>The Trust has an established network of trained Dignity At Work advisors who will provide confidential and independent support, advice and guidance to any employee in a voluntary and informal capacity. The role of the Dignity and Work Advisors is to listen to the person, provide advice and information, act as a sounding board, explore the problem, help clarify thinking, and outline options available to the employee. This will enable the employees to determine for themselves what action they would like to see to resolve the issue.</p> | |

| | | |
|--------------------------------|---|--|
| Trade Unions | The Trust recognises the important role Trade Unions play in addressing bullying & harassment. Members are encouraged to speak to their representatives regarding their concerns if they are affected by bullying & harassment at work. Your union rep can help you plan a response if you have been affected by bullying or | |
| | harassment. They can also help employees to discuss the problem with the Trust. The Trust will work in conjunction with the Trade Unions in addressing unacceptable and inappropriate behaviours. The Trust Trade Union leads may also be available to talk to non-members, offering general signposting to the relevant policy and procedure | |
| Employee Assistance programmes | Any member of staff who is involved in an incident of harassment and bullying may find it helpful to talk to the Trusts Employee Assistance Helpline which provides a confidential counselling service. It is recognised that being bullied/ harassed or being accused of being a bully/ harasser is stressful. Counselling can play a vital role in complaints about bullying and harassment, by providing positive support in moving forward from the experience. | |

5. DEVELOPMENT AND CONSULTATION PROCESS

| Consultation summary | | | |
|--|---------------|----------------------------|---------------------------|
| Date policy issued for consultation | February 2017 | | |
| Number of versions produced for consultation | 1 | | |
| Committees or meetings where this policy was formally discussed | | | |
| Workforce Committee | | | |
| Clinical Governance | | | |
| Where presented | else | Summary of feedback | Actions / Response |
| | | | |
| | | | |
| | | | |

6. REFERENCE DOCUMENTS

NHS Terms and conditions of Employment Handbook
NHSLA Risk Management Standards for NHS Trusts
Disciplinary Policy

7. BIBLIOGRAPHY

ACAS website
CIPD website

8. GLOSSARY

Equality Act 2010 – is the employment legislation to practice and reduce unfair treatment and helps achieve equal opportunities in the workplace and in wider society. It incorporates all aspects of protective Discrimination Legislation, with Disability being the key aspect relevant to this policy.

Disability - a physical or mental impairment that has a 'substantial' and 'longterm' negative effect on an employee's ability to do normal daily activities.

Definitions

Harassment

Harassment as defined in the Equality Act 2012, is "the unwanted conduct related 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".

The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. In addition the Trust has a zero tolerance approach to harassment on the grounds of gender identity and gender expression. (ACAS Bullying and Harassment at Work, A Guide for Managers and Staff)

Racial Harassment

Unwanted, unwelcome and offensive conduct of a racial nature, or other conduct based on race, which affects the dignity of people at work
(Commission for Racial Equality)

Sexual Harassment

The Equality Act 2010 sets out two specific definitions of sexual harassment, which are:

Conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment: and

Less favourable treatment related to sex or gender reassignment that occurs as a result of a rejection of or submission to sexual conduct

(Equality Act 2010)

Some common examples of harassment are provided here:

- Name calling and personal comments about physical appearance.
- Condescending or offensive comments about the way that people dress or speak.
- Threats and insults.
- Offensive or suggestive remarks.
- Racist or sexist 'banter'.
- Propositions and requests for sexual favours.
- Derogatory or patronising jokes or remarks.
- The spreading of gossip or other slanderous remarks.
- Display of offensive visual or written material, graffiti, posters.
- The sending or display of abusive e-mails, or racist or sexist computer images.
- Unwanted physical closeness or contact like touching, hugging, kissing, invasion of personal space.
- Excluding and ignoring someone at work, including withholding information.
- Purposefully using incorrect pronouns or the wrong name to address or refer to a trans individual
- Spreading rumours or gossip about someone's gender identity or sexual orientation
- The use of homophobic, biphobic or transphobic language
- Outing someone in the workplace as LGBT
- Threatening to out someone in the workplace as LGBT
- Rude or inappropriate comments about someone's partner or personal life

Bullying

Offensive, abusive, malicious or insulting behaviour, which causes the recipient to feel upset, threatened, humiliated or vulnerable and which undermines their self-confidence, often leading to stress

Bullying is not necessarily face to face, it may occur through written communications, visual images, email, phone and automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversation- if these are not applied to all staff.

