

Policy on Bullying and Harassment

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RELATED POLICIES AND LEGISLATION

Policy Reference Number	Policy Title
Section 32	Agenda for Change Terms and Conditions of Service Handbook
-	Health and Safety at Work Act 1974
-	Sex Discrimination Act 1975 (amended by 1986 Act)
-	Race Relations Act 1976 (as amended by Race Relations Act 2000)
-	Trade Union and Labour Relations (Consolidation) Act 1992
-	Criminal Justice and Public Order Act 1994
-	Disability Discrimination Act 1995
-	Employment Rights Act 1996

Policy Reference Number	Policy Title
-	Protection from Harassment Act 1997
-	Human Rights Act 1998
-	Public Interest Disclosure Act 1998
-	Employment Relations Act 1999
-	Part Time Workers (Prevention of Less Favourable Treatment Regulations) 2000
-	Employment Equality (Sexual Orientation Regulations) 2003
-	Employment Equality (Religion or Belief) Regulations 2003

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1. POLICY STATEMENT

Yorkshire and the Humber Strategic Health Authority (SHA) is committed to providing a safe, healthy and fair working environment where all staff are treated with dignity and respect. We will not tolerate any form of bullying or harassment and will take all practicable steps to avoid and eliminate this. Any behaviour that undermines this is totally unacceptable.

Bullying and/or harassment is a serious matter and can affect the confidence and capability of staff and how well they perform in their roles within the organisation. It can also affect the physical and mental health of staff and lead to absenteeism. Yorkshire and the Humber SHA is therefore committed to actively promoting a policy to eliminate bullying and harassment in the workplace and has developed procedures which provide staff with protection and the opportunity for redress where they feel that they have been bullied or harassed.

The policy is divided into two parts. The first part details the aims and scope of the Policy. It also outlines responsibilities of staff and provides brief definitions of the different forms of harassment. The second part (Appendix 1) outlines the procedure to be followed in the event of a member of staff feeling they have been subjected to harassment.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk.

2. PRINCIPLES OF POLICY

The policy is based on the following key principles:

- The policy encompasses the requirements of the Agenda for Change and its terms and conditions. Specifically Section 32 of the Agenda for Change Terms and Conditions of Service Handbook (the Handbook).
- Yorkshire and the Humber SHA's commitment to improving the working lives of its staff.
- Yorkshire and the Humber SHA's responsibility to its staff to ensure that they are treated fairly and equally in the workplace.
- The right of staff to be treated with dignity and respect and to work without fear of bullying and harassment on any grounds.
- The responsibility of all staff to prevent any acts that may constitute bullying and harassment from being undertaken either by themselves or by others.

- The right of staff who feel they are being bullied and/or harassed to complain and to have no fear of reprisal.
- Recognition of the fact that it is not what was intended by the offender but the deed itself and its impact on the recipient that determines what constitutes bullying and harassment.
- The responsibility of Yorkshire and the Humber SHA to treat every complaint of harassment seriously and to deal with it properly, fairly and promptly.

3. SCOPE OF POLICY

The following procedure has been designed to inform staff about the type of behaviour that is unacceptable and provides staff who are the victims of harassment and bullying with a means of redress. The policy applies to all staff of Yorkshire and the Humber SHA and all students, secondees, trainees and others working within the SHA whether or not directly employed or working on a voluntary basis.

Implementation of the policy is the particular responsibility of managers and but every member of staff has an individual duty to comply with the policy.

This policy also applies to work-related functions held outside of normal working hours, either on or off Yorkshire and the Humber SHA's premises, such as Christmas parties, leaving celebrations, working lunches, etc.

The purpose of this policy is to ensure that all member of staff are aware of the organisation's commitment to ensure that Yorkshire and the Humber SHA provides a working environment free from harassment and bullying where all staff are treated with dignity and respect.

Certain forms of harassment may be unlawful under the Sex Discrimination Act and Race Relations Act. As an example, the Sex Discrimination Act 1975 provides that an employer is liable under the Act for anything done by his or her staff unless it can show that the employer took such steps as are reasonably practicable to prevent the staff from carrying out the act.

