Dignity at work and the management of Harassment and Bullying

Oxford Deanery Policy Guidance

Approved by the Deanery Executive: August 2009

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Policy

1) PURPOSE

1.1 As an equal opportunities employer and an organisation with a diverse group of trainees for whom they have responsibilities, Oxford Deanery (“the Deanery”) supports a working environment for individuals in which dignity at work is paramount. The Deanery is committed to promoting a working environment and culture which is free from any form of bullying or harassment and which, as a consequence, will enable all trainees to contribute more effectively, achieve higher levels of job satisfaction and perform to the best of their ability.

1.2 The purpose of this policy is to:

- Raise awareness amongst all trainees and trainers that harassment and bullying of any kind will not be tolerated;
- Provide definitions of what constitutes harassment and bullying, as well as the positive behaviours the Deanery requires all trainees to display;
- Provide a mechanism for dealing with allegations of harassment, bullying or intimidation.
- Raise awareness amongst all trainees that in the first instance they should use the harassment and bullying reporting processes put in place by the Trust with which they are employed.
- Raise awareness amongst all trainees that if they feel unable to access the harassment and bullying reporting processes of the Trust with which they are employed, or feel that having accessed these processes they are still dissatisfied, that they can use the harassment and bullying reporting processes of the Deanery.
- Conversely, to raise the awareness of all trainees that if, having initially raised their concerns with the Deanery or feeling unable to raise their concerns with the Deanery, if they are dissatisfied they should access the harassment and bullying reporting processes put in place by the Trust with which they are employed.

2) PRINCIPLES

2.1 This policy covers all trainees regardless of role or location.
2.2 The Deanery recognises that all trainees have the right to be treated with consideration, dignity and respect whilst at work. The Deanery seeks to support trainees in their working life and aims to promote a positive and fulfilling environment in which to work. This policy promotes the respectful treatment of trainees within the Trust where they work and the protection of trainees from bullying and harassment at work. Bullying and harassment will not be tolerated by the Deanery in any form.

2.3 Each trainee has a personal responsibility for their own behaviour and is responsible for ensuring that their conduct is in line with the standards set out in this policy.
2.4 The following are examples of the positive behaviours, which the Deanery requires:

- Mutual helpfulness, understanding and trust;
- Respect for different backgrounds and talents;
- Being able to influence each other’s ideas and a willingness to listen and be influenced;
- Respecting confidences;
- Understanding someone else’s point of view/displaying empathy;
- Doing what you say you will do;
- A high level of rapport, openness and honesty with each other;
- Straightforward communication;
- Giving constructive feedback;
- Creative and collaborative problem solving;
- Willingness to work through conflict and disagreement.

These qualities should form the basis of interpersonal relationships in the work environment and should facilitate both enhanced performance and improved working lives for all.

2.5 Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The Deanery gives assurance that there will be no victimisation against a trainee making a complaint or against trainees who assist or support a colleague in making a complaint.

2.6 Bullying and harassment may lead to disciplinary action

2.7 What is harassment?

2.7.1 Harassment can take many forms and may be directed against males or females, ethnic minorities or towards people because of their age, sexual orientation, physical or mental disability, or some other characteristic. It may involve action, behaviour, comment or physical contact which is found to be objectionable by the recipient or which causes offence and can result in the recipient feeling threatened, humiliated, patronised or isolated. It can also create an intimidating work environment.

2.7.2 Individual perceptions about certain types of behaviour will vary, so what is acceptable for one person, may be inappropriate or unacceptable behaviour to another. Harassment may be persistent or occur on a single occasion. It may be intentional or unintentional on the part of the perpetrator, but it is the impact of the behaviour on the recipient, and the deed itself, which constitutes harassment.
2.8 What is bullying?

2.8.1 Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

2.9 Both bullying and harassment may be carried out by an individual against an individual or involve groups of people. They may be obvious or insidious. Whatever form they take, such behaviour is unwarranted and unwelcome to the recipient. The following are examples of unacceptable behaviours that can be considered to constitute bullying or harassment:

- Humiliation or ridicule by comment or gesture;
- Unwanted physical contact;
- Inappropriate comments about appearance or clothes, outside the organisation’s accepted Dress Code;
- Display or circulation of sexually suggestive material;
- Derogatory, threatening or intimidating remarks or behaviour;
- Ignoring, marginalizing or excluding another employee;
- Belittling, ridiculing or threatening;
- Public or constant destructive criticism;
- Verbal abuse and spreading unfounded rumours;
- Setting unrealistic targets which are unreasonable or changed with limited notice or consultation.

The list is not intended to be exhaustive.

2.10 Guiding principles

2.10.1 When handling any allegations raised by trainees, the following guiding principles will always apply:

- **Fairness and equity** – anyone raising allegations will be treated fairly and equitably. Any trainee should feel free to raise valid allegations and should be reassured that they will not be victimised for doing so or acting as a witness for another complainant.

- **Resolution of issues as informally as possible** – it is in the interests of all parties that any complaints raised are resolved at the earliest opportunity.

- **Timely resolution** – where allegations have been raised, these will be dealt with in a timely manner.

- **Organisational learning** – the Deanery will continually seek to learn and improve from any allegations and complaints raised by seeking feedback from Trusts and from any issues raised directly with the Deanery.
2.11 Confidentiality

2.11.1 All complaints of harassment and bullying will be treated sensitively and in confidence. This extends to information about, or provided by, the alleged harasser, complainant, representatives and any witnesses involved, either prior to or during any investigation or subsequent proceedings.

2.11.2 However there may be occasions where the alleged behaviour is deemed to be extremely serious, for example a threat of physical violence, and on these occasions, the Deanery may consider taking action without the express agreement of the complainant and undertake a full investigation.

2.11.3 In certain circumstances, where illegal or dangerous practices are revealed, it may be necessary to disclose details of the case to a relevant authority, or where the behaviour of the harasser is considered to amount to a criminal offence, the complainant may be advised to contact the police. This will not preclude the Deanery undertaking its own investigation.

3) The Activities Involved

3.1 Informal Procedure

3.1.1 A Trainee who believes they are the subject of harassment or bullying may wish to keep a diary of the details. This should include the details of the incident, date, time, place, their feelings at the time, their reactions to the incident, the reactions of the person considered to be harassing them and details of any witnesses to the incident.

3.1.2 Many complaints of harassment or bullying can be dealt with informally. This approach can result in speedy resolutions and be beneficial to all parties concerned. In many circumstances, an informal approach may be all that is required to stop the behaviour causing offence, particularly if the perpetrator is unaware of the effects of their actions.

3.1.3 The informal approach can be undertaken in a number of ways:

- The issue can be raised directly with the alleged harasser, by the trainee, either in writing or verbally;
- The issue can be raised directly with the alleged harasser, by the trainee, with support;
- The issue can be raised directly with the alleged harasser’s manager, again with or without support.

3.1.4 The informal approach provides an opportunity for a trainee to inform the alleged harasser that certain behaviours and actions are unacceptable to them and that the behaviours and actions must stop.
3.2 MEDIATION

3.2.1 If the trainee feels unable to deal directly with the alleged harasser, then as part of the informal procedure, the involvement of a trained Mediator may be possible. The trainee should, in the first instance, consult the policy which deals with harassment and bullying in the Trust with which they are employed. This policy can be accessed through the Human Resources Department of the Trust. If the Trust provides a staff mediation service the trainee may request access to this service. Mediation is an informal, voluntary process, which aims to avoid the need for more formal processes. It can help individuals to understand what has happened and why and enables them to exchange feelings and to communicate respectfully. Both parties need to be open to and agree to the mediation process in order for it to be an option. It is highly recommended that this is attempted wherever possible, and at an early stage.

3.2.2 If the trainee, having accessed the harassment and bullying reporting processes of the Trust with which they are employed, remains dissatisfied but still willing to attempt mediation, they should contact the Director of Medical Education within the Trust to seek further advice.

3.3 FORMAL PROCEDURE

3.3.1 Where informal attempts to resolve the situation have not been successful, or the complainant feels the acts complained of may not be resolved informally or through mediation, they should refer to their employing Trust's formal harassment and bullying reporting processes. It is important, however, that the informal processes have at least been considered before this step is taken.

3.3.2 Allegations that are founded may result in the Trust's Staff Discipline Policy being instigated against the alleged perpetrator.

3.3.3 If the Deanery is contacted directly, the Deanery Executive Team will consider the allegations and arrange for appropriate investigations and support for the trainee.

3.4 SUPPORT AND ADVICE

3.4.1 The Deanery is committed to achieving informal resolution of complaints relating to harassment and bullying wherever possible. It supports the approach of Trusts in providing support for complainants, alleged perpetrators and any witnesses.

3.5 FOLLOW UP

3.5.1 Following resolution of both formal and informal allegations of bullying or harassment, the Trust or Deanery HR Team will keep a record of the incident for the length of time that the trainee is in the Oxford Deanery.

Where harassment or bullying did occur, it is important to ensure that the behaviours have now ceased, that there has been no subsequent victimisation and that any agreed action plans have been carried out and completed.
Monitoring of each active case will be carried out on a regular basis by the HR Teams.

4) RESPONSIBILITIES

4.1 TRAINEES

Trainees are responsible for ensuring that their conduct and behaviour are in line with the standards set out in this policy.
If a trainee raises an allegation of bullying or harassment, they are expected to contribute to the resolution in a positive and constructive manner.
Trainees must not use this policy to raise frivolous issues or raise concerns in a vexatious or malicious manner.

4.2 THE DEANERY

The Deanery is responsible for bringing the provisions of this policy to the attention of staff and trainees ensuring that all understand which behaviours are acceptable and not acceptable in the work place.

The Deanery is responsible for ensuring that any allegations raised with them are taken seriously and are dealt with in a fair, timely, supportive, constructive and appropriate manner. Where an action plan has been agreed, managers are responsible for ensuring that the actions are carried out appropriately.

All Deanery staff should set a good example by treating everyone with dignity and respect.

The Deanery expects Trusts to have appropriate policies to support trainees who contact them directly.

5) MONITORING AND REVIEW

5.1 MONITORING

The Deanery will maintain statistics of all formal allegations of bullying and harassment raised and monitor trends by disability, age, gender, race and sexual orientation. Appropriate action plans will be developed.

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