

NHS Cheshire CCG Bullying and Harassment Policy

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Effective from 03 July 2020

This version supersedes previous versions of policies published by NHS Cheshire CCG or the following former CCGs: NHS Eastern CCG, NHS South Cheshire CCG, NHS Vale Royal CCG and NHS West Cheshire CCG.

Applies to all employees of NHS Cheshire CCG

This document should be read in conjunction with:

- Disciplinary Policy
- Attendance Management Policy
- Equality and Diversity Policy
- Whistleblowing Policy

Policy Revisions and Amendments			
Date	Section	Reason for Change	Approved By

Policy Obsolete		
Date	Reason	Approved By

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1. Introduction

Employees have the right to be treated with dignity and respect. Bullying and harassment is harmful, it causes distress and can lead to accidents, illness and poor performance. No form of harassment or bullying will be condoned at work or outside work if it has a bearing on a working relationship. The CCG welcomes the support of the recognised trade union(s) in seeking to eradicate all forms of bullying and harassment including via electronic and social media formats i.e. cyber bullying.

This policy will be applied equally to all staff and in accordance with the CCG's Equality and Diversity Policy. The fair and equitable implementation of this policy will be monitored by the CCG HR Business Partner.

2. Purpose

The aim of this procedure is to protect employees from bullying and harassment and enable staff, if necessary, to make a complaint or to assist in an investigation without fear of reprisal and to ensure that any complaints and subsequent action are dealt with sensitively and appropriately for all concerned.

When appropriate, every effort will be made to resolve the situation informally. Some incidents, however, by virtue of their serious nature will need to be dealt with immediately under the formal procedure.

Disciplinary action, including dismissal, will be taken against those failing to fulfil their responsibilities under this policy.

The CCG believes that all staff should be treated with dignity and respect, and actively encourages staff to behave in a manner that reflects and promotes this belief.

Bullying or harassment of any form undermines people at work and will not be tolerated. All employees have a right to a working environment free of harassment in which an individual's dignity is respected.

Bullying and harassment affects not only the individual but the CCG as a whole. It can have an impact on an individual's health, welfare, personal confidence and effectiveness, and job satisfaction. It can also reduce the quality of services through sickness, absence, staff turnover, low morale, and poor work performance.

Behaviour that constitutes bullying or harassment may also be unlawful. The CCG is committed to the elimination of unlawful discrimination on the grounds of age, sex, race, disability, sexual orientation, religion and belief and any other form of discrimination and is committed to promoting equality of opportunity for all.

If issues raised under this policy are not settled by informal action, any proven acts of harassment or bullying will be treated as disciplinary offences and investigated thoroughly.

All professional staff should refer to their relevant professional body and Code of Conduct (e.g. NMC, GMC) regarding the withdrawal of care or services if faced with bullying or harassment.

3. Scope

This policy and procedure applies to issues raised internally between our own employees and will be adapted to handle:

- a) Bullying or harassment against our employees, by users of the service, contractor and others.

The CCG will not tolerate harassment against its employees, by users of our services or by contractors. Such acts will be investigated using this procedure and appropriate remedial action taken, if harassment is proven. This may include the termination of contracts or seeking disciplinary action against the perpetrator within the contractor's organisation.

If CCG staff are harassed by users of our service, they should report this in confidence to their line manager who in turn should report the matter to a senior manager. The matter should be dealt with in line with the principles of this policy and we will provide support for any of our employees in cases where they are bullied or harassed by others, in line with this procedure.

- b) Complaints lodged by users of our service of bullying or harassment by our staff against 'customers' e.g. members of the public, patients, contractors by CCG staff will be considered as a disciplinary matter to be dealt with under our disciplinary procedure.

Apart from these specific adaptations, this procedure does not directly apply to complaints made by third parties, or complaints about third parties. However, in these instances, managers must be alerted to these, and consider the possible need for action for example: through discussion with relevant complainants' organisations or with our own staff, further team building, training or one to ones, or on investigation, disciplinary action, as appropriate.