Staff who leave their employment either by dismissal or voluntary resignation because of objections to conduct deemed to be harassment may complain to an Employment Tribunal of 'unfair dismissal' and in some cases, sex, race or disability discrimination. In addition, certain acts of harassment may amount to unlawful assault, leading to civil or criminal liability.

This policy applies to instances of harassment between staff of Yorkshire and the Humber SHA. In cases where patients or members of the public are involved, please also refer to other Yorkshire and the Humber SHA's Policies, i.e. Health and Safety Policy (Incident reporting).

Below is a summary of the relevant legislation.

4. LEGISLATION

Bullying and Harassment in the workplace is covered by a raft of legislation including:

- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975 (amended by 1986 Act)
- Race Relations Act 1976 (as amended by Race Relations Act 2000)
- Trade Union and Labour Relations (Consolidation) Act 1992
- Criminal Justice and Public Order Act 1994
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Employment Relations Act 1999
- Part Time Workers (Prevention of Less Favourable Treatment Regulations) 2000
- Employment Equality (Sexual Orientation Regulations) 2003
- Employment Equality (Religion or Belief) Regulations 2003

5. DEFINITIONS

5.1 Harassment

The term harassment covers a wide range of behaviour. The Work Foundation defined harassment as; “Improper, offensive and humiliating behaviour, practices or conduct which may threaten a person’s job security, create an intimidating, unwelcoming and stressful environment, or cause personal offence or injury”.

The essential feature of harassment is **that it is behaviour that the recipient feels is *inappropriate to him/her and he/she regards it as personally offensive**. Where it cannot be established that there was an intention to offend, conduct will be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, if taking all the circumstances into account, particularly including the recipient's views, it would be reasonable to come to that conclusion.

Harassment may comprise any unwanted behaviour that a person finds intimidating, upsetting, embarrassing, humiliating or offensive. It includes any conduct based on age, sex, sexual orientation, gender reassignment, disability, HIV status, race, colour, language, religion, political persuasion, trade union membership, national or social origin, domestic circumstances or other circumstances or status that is not reciprocated.

5.2 **Bullying**

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. Bullying is defined as:

'offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society as a whole'.

Bullying, whether physical or verbal, differs from harassment and discrimination in that the focus is rarely based on gender, race or disability. Usually, its focus is competence, or rather the alleged lack of competence of the bullied person. Workplace bullying constitutes offensive discrimination through vindictive, cruel, malicious or humiliating behaviour and attempts to undermine an individual or groups of staff. These persistently negative attacks on individuals and/or personal performance are typically unpredictable, irrational and unseen. The abuse of power and position can cause chronic stress and anxiety resulting in the victim gradually losing belief in themselves and suffering physical ill health and mental distress as a direct result of this behaviour.

For the purposes of this policy the term harassment will be used generically to describe all types of inappropriate behaviour defined above.

*Examples of inappropriate behaviour covered by this Bullying & Harassment Policy are provided in Appendix 3.

6. **ROLES AND RESPONSIBILITIES IN CHALLENGING HARASSMENT**

6.1 **Directors**

Directors need to demonstrate commitment to the prevention and elimination of harassment in the workplace. They must take overall responsibility for ensuring that this policy is implemented and monitored effectively and specifically, for staff for whom they are managerially accountable, to be aware of and to understand the policy. Directors will ensure that:

- Staff are aware of the policy; including the promotion of the policy at Induction and delivery of appropriate training across the organisation.
- Staff are aware that incidents of bullying and/or harassment will not be tolerated and will be dealt with as a disciplinary offence.

- Any formal complaint of bullying and harassment is investigated and that individuals who bring the complaint and those who are the subject of the complaint, are treated fairly before, during and after any formal proceedings take place.
- The main objective of the procedure is to resolve problems quickly and as near to the point of origin as possible
- There will be no victimisation of any member of staff who has made or assisted someone else to bring a complaint.

6.2 PDP Managers

Managers at every level have a responsibility to lead by example, treating everyone with dignity and respect, i.e. promoting a culture where harassment is clearly unacceptable. PDP Managers must:

- Ensure that all staff for whom they are responsible are aware of this policy and know how to raise concerns regarding harassment and bullying
- Take immediate corrective action if they witness harassment occurring.
- Ensure that there is no repetition of harassment or any victimisation after a complaint has been raised.
- Complete the SHA's Bullying & Harassment Monitoring Form, held in the HR Department. This has been introduced to provide a measure of the success of the Policy and is an important evaluation tool. The completed form should be returned to the Senior HR Advisor who will acknowledge its' receipt.