Bullying usually involves a person in authority abusing or misusing their position of power over others, although it is possible that someone can be bullied by their peer or 'junior'. Groups of staff may be collectively responsible for bullying. In contrast to harassment, bullying is not usually characterised by 'grounds'

(gender, race etc). It is also more likely to be behaviour that is repeated over a period of time.

Some common examples of bullying:

- Personal insults and name-calling, either in private or in front of colleagues
- Giving trivial or menial tasks without justification
- Setting impossible tasks or deadlines
- Over-monitoring of performance
- Unfair allocation of work and responsibility
- Isolation, ignoring, freezing out
- Persecution through fear or threats □ Withholding information
- Not listening to another's point of view

Disability Harassment

May be behaviour against an individual or group on the grounds of disability, impairment or special need and which is offensive, patronising, or objectionable to the recipient or others; it creates an intimidating, hostile or offensive environment.

Harassment on grounds of Sexual Orientation, Trans and Gender Identity

Homophobia is the fear or dislike of someone, based on prejudice or negative attitudes, beliefs or views about lesbian or gay people.

Transphobia is the fear or dislike of someone based on the fact they are Trans, including the denial/refusal to accept their gender identity. Transphobic harassment of individuals who are, or assumed to be, trans and/or non-binary is any behaviour pertaining to gender identity and/or gender expression directed at an individual or group. It is offensive or objectionable to the recipient or others, which creates an intimidating, hostile, or offensive environment.

Biphobia is the fear or dislike of someone who identifies as bi based on prejudice or negative attitudes, beliefs or views about bi people. Homophobic or biphobic harassment of individuals who are, or assumed to be, lesbian, gay, or bi is any behaviour pertaining to sexual orientation.

Harassment on the grounds of Sexual orientation, Trans or Gender identity directed at an individual or group; is behaviour which is offensive or objectionable to the recipient or others, which creates an intimidating, hostile or offensive environment.

Harassment on grounds of Age

The Employment Equality (Age) Regulations 2006 give protection against discrimination and harassment on the grounds of age. Harassment may be intentional or unintentional bullying.

Harassment on the grounds of Religion or Belief

May be defined as direct or indirect discrimination or behaviour, victimisation and harassment against an individual or group regarding any religion, religious belief or similar philosophical belief.

Bullying vs. legitimate management

It is important to note that there is a clear distinction between 'bullying' as described above – and which is not acceptable – and behaviour which is fully justified and therefore not bullying. For example, bullying is not a legitimate instruction to complete a task by a reasonable deadline; a justified admonishment in private for poor performance or conduct; or the instigation of disciplinary action where this is justified in all the circumstances and in accordance with Trust's procedures.

9. AUDIT AND ASSURANCE

| Element to be monitored | Lead | Tool | Freq | Reporting Arrangements | Acting on Recommendations and Lead(S) | Change in Practice and Lessons to be shared |
|--|-----------------------|--------------|-----------------|-------------------------------|--|--|
| Number of B&H cases that are upheld | Head of HR Operations | Audit report | Every 12 months | Workforce Committee | HRBP's/ HR Consultants | Lessons learnt shared Feedback to managers and HR team |
| Number of B&H cases managed via a formal complaint | Head of HR Operations | Audit report | Every 12 months | Workforce Committee | HRBP's/ HR Consultants | Lessons learnt shared Feedback to managers and HR team |

Monitoring

The Associate Director of HR will monitor the effectiveness of the policy using information from the following sources:

- Exit Interviews
- Staff Support questionnaire

- Staff Survey
- Human Resources Casework. □ Dignity At Work Advisors

This will be reported on a quarterly basis to the Workforce Committee and the Clinical Governance Committee.

10. APPENDICES

Appendix 1 – Equality Impact Assessment

Appendix 2 - Useful Contacts

Appendix 3 – Dignity At Work Report Form

Appendix 4 – Mediation Referral Form

Dignity At Work should not be confused with legitimate, constructive and fair criticism of an employee's performance or behaviour at work.