4. Definitions

4.1 What is bullying?

Harassment may also take the form of workplace bullying. This is often (but not always) distinguished by the abuse of power or position. Some examples of workplace bullying are:

- To persistently criticise and condemn
- To openly humiliate
- To professionally undermine an individual's professional ability until they lose self-confidence and self esteem
- To intimate by e-mail, mobile phone texting, or other forms of written communication, known as 'flaming'
- Shouting or using threatening language
- To intimate somebody in any way which leaves them feeling vulnerable, isolated and angry

4.2 What is harassment?

The definition of harassment is unwanted conduct, which has the purpose or effect of:

- (a) Violating a person's dignity or

- (b) Creating an intimidating, hostile, degrading, humiliating or otherwise offensive environment for another person.

Harassment can be on grounds including race, ethnic or national origin, colour, gender, religion or belief, sexual orientation, disability or age.

Harassment can take many forms for example:

- Leering, ridicule, jokes
- Embarrassing remarks
- Unwelcome comments about dress, appearance, beliefs or life-style choices
- Offensive pictures
- Inappropriate use of e-mail or internet sites
- Ignoring or excluding*
- Demands for sexual favours/sexual innuendo*
- Deliberate verbal threats and abuse*
- Physically threatening a person*
- Unwanted physical contact*
- Invasion of personal space*
- Aggression*
- Physical assault*

Aggression is to be distinguished from assertiveness, which does not result in harassment.

The forms of harassment above that are marked with an asterisk (*) are also examples of bullying.

Harassment may take different forms. It may be deliberate or unconscious, an isolated incident or repeated action. The same applies to bullying, except that bullying is usually deliberate.

Regardless of the above distinctions, the CCG views harassment as any behaviour that is:

- Found objectionable
- Unwanted
- Causes offence
- Results in the victim feeling threatened, uncomfortable, humiliated, patronised or publicly embarrassed
- Undermines an individual's competence, confidence and effectiveness

While bullying and harassment as viewed above includes words or conduct which is perceived to be offensive by the recipient, this perception must be reasonable. For example, it would be reasonable for a manager to be assertive in what they say, whereas it would not be reasonable for them to use any aggressive management style in any situation.

Examples also include verbal or written communication in any format such as by email or social media, also known as cyber bullying.

Words or conduct which the perpetrator cannot reasonably be expected to know are offensive to the recipient, will only be deemed to have the purpose or effect of bullying or harassment if repeated, or persisted in, after the recipient objects and makes it known that they find it offensive.

It should be noted that concerns raised by a manager over a member of staff's performance does not in itself constitute bullying or harassment.

5. Responsibilities

5.1 Responsibilities of the CCG Governing Body

As an employer the CCG will:

- Treat all complaints of bullying and harassment seriously and sympathetically
- Deal with all complaints of harassment confidentially, protecting the bullied or harassed person and all other staff involved where possible.
- Wherever possible encourage an informal or mediated resolution of difficulties without starting formal procedures
- Offer support and advice to staff that are being bullied or harassed at work, or are indirectly affected by the impact of such behaviour on other colleagues
- Use the disciplinary procedure to take action against perpetrators of bullying or harassment where this is appropriate.
- Include information about this policy and related procedures in the induction process for all new staff
- Provide specialist training for managers and staff
- Offer training to staff that have been found to be responsible for bullying or harassment
- Monitor confidentially all reported incidents of bullying or harassment at work. This will include the number of cases; type of cases; duration of cases; decisions made and follow up mechanisms used.
- Review any increase in bullying and harassment cases.

The CCG may be held vicariously liable for co-workers acts of bullying and /or harassment.

Please refer to the Whistleblowing policy for further guidance.