6.3 Staff

All staff are responsible for their own actions. **The ultimate decision on whether to raise a complaint of harassment lies with the individual affected.** If a member of staff believes he/she is being harassed or bullied, he/she should not hesitate to report or discuss it.

In addition, all staff:

- Are responsible for their own professional and personal behaviour and are required to conduct themselves in a manner that does not cause offence to another person.
- Have a responsibility to treat others with dignity and respect and to ensure that other staff and members of the public are not subjected to harassment in any form.

- Have a duty to report any harassment that they may have observed or that they are aware is taking place.
- Should provide support to any colleague who believes that he/she is being harassed and cooperate fully as required with any investigation that takes place.

6.4 Staff who have received a Formal Complaint of Harassment or Bullying

Any member of staff who is the subject of a Formal Complaint must be aware that any complaint of such nature is serious. In such an event the member of staff accused of harassment is advised to have the support of a Trade Union Representative or a colleague. The process that will be followed subsequent to an investigation will be fully explained to the member of staff at the outset.

The member of staff concerned will be expected to co-operate with any Yorkshire and the Humber SHA's internal procedures. They are also entitled to additional support, e.g. the Staff Counselling Service, if required.

6.5 Harassment Advisors

Yorkshire and the Humber SHA is committed to ensuring that harassment advisors of both sexes are represented and appropriate advocacy can be sought for staff with ethnic backgrounds if preferred. The SHA participates in this arrangement with the Leeds Teaching Hospitals NHS Trust.

The Harassment Advisors come from a variety of backgrounds across the Leeds Teaching Hospitals NHS Trust and have all undergone a period of formal training to equip them for this role.

The contact numbers for the Harassment Advisors are published on Staff Notice Boards and also on the intranet.

Harassment Advisors will be able to:

- Support in providing a listening ear in order to clarify the incident(s) i.e. determining whether the incident(s) constitute harassment
- Offer of counselling and future personal support
- Exploration of informal options to resolve the issue
- Provision of information on the current Bullying & Harassment Policy and how complaints may be handled
- Provision of assistance in preparing a formal complaint

Note: It is **not** the role of the Harassment Advisor to investigate complaints, nor to encourage or discourage a course of action.

Contact with a Harassment Advisor will be confidential to the member of staff and carries no obligation to take a complaint further.

6.6 Human Resources (Service Level Agreement)

Human Resources will:

Be responsible for monitoring the effectiveness of the Bullying & Harassment Policy and for ensuring its regular review.

Ensuring opportunities are provided for raising the level of awareness of the seriousness of Bullying & Harassment along with training staff in the Bullying & Harassment Policy.

7. SUPPORT

Support is available for any staff who wish to receive some advice or guidance. An initial approach can be made to one of the following: -

- A Harassment Advisor (see above)
- Senior HR Advisor
- A manager of the member of staff's choice
- A Trade Union Representative

Whilst staff are encouraged to seek help and assistance from within Yorkshire and the Humber SHA, there are also a number of external agencies that may be of further assistance.

These include:

- Disability Rights Commission
- Equal Opportunities Commission
- Commission for Racial Equality

7.1 What to do if someone reports Harassment or Bullying to another Member of staff?

Staff sometimes choose to talk with a 'friend' or trusted colleague about an incident that has occurred. If this happens, the people in this situation are guided to:

- Listen carefully to the allegation
- Refer to this Policy
- Explain the informal and formal process including initial steps
- Ensure the complainant is offered emotional support (e.g. the Counselling Service and/or Harassment Advisor etc)
- Discuss with their colleague what they would like to do, referring to the procedure for guidance.

7.2 Trade Union Representative – What to do if someone reports Harassment or Bullying to you

Staff may choose to speak to their Trade Union Representative about bullying and harassment.

The Trade Union Representative's role in supporting the individual in the event of a formal process of investigation taking place is unaffected by this.