Appendix 1 – Equality Impact Assessment

| | | | |
|---|-------------------------------|--|----------------------|
| Title of Proposal | Dignity At Work Policy | | |
| Person Completing this proposal | XXXX XXXX | Role or title | HR Manager |
| Division | HR | Service Area | HR Operations |
| Date Started | 23 June 2017 | Date completed | 23 June 2017 |
| <p>Main purpose and aims of the proposal and how it fits in with the wider strategic aims and objectives of the organisation.</p> <p>To ensure that dignity at work is managed fairly, effectively and consistently for all employees.</p> | | | |
| <p>Who will benefit from the proposal?</p> <p>The Trust is committed to providing and creating a positive and safe working environment where every individual can work without fear of discrimination by bullying or harassment. The Trust will actively promote a working environment that supports the right of each individual to be treated with consideration, dignity and respect.</p> | | | |
| <p>It is intended that all staff will benefit as a result of this policy irrespective of their personal protected characteristics.</p> | | | |
| <p>Impacts on different Personal Protected Characteristics – Helpful Questions:</p> | | | |
| <p><i>Does this proposal promote equality of opportunity? Eliminate discrimination? Eliminate harassment? Eliminate victimisation?</i></p> | | <p><i>Promote good community relations? Promote positive attitudes towards disabled people? Consider more favourable treatment of disabled people? Promote involvement and consultation? Protect and promote human rights?</i></p> | |

Please click in the relevant impact box or leave blank if you feel there is no particular impact.

| Personal Protected Characteristic | No/Minimum Impact | Negative Impact | Positive Impact | Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics. |
|---|-------------------|-----------------|-----------------|---|
| Age | X | | | There is no evidence that staff can be disproportionately affected as a result of their age |
| Including children and people over 65 Is it easy for someone of any age to find out about your service or access your proposal? Are you able to justify the legal or lawful reasons when your service excludes certain age groups | | | | |
| Disability | X | | | There is no evidence that staff can be disproportionately affected as a result of their disability. |
| Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability? Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families? | | | | |
| Gender | X | | | There is no evidence that staff can be disproportionately affected as a result of their gender. |
| This can include any gender including those who may be going through a transition. Do you have flexible working arrangements for either sex? Is it easier for either men or women to access your proposal? | | | | |
| Marriage or Civil Partnerships | X | | | There is no evidence that staff can be disproportionately affected as a result of them being married or in a civil partnership. |
| Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships? | | | | |

| | | | | |
|---|----------|--|--|---|
| Pregnancy or Maternity | X | | | There is no evidence that staff can be disproportionately affected as a result of pregnancy/maternity. |
| <p>This includes employees who are having a baby or those returning to work</p> <p>Does your service accommodate for expectant and post – natal employees or service users?</p> <p>Does your service treat staff and patients with dignity and respect during pregnancy and maternity?</p> | | | | |
| Race or Ethnicity | X | | | There is no evidence that staff can be disproportionately affected as a result of their race or ethnicity. |
| <p>Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training does staff have to respond to the cultural needs of different ethnic groups?</p> <p>What arrangements are in place to communicate with people who do not have English as a first language?</p> | | | | |
| Religion or Belief | X | | | There is no evidence that staff can be disproportionately affected as a result of their religion or belief. |
| <p>Including humanists and non-believers</p> <p>Is there easy access to a prayer or quiet room to your service delivery area?</p> <p>When organising events – Do you take necessary steps to make sure that spiritual requirements are met?</p> | | | | |
| Sexual Orientation | X | | | There is no evidence that staff can be disproportionately affected as a result of their sexual orientation. |
| <p>Including people of all sexual orientation, including gay, bi sexual and lesbian people.</p> <p>Does your service use visual images that could be people from any background or are the images mainly heterosexual couples?</p> <p>Does staff in your workplace feel comfortable about being ‘out’ or would office culture make them feel this might not be a good idea?</p> | | | | |
| Transgender or Gender Reassignment | X | | | There is no evidence that staff can be disproportionately affected as a result of gender reassignment. |
| <p>This will include people who are in the process of transitioning.</p> <p>Have you considered the possible needs of trans staff and service users in the development of your proposal or service?</p> | | | | |

| | | | | |
|---|----------|--|--|--|
| Human Rights | X | | | The policy aims to treat all staff equitably and in accordance with their Human Rights. Managers are encouraged and expected to implement this policy in a fair and consistent manner. |
| Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position? | | | | |

| | | | | |
|--|--------------------|----------------------|-------------------|------------------|
| If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998) | | | | |
| | Yes | No | | |
| What do you consider the level of negative impact to be? | High Impact | Medium Impact | Low Impact | No Impact |
| | | | | X |
| If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required. If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding. If the proposal does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead . | | | | |
| Action Planning: | | | | |
| How could you minimise or remove any negative impact identified even if this is of low significance? | | | | |
| 1. There will be no negative impact to staff. | | | | |

How will any impact or planned actions be monitored and reviewed?

1. Monitoring of the issues which are managed under this policy through recording mechanisms and a regular multi-disciplinary coordinated review of cases.

How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic.

1. This policy will be implemented in a fair and consistent manner that will allow staff to be treated effectively in accordance with our statutory obligations irrespective of their personal protected characteristics.