5.2 Managers

All managers have a responsibility for leading and setting standards of behaviour which are appropriate for a healthy working environment and consistent with the CCG's policies and procedures. Managers have specific obligations to ensure that:

- Staff are aware of this policy and reflect it in their behaviour.
- The workplace is kept free of any literature, posters, notices etc which may foster discriminatory attitudes or behaviour
- They take action if they witness inappropriate incidents or behaviours whether or not a complaint has been made
- They operate the procedure for dealing with complaints swiftly, fairly and confidentially
- Their own managerial style does not stray into bullying behaviour
- Ensure the CCG HR Business Partner is informed of all incidents, whether formal or informal, for monitoring purposes
- Seek advice from the CCG HR Business Partner after receiving a formal complaint
- Consider an employee's complaint in a fair and reasonable way
- Ensure documents are provided in a timely way
- Ensure notes are taken of any meeting relating to an incident

5.3 Staff

Employees are expected to foster a working environment in which every employee, patient, and member of the public is treated with equal respect and dignity.

All employees are expected to contribute to dealing with and preventing bullying and harassment through their own self-awareness, and through supporting colleagues who suffer bullying and / or harassment. This can be achieved in a number of ways.

For example:

- Making it clear in all your contacts that you find all forms of discrimination and harassment unacceptable.
- Challenging discriminatory behaviour and attitudes in others when it occurs.
- Challenging gossip and rumour that fuels discriminatory behaviour and attitudes.
- Informing managers confidentially when incidents occur which need managerial intervention.
- Using language sensitively and appropriately in different situations. Ensuring you do not offend others by the use of inappropriate or rude comments.

5.4 CCG Human Resources Business Partner

The CCG HR Business Partner has the responsibility

- To monitor the implementation of the policy
- To ensure that procedures are managed fairly and consistently by the CCG.
- To provide training, guidance and support to line managers on all the operation of this policy at all stages.
- To ensure an appropriate level of professional Human Resources advice given the circumstances of each case.
- The CCG HR Business Partner will be likely to attend all formal meetings giving due consideration to circumstances.

6. Process

The CCG aims to try to resolve issues quickly and informally whenever possible. The three stages to the process are:

- a) informal action
- b) investigation
- c) formal action

See Appendix 1 and 2 for guidance for staff and managers at each stage of the process.

6.1 Raising an Issue / Concern

The process that follows is to be used by the CCG to support employees who are facing bullying or harassment at work and should not be used as a substitute for resolving issues in the workplace through discussion.

For example, concerns raised by a manager over a member of staff's performance does not in itself constitute harassment. A manager or colleague may need to be assertive in what they say in certain situations, whereas aggression as a management style would not be reasonable. Moderate disagreements or differences in personality between staff would not generally warrant use of these procedures.

Staff are advised to go through the informal stage before making a formal complaint, unless the matter is particularly serious and there are strong reasons for going direct to the formal stage at Stage Two.

First-time conduct which is perceived to be offensive by the recipient, may not always constitute harassment or bullying and may not need to be dealt with formally. For example, where the perpetrator could not reasonably know that their conduct is offensive to the recipient, they can be advised that conduct is not acceptable, and should not be repeated, by pursuing one of the suggestions set out in the informal stage.

6.2 Stage 1 Informal Action

An employee may raise a concern with their manager, or with the CCG HR Business Partner and if possible, it should be dealt with using informal action. The manager needs to act quickly and if necessary take advice from the CCG HR Business Partner. The manager should assess the situation and ascertain what the circumstances of the complaint are, who is involved and how serious the situation is. If the complaint of bullying or harassment is against the line manager then an employee may contact the CCG HR Business Partner Human or the next most senior manager.

Having established the facts, the relevant manager should decide whether to:

- Take no action other than to monitor the situation
- Deal with it informally
- Proceed to Stage 2

If informal action is to be taken, the employee should be asked what informal action they consider appropriate, for example, a request/instruction for certain language/behaviour not to be repeated. Appendix 1 gives guidance for staff on types of informal action. A written record of any requests/instructions should be retained as evidence, should the behaviour not change, and future action therefore required.