8. RELATIONSHIP TO OTHER POLICIES

Policies that should be read in conjunction with the policy, are the:

- Disciplinary Policy
- Grievance Policy
- Equal Opportunities Policy

9. EQUALITY IMPACT ASSESSMENTS

At this time an Equality Impact Assessment (EIA) has not been carried out on this policy. However, an EIA will be carried out as soon as possible and by no later than 6 months of the issue date stated on the policy cover sheet.

10. APPENDICES

1. Procedure For Dealing With Bullying And Harassment
2. General Statements and Monitoring
3. Types of Harassment

PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

1. INFORMAL ACTION

1.1 Advice

Yorkshire and the Humber SHA recognises the sensitive nature of bullying and harassment. Staff who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. The SHA operates an open-door policy to discuss workplace problems and staff can fully discuss the matter with their manager on an informal basis. However, Yorkshire and the Humber SHA recognises that this may not always be appropriate in the circumstances; if this is the case, employees can discuss the situation with the next higher level of management or with a member of the Human Resources department.

Anyone giving advice will:

1. Ensure the conversation remains confidential as far as possible
2. Listen sympathetically
3. Help individuals consider objectively what has happened
4. Discuss what outcome the individual would wish to see
5. Draw attention to available procedures and options
6. Inform the individual of the legal liabilities involved
7. Help weigh up the alternatives, but without pressure to adopt any particular course
8. Assist the individual in dealing with the situation (if the individual asks for help)

Confidentiality will be maintained as far as possible. However, if a member of staff decides not to take any action to deal with the problem and the circumstances described are very serious, the SHA reserves the right to investigate the situation - as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

2. PROCEDURE FOR CHALLENGING HARASSMENT

Any member of staff who believes he/she is being harassed should not accept the situation. Wherever possible the emphasis should be on resolving issues of harassment informally without resorting to the formal procedure. However, staff experiencing harassment may seek to resolve the situation by taking action at **any of the stages** in the process described below. In general, the following stages should be considered and followed in sequence.

2.1 Keep a Record

It is important that the complainant keeps a record of all alleged instances of harassment 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 harassment
- 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 harasser/bully

2.2 Make the person(s) responsible aware of the effects of their behaviour

It is possible that staff are unaware of or insensitive to the impact of their actions and behaviour on others. 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:

- A face-to-face discussion*
- In writing
- Through a third party on behalf of the recipient; this may be a colleague, line manager, a human resources adviser or a trade union representative.

****A face-to-face approach is often the better initial approach, if the member of staff feels he/she is able to do this. Whatever approach is used to confront 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.***

2.3 Informal Action

If the offending behaviour continues, or if the individual feels unable to take action personally, then management support to deal with the harassment on an informal basis may be required.

Where a member of staff wishes to attempt to resolve the problem informally the PDP manager responsible for the person whose behaviour is causing offence should be approached and the situation discussed in full. 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.

The PDP 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.

The PDP manager should also monitor the working relationship between the parties concerned to ensure there is no further repetition or victimisation.

The PDP manager will keep a written record of the informal action. The manager will make the Human Resources Department aware of the case in order to assist with general monitoring of such incidents.

2.4 Formal Process

If it is not possible to resolve the matter informally, or this option is not considered appropriate and the member of staff concerned wishes to pursue the issue, then the following course of action should be followed:-

2.4.1 A formal complaint of harassment must be registered. To do this the member of staff should submit a formal written complaint to the PDP Manager of the alleged harasser (or their manager if the PDP Manager is the subject of the complaint). Whenever possible the complainant should include the nature of the harassment, dates and times when harassment occurred and any particular incidents observed by witnesses. The complainant may continue to use a trained Harassment Advisor for support during the formal stage.

2.4.2 On receipt of a formal written complaint a meeting will be arranged with the Senior HR Advisor and the appropriate PDP Manager to discuss the complaint. A Harassment Advisor, a Trade Union Representative, or a workplace colleague may accompany the complainant member of staff.

The complainant must be prepared to provide a written statement dealing with the nature of the complaint and any previous action that has been taken. This statement will be drawn up by the Senior HR Advisor to reflect the discussion that has taken place in the above meeting.