Please save and keep one copy and then send a copy with a copy of the proposal to the Senior Equality and Diversity Lead at hr.support@bsmhft.nhs.uk. The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis.

Appendix 2 – Useful Contacts

Useful Contacts

Internal Support

- Bullying and Harassment advisors: youarenotalone@bsmhft.nhs.uk
- Bullying and Harassment Confidential Freephone: 0800 019 3677
- HR Team: HR.Support@bsmhft.nhs.uk
- Free Confidential Employee Assistance Programme – 0800 8824102
- Occupational Health – PAM Assist - 0121 227 7117
birmingham.clinic@peopleam.com
- Mediation , contact via HRsupport@bsmhft.nhs.uk see referral form Appendix 4

External Support

- ACAS: 08457474747 <http://www.acas.org.uk/index.aspx?articleid=1461>
 - Stonewall: 08000502020 <http://www.stonewall.org.uk/>
 - Equality and Human rights Commission. Go to www.equalityhumanrights.com for further information.
-
- The Mix - Helpline: 0808 808 4994 - themix.org.uk
 - Bullying UK (Part of Family Lives) - Helpline: 0808 800 2222
 - Gov.uk - <https://www.gov.uk/workplace-bullying-and-harassment>
 - National Bullying Advice Line - Tel:0845 22 55 787 or 07734 701221 - nationalbullyinghelpline.co.uk
-
- Bully Busters - Helpline: 0800 169 6928 - bullybusters.org.uk
 - UNISON 0800 0 857 857
<https://www.unison.org.uk/gethelp/knowledge/discrimination/bullying-and-harassment/>
 - RCN - 0345 456 7842 or 0121 454 6475 <https://www.rcn.org.uk/>
 - UNITE The Union - 020 7611 2500 www.unitetheunion.org
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Appendix 3 – Dignity At Work Report Form

Dignity At Work Report Form

The Trust will not tolerate bullying or harassment in any forms and is committed to taking firm and decisive action to protect the interests of employees whenever incidents are identified. We will take your report seriously and treat it in a confidential manner, whilst taking every step to resolve it. We will fully support you throughout this process. Please complete the form, providing as much detail as possible to enable us to fully investigate the incident(s).

Please note that any report of dignity at work incidents will not have any effect on the way the employee is treated.

| | |
|--|--|
| Name: | |
| Work location: | |
| Tel No. | |
| Date of report: | |
| Nature of the issue | |
| Please describe the situation in your own words. Where possible, please give dates, times, examples etc. | |

Please highlight actions you have taken to try and resolve this informally

I declare the information above to be correct and I understand that any false information or vexatious claims may lead to disciplinary action.

Signed:

Return to Line Manager. If this issue relates to your Line Manager, please return to the next level of management.

Appendix 4 - Mediation Referral Form

Referral for Mediation

This mediation referral should be completed having read the mediation guidance available on Connect.

| | | | |
|--|------------------|-----------------|-------------------------|
| Case Number: | | | |
| (All future correspondence should refer to this case number) | | | |
| Commissioning Manager | Job Title | Location | Telephone Number |
| | | | |
| Staff Involved | Job Title | Location | Telephone Number |
| | | | |
| | | | |
| | | | |
| | | | |
| Mediator | Job Title | Location | Telephone Number |
| | | | |
| Mediator | Job Title | Location | Telephone Number |
| | | | |

Brief Outline of Issues:

Definition of mediation

Mediation is a confidential process where impartial non-judgemental mediators bring people in conflict together in a safe environment to facilitate an open and honest conversation. It helps people explore their differences and arrive at mutually agreed solutions. This approach operates outside of any formal dispute or grievance procedures and is voluntary. It is best attempted before the situation gets worse, e.g. before escalating into a formal dispute.

Process

- The manager, union representative or other will complete the above section of this form and return it to HR Support at hr.support@bshmf.nhs.uk
- The manager is to ensure that the relevant parties are flexible attend meetings when they have been organised
- HR Support admin team will coordinate:
 - The appointment of mediators within 10 days
 - The booking of meetings and venues (1 to 1's and face to face meetings) within 28 days
- Typically mediation takes place over a half-day
 - Mediators meet the first person on their own (thirty minutes to an hour)
 - Mediators meet the second person on their own (thirty minutes to an hour)
 - Mediators meet both people together (around an hour and a half)
 - The four people (two mediators and two staff) agree whether it has been successful or not
 - The mediators let HR and the commissioning manager whether it has been successful
 - There will be no notes taken or reports sent, all mediation conversations are completely confidential