6.3 Stage 2 - Investigation

This stage should only be implemented where all action that can be taken in the informal stage has been exhausted, is not appropriate/sufficient, or will not work in this case. Employees wishing to proceed to this stage should complete Form One (Appendix 3).

If the complaint is sufficiently serious the manager, in conjunction with the CCG HR Business Partner will make a decision about whether to suspend the alleged perpetrator while the investigation is completed, in line with the Disciplinary Policy.

Stage Two is an investigation process where an independent, trained member of staff in the role of Investigating Officer assesses the situation by talking to the complainant and any others directly involved and makes recommendations about the next stage.

The Investigating Officer will meet with the member of staff and the alleged perpetrator, as well as any other witnesses to investigate the complaint and Form 2 (Appendix 4) is an aid for this investigation. Written notes will be made at each meeting which will be sent to the relevant parties for comments. Any comments made will be attached to the original notes for reference.

The investigation should be completed without undue delay, to establish the facts, interview those concerned and provide the relevant information to decide what action to take.

They will then produce an investigation report (Appendix 5) which will recommend a variety of actions, which could include:

- Support for those involved in the case, by providing coping techniques.
- Internal mediation – i.e. getting both parties together with an independent third party.
- Formal internal/external mediation. This would entail a commitment from those involved to participate and work towards a resolution.
- Other work-place action.
- The instigation of formal action – Stage Three

6.4 Stage 3 – Formal Action

This stage will only be implemented following an investigation, on the recommendation of the Investigating Officer.

At this stage the Disciplinary Policy should be referred to and the formal action stage of this policy should be followed. If it is decided that the behaviour constituted misconduct/gross misconduct under the CCG's Disciplinary Policy, a disciplinary hearing should be arranged.

A copy of the report will be given to the parties involved together with the outcome. The aim will be to inform all parties to the complaint of the outcomes within 7 working days of the end of the investigation reporting process.

6.5 Appeals

If disciplinary action is taken the employee has the right of appeal against the formal disciplinary action. Please refer to the Disciplinary Policy.

If any employee feels aggrieved the implementation of this policy, they should refer to the Grievance Procedure.

7. Further Information

7.1 Impact Assessment

The CCG recognises their responsibility to ensure that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, including people with disabilities, or from different ethnic backgrounds or religions, or on the grounds of their gender, age or sexual orientation. This policy has undergone an impact assessment to ensure that it does not discriminate any of the above groups either directly or indirectly.