The purpose of the meeting will be to determine the way forward and consideration will be given to the following:

- Any evidence which indicates a breach of legislation, or criminal offences being committed. It may be necessary at this stage, to initiate Yorkshire and the Humber SHA's formal Disciplinary Procedures depending on the nature of the allegation.
- The complainant may, under relevant legislation, choose to make a formal complaint to the Police. If this route is chosen, the complainant must inform the Director of Communications within the SHA that this has occurred. In such situations any Police investigation will take priority over the SHA's internal investigations. Yorkshire and the Humber SHA's investigating officers must not hamper the Police investigation. Internal investigations may continue if appropriate during Police investigations.
- Implementation of applying appropriate and necessary holding measures which may include: temporary relocation of the alleged harasser; in exceptional circumstances, and by agreement, the complainant or suspension of the alleged harasser (ref. Yorkshire and the Humber SHA Disciplinary Procedure)
- The PDP Manager or Director, with advice from the SHA's Senior HR Advisor, will appoint an investigating officer, normally within two working days of receipt of the complaint. The nature and complexity of the complaint will determine number and mix of investigating officers and their gender and ethnic backgrounds.
- The investigating officer(s) will undertake a full and detailed investigation. The purpose of the investigation is to obtain information, facts and evidence, on and surrounding the complaint(s). This will involve interviews with the alleged harasser and other relevant parties. It may, as stated earlier be necessary to invoke the SHA's Disciplinary Procedure at this point.
- The investigating officer(s) will provide a summary report to the appropriate PDP Manager who will consider the report along with advice from the Senior HR Advisor. The report will provide the basis upon which a decision can be taken as to any appropriate follow-up action that should be implemented.

3. ACTIONS AVAILABLE TO RESOLVE A COMPLAINT

The outcome of the investigation may include one or more of the following conclusions:

- Take no further action (complaint not upheld). There may still be a need to consider whether the complainant(s) and the individual who is the subject of the complaint can continue to work effectively in their respective roles as a consequence of the complaint having been made.

Management action (whether or not the complaint is upheld). This may include:

Monitoring the situation for a defined period of time, counselling and/or training as appropriate to the circumstances; delaying either or both parties returning to work where suspended until all appropriate arrangements are in place.

- Finding there is a case to answer against the harasser (complaint upheld). Formal proceedings under the Disciplinary Policy and Procedure will be instigated. Advice should be sought from the HR Department.

The outcome of an investigation, whether or not it results in formal proceeding, should be conveyed to the complainant and the person who is the subject of the complaint as soon as practicably possible. The complainant will normally be required to attend any formal proceedings.

Where a disciplinary hearing takes place the complainant should be informed that the proceedings have been concluded and whether formal action has taken place. The complainant should not be informed of the detail of any action taken.

4. FALSE ALLEGATIONS

Where it is concluded that the complaint of inappropriate behaviour was not made in good faith, the actions may be treated as being with malicious intent and dealt with under the Disciplinary Policy. Where it is concluded that the false allegation(s) was based on a genuine, albeit mistaken, belief, the member of staff will be advised of the potentially serious nature of the mistake and of the need to avoid the same situation arising in the future.

5. TRANSFER OF STAFF TO AN ALTERNATIVE POST

Whether a complaint is upheld or not, it may be necessary to transfer either the complainant or the individual who is the subject of the complaint. This will need to be considered, particularly where there is close and frequent contact between the parties to a complaint and a breakdown in the working relationship is evident. Where a transfer is warranted, the provisions relating to redeployment will apply. Redeployment will always take the form of an offer that the staff member shall then either accept or reject. Where appropriate,

protection of pay and conditions of employment will apply, in accordance with Yorkshire and the Humber SHA's protection of pay arrangements.

Any member of staff who has had a complaint upheld against him/her upheld cannot be forced to accept redeployment but must be made aware that the alternative may be termination of employment.

Any redeployment may be either on a temporary or permanent basis but should not be on any less favourable terms and conditions of employment, unless such action is taken as an alternative to dismissal in accordance with the provisions of the Disciplinary Policy.

6. APPEALS

Complainants who are not satisfied with the conduct of the investigatory process have the right to raise their concerns through the SHA's Grievance Procedure as appropriate. Any such complaint must be in writing and contain reasons for the appeal.

Staff who are the subject of the complaint and who may face disciplinary action do not have the right to raise a grievance against the decision to organise such a hearing. However, their rights under the Disciplinary Procedure are not affected.

7. DE-BRIEFING

At the conclusion of the whole process the Senior HR Advisor involved will offer all parties de-briefing in recognition that participation in harassment at any level can be distressing.

Where there has been a case to be answered in terms of bullying or harassment or not, the process can have a serious and damaging effect on working relationships. The PDP manager(s) involved with the case should have a discussion with their respective members of staff and ascertain what support they feel may be necessary to move relationships forward. This may include the use of trained facilitators in enabling discussions between the two parties involved. Further information should be sought on this issue from the Senior HR Advisor who will be able to access appropriate support through the service level agreement.

GENERAL STATEMENTS AND MONITORING

1. HARASSMENT OR BULLYING OF STAFF BY MEMBERS OF THE PUBLIC

General Statement

Yorkshire and the Humber SHA has a duty to provide a safe and secure environment for staff and visitors.

Many incidents of harassment can be dealt with effectively in an informal way. In the first instance, it may be possible and sufficient for the member of staff to explain to the person that their behaviour is unwelcome, offensive and unnecessary.

The incident and the way it was managed should be reported to the PDP manager and formally documented as required under the SHA's Incident Reporting Policy.

If the behaviour persists, a further report should be made to the PDP manager, as it may be necessary to take further action.

Staff are encouraged to seek support. This can be through approaching a Harassment Advisor, Human Resources Department, a Trade Union Representative, or a manager.

2. HARASSMENT OR BULLYING OF STAFF BY OTHER AGENCIES AND INDEPENDENT CONTRACTORS

General Statement

Staff are encouraged to explain that the person's behaviour is unwelcome, offensive and unnecessary.

The PDP Manager should report the alleged incident to their Director who will discuss the matter with the Director of HR.

The Director of HR will arrange through a designated member of the Corporate Administration team, the correct information regarding the incident and arrange for an identified Director to address the issue with the Contractor or Agency as appropriate.

Staff are encouraged to seek support. This can be through approaching a Harassment Advisor, Human Resources Department, a Trade Union Representative, or a line Manager.

3. MONITORING

The effectiveness of this policy will be monitored by the following methods:

Training to raise awareness and understanding of the application of the policy will be provided for staff.

A register of complaints will be created and maintained by the Human Resources Department. This should be used in conjunction with Yorkshire and the Humber SHA's Incident Reporting Policy.

All new staff will be informed of this policy and how it applies to them in the Corporate Induction session. All staff will receive equality awareness training to raise their understanding of issues relating to discrimination in employment and service delivery.

Reports on the number of incidents of bullying and harassment will be provided to the SHA Board and the Staff Partnership Group on a quarterly basis.

Where complaints have been upheld, it will be necessary to continue to monitor the situation to ensure that they are resolved effectively and that no victimisation or retaliation occurs.

The Human Resources Department will be responsible for ensuring that the effectiveness of the policy is reviewed on an annual basis and that revisions are made where necessary.

4. FURTHER ADVICE AND INFORMATION

Any staff requiring further advice or information on any of the issues addressed in this Policy should contact any of the following staff:

- Senior HR Advisor.
- Harassment Advisor.
- Staff Counselling Service.
- Any NHS Y&H Manager.
- A Trade Union Representative.

TYPES OF HARASSMENT

Harassment may be intentional or unintentional; the key issue is that it is unwanted by the recipient, and undermines people's dignity and effectiveness at work.

The following are examples of inappropriate behaviour covered by the policy (this list is neither exclusive nor exhaustive):

1. SEXUAL HARASSMENT

Any sexually oriented conduct that creates an intimidating, hostile or humiliating work environment for the recipient i.e.-

Physical conduct of a sexual nature:

Unwanted physical contact ranging from unnecessary touching, patting, pinching or deliberately brushing against another staff

Verbal conduct of a sexual nature:

Unwelcome sexual advances, propositions, pressure, pestering, offensive flirtations; suggestive remarks; innuendoes or lewd comments or continued suggestions for social activity outside the workplace, after it has been made clear that such suggestions are unwelcome.

Non-verbal conduct of a sexual nature:

The display or pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.

Sex based conduct:

Conduct that denigrates ridicules or is intimidatory. This may be abusive to a member of staff because of his or her sex, for example derogatory remarks, degrading abuse, or insults that are gender-related or offensive comments about appearance or dress.

2. RACIAL HARASSMENT

Any racially oriented conduct which creates an intimidating, hostile or humiliating work environment for the recipient.

Physical conduct of a racial nature:

Intimidating physical contact, ranging from touching, deliberately pushing or tripping another staff to serious assault.

Verbal conduct of a racial nature:

Racial harassment includes racial abuse, racially explicit or derogatory statements, which are found objectionable and offensive, or make the staff to whom they are addressed, feel threatened or humiliated. Offensive 'jokes' of a racial nature and offensive manner, that are not used with other staff

Non-verbal conduct of a racial nature:

Visual display of posters, graffiti, flags, bunting, emblems etc, which cause offence. Isolation or non co-operation at work or exclusion from social events based on race.

Race based conduct:

Conduct that denigrates ridicules or intimidates. This may be offensive to the staff because of his or her race, for example derogatory or degrading insults that are race related or offensive comments about nationality, appearance, ethnic origin or dress.

3. HOMOPHOBIC BEHAVIOUR

Homophobic behaviour is a form of discrimination, harassment, or bullying of an individual because of his/her sexual orientation. Treating a person less favourably on the grounds that they are lesbian, homosexual or bi-sexual, might encompass a wide range of unacceptable behaviours including:

Making sexual threats and intimidation.

Making provocative, unnecessary and unwanted heterosexual physical contact.

Verbal abuse, suggestive and unwelcome remarks about appearance and private life.

Making offensive jokes, offensive name-calling.

Denying opportunities for promotion or development.

Using an offensive manner in communication, which is not used with other staff.

4. DISABILITY HARASSMENT

The Disability Discrimination Act (1995) uses the same formula to define direct discrimination as that used in the sex and race discrimination legislation. Consequently staff that are harassed or bullied on the grounds of disability will be protected in law against such treatment.

Harassment includes comments, actions, jokes or suggestions, which might create a stressful working environment for a person with a disability. This type of harassment may include:

Verbal, including use of derogatory statements that are found objectionable and offensive; offensive jokes, comments about appearance or ability.

Physical, including jostling, mistreating or assaulting, gestures, or offensive correspondence.

Isolation or exclusion.

Denying opportunities for promotion or development.

5. OTHER FORMS OF HARASSMENT

5.1 Bullying

Bullying is a form of harassment, which may occur for reasons other than a person's race, gender or disability. This may include persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair sanctions, which make the recipient feel upset, threatened, humiliated or vulnerable.

It is behaviour, which undermines an individual's self-confidence and which may cause stress.

Bullying may include:

- Threat of, or actual assault.
- Mockery.
- Persistent shouting at a colleague or patient/client.
- Persistent unjustified negative attacks on a colleagues' personal or professional performance.
- Undervaluing a colleague's contribution, such as ignoring a colleague's opinion.
- Public criticism of a colleague/staff.
- Persistently setting objectives with impossible deadlines or setting unachievable tasks; placing unreasonable demands on a colleague.
- Removing and replacing areas of responsibility with lower status, menial or trivial tasks.

- Unjustifiable over-monitoring a colleague's performance, e.g. unreasonable faultfinding, nagging, watching over the person's every move.
- Withholding information with the intent or deliberately affecting a colleague's performance.
- Spreading malicious rumour/making malicious allegations, including unwarranted allegations of harassment.
- Isolation or exclusion.
- Open hostility to a colleague, patient or staff.

The Criminal Justice and Public Order Act 1994 created a new criminal offence of intentional harassment. Therefore, staff who suffer harassment that is outside the ambit of sex, race and disability discrimination legislation, can now take legal action against the individual perpetrator of harassment. Staff who have been harassed at work may complain directly to the police.

The Protection from Harassment Act 1997 means that harassment can be an offence even if it is unintentional. This Act (which is mainly directed at stalkers) makes it a criminal offence to pursue a course of conduct (on at least two occasions) that amounts to harassment, or which causes a person to fear that violence will be used against them. If found guilty, an individual faces a term of imprisonment, and/or a fine.