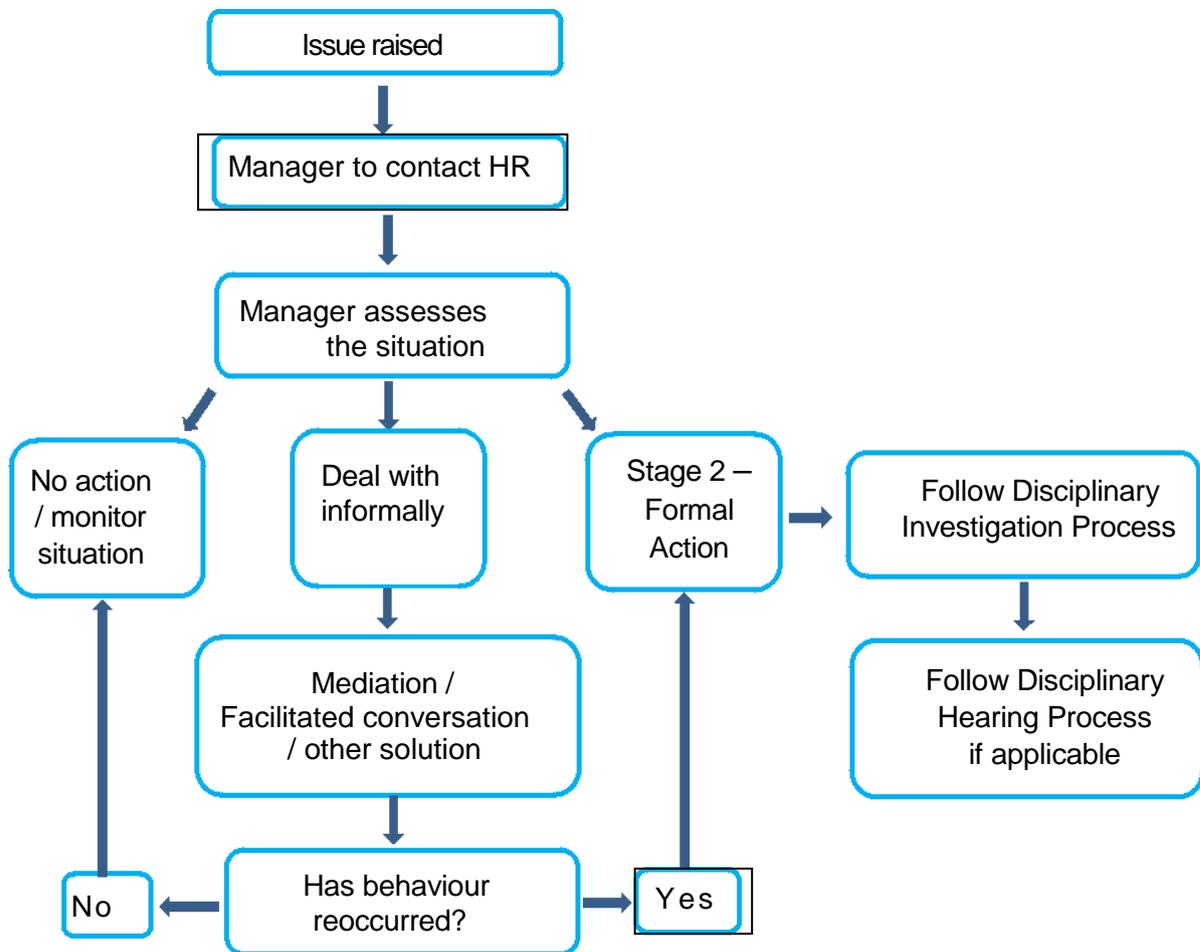
7.2 Internal and External Sources of Information and Advice

Internal Sources include Occupational Health and Staff Counselling Service. Please contact the CCG HR Business Partner for details of these support services.

8. Monitoring

The CCG HR Business Partner will:

- Have responsibility for monitoring the delivery and effectiveness of this policy on an annual basis.
- Make recommendations to the Governing Body.



Appendix 1 - Guidance for staff

What can you do if you are being harassed or bullied?

Dealing with unacceptable behaviour or incidents can be very difficult. In particular, if you are the subject of bullying or harassment it can feel very frightening and humiliating. You may also feel extremely isolated, and worried about making the situation even more difficult for yourself. Remember that you have the right to feel comfortable at work and that the CCG will take your complaint seriously, handle it sensitively and in a timely, confidential manner.

We have developed a three-stage approach for handling these incidents, outlined in the above policy. Our aim is to try to resolve issues quickly and informally whenever possible.

The three stages are:

- Informal action
- Investigation
- Formal action

Remember:

The CCG will not tolerate bullying or harassment and you do not have to put up with it.

- Deciding to do something is the first step.
- If you decide to act on the situation, the aim is to resolve it fairly, easily and quickly.
- No-one is guilty or should be considered at fault until a case is fully assessed and even then, the fault may not be in just one area.
- Most cases can be resolved with the agreement of all parties

Stage 1 – informal action

This is the stage that an employee can instigate themselves. Before considering what action to take at this stage, staff may wish to discuss the matter in confidence with another colleague, the CCG HR Business Partner, and/or staff side representative, who may advise them about taking the matter up under this policy.

Although this stage is informal, staff may choose to be accompanied by a staff side representative or another member of staff employed by the CCG when taking action at this stage.

Here are some suggestions for action you can take at this stage:

Talk to someone you can trust

There may be another colleague, your line manager, CCG HR Business Partner, Staff-side representative, perhaps someone outside work or a family member or friend. The CCG HR Business Partner can assist you in getting appropriate internal or external advice. The process of talking through what has happened with someone else will often help you feel more able to take some action to stop what is happening.

Talk or write to the perpetrator

Sometimes you may feel able to tell the person who is bullying or harassing you to stop, either by talking or by writing to them. Sometimes it is enough just to explain to the person

who is bullying or harassing you what is unwanted about their behaviour and why it is unacceptable, they may not realise their behaviour is affecting you in this way. This is often very difficult to do, and you may prefer to be accompanied by a colleague or friend.

Ask someone else to speak to the perpetrator.

You may decide to ask a work colleague, your line manager or staff side representative to speak to the person you think is harassing you. This is one way of telling them informally to stop their behaviour.

Keep a written record

It is a good idea to keep your own private written note of each incident of bullying or harassment; what was said and done, your response etc. If you decide not to take anything further at this stage, you still have the right in the future to raise the issue again, and a record will be helpful.

Consider further action, to avoid the need for more formal action. You may wish to discuss the matter with your own line manager and/or the perpetrator's line manager and agree what action would be appropriate, to avoid the need for formal action.

Confidentiality

You should make every effort to keep the matter confidential to those who are directly involved.

Stage Two – Investigation

This stage should only be implemented if you feel that all action you can take in the informal stage, as suggested above, has been exhausted, or will not work in your case.

To implement Stage Two, you need to complete the Employee Harassment Complaints Form (Form 1, Appendix 3)

Once you have completed the form an appropriate member of staff will be appointed to act as an Investigating Officer for the case. The appointed member of staff will then meet with you to explain the process and interview you about your complaint. You have the right to be accompanied by a staff side representative or workplace colleague employed by the CCG at this meeting. The Investigating Officer will make notes at the meeting, copies of which will be made available to the member of staff.

The Investigating Officer will then inform all employees involved in your case, provide them with a summary of the complaint and arrange to interview them and any witnesses, in relation to your complaint. Written notes will be made by the Investigating Officer during any interviews and a copy of those notes will be available to the parties concerned.

For operational reasons, it will also be necessary to inform your line manager about the complaint. If, because of the nature of your complaint you feel this is not appropriate, you should explain this on the initial form.

The Investigating Officer's role is to recommend the action to be taken, as agreed with the member of staff making the complaint. Examples of recommendations include support, training, mediation or disciplinary action.

A timescale for implementation should be set and progress and outcomes monitored.

Stage 3 – Formal Action

If the Investigating Officer recommends formal action after Stage 2, the process that will be followed is the same as under the CCG's Disciplinary Policy.

If the Disciplinary Policy is invoked, you will probably be called as a witness at the disciplinary hearing. All employees directly involved in a case may be accompanied at the hearing by a workplace colleague employed by the CCG, or a staff-side representative.

Appendix 2 - Guidance for Managers

Dealing with allegations of bullying or harassment can be very difficult and stressful for all involved. It is crucial that all complaints are dealt with as speedily as possible, within the timescales set out in the process and in absolute confidentiality.

In many cases there are no witnesses. Even when there have been witnesses present, the harassed person may not wish to use them. The lack of witnesses should not deter full assessment of the case.

A proportion may relate to staff performance issues, clashes of personality or management style. This does not preclude the potential for harassment to have taken place, but in themselves these types of issues would not constitute harassment. One aim of the policy is to ensure, wherever possible, that these cases, and other less serious harassment cases are 'filtered' and resolved at an early stage through the Informal Stage (stage one).

To implement Stage Two the employee must complete the Employee Harassment Complaints Form. Once the employee has completed the form the organisation will then appoint an appropriate member of staff to act as an Investigating Officer for the case. The appointed member of staff, with the CCG HR Business Partner will meet with the employee to explain the process and interview them about the complaint. Notes will be made by a member of the HR Team during this interview which will be available to the employee. The Investigating Officer will then inform all employees involved in the case, provide them with a summary of the complaint and arrange to interview them and any witnesses in relation to the complaint.

For operational reasons, it will also be necessary to inform an employee's line manager about the complaint. If, because of the nature of the complaint an employee feels this is not appropriate, they should explain this on the initial form.

At the end of the assessment process, the Investigating Officer will complete a formal investigation report (Appendix 5) recommending whatever follow-up action is deemed appropriate to the case. The Investigating Officer will inform all parties to the case of the agreed outcome(s) where possible, within 7 days.

A timescale for implementation should be set and progress and outcomes monitored.

If the Investigating Officer recommends that formal action should be taken the Disciplinary Policy should be followed from this point.

Handling Complaints

It can be very difficult, distressing and humiliating for an employee to make a complaint of bullying or harassment. The complainant may worry that the organisation will not take the complaint seriously, that they will be blamed for the incident, or that their complaint will not be understood. Take time to listen carefully to the employee – this should happen in a private and safe place.

It is often equally distressing for the person having the allegations made against them. You must ensure that this person has been given the opportunity to receive support through the process and that they receive confirmation of the nature of the complaint as quickly as possible. Throughout the process, the confidential nature of discussions should be stressed to all parties.

There may be cases where somebody makes an unfounded allegation of bullying/harassment for malicious reasons. These cases should also be investigated and dealt with fairly and objectively under the CCG's Disciplinary Procedure.

In many cases, staff involved in bullying or harassment cases go on long term sick leave. Such absence should be managed via the CCG Attendance Management Policy.

Another approach to consider may be temporary re-deployment of a staff member whilst the assessment or investigation is underway.

It may be necessary to consider the suspension of the alleged perpetrator under the disciplinary procedure. This would be necessary

- to provide an opportunity for further or more detailed investigations
- where it is clearly undesirable for the employee to remain on duty
- where the alleged misconduct represents a potential risk to patients or staff.

The CCG HR Business Partner should be informed prior to action being taken.

The complaints interview

Be sure to set aside sufficient time for the interview (45 minutes to 1 hour as a guide) in a safe place where you will be free from interruptions by visitors or the telephone.

People who have been subjected to bullying or harassment respond in a variety of ways. They may be very obviously upset, tearful, angry, unusually quiet, show physical symptoms, some or none of these. An absence of emotion should not be taken as an indication of there being no substance to the complaint.

Sometimes there may have been a time lapse between an incident/s of bullying or harassment and the reporting of it. This may be because of the complainant's fears that they will not be treated well or that further victimisation may result. These fears must be respected and not be treated as signs that allegations may not be true.

At all stages, the parties involved must regard the case as highly confidential.

Asking Questions

It is crucial that the Investigating Officer asks questions supportively so that they do not add to the distress of the complainant.

Open questions are much more helpful to a complainant and allow them to discuss the complaint fully. Questions that do this include:

- Can you tell me what happened?
- When and where did this happen?
- How did you feel when this happened?
- How did you react?
- Can you tell me what you did when this happened?
- Has this person behaved like this before?
- Have you told the person that you find their behaviour offensive?
- If so, when did you tell them; what did they say; how did they behave afterwards?
- Has anyone else been involved in these incidents?
- Did anyone else see what happened?

- Have you talked to anyone else about what happened?
- Who and when?
- What would you like to happen?
- Is there anything else you would like to tell me?

Avoid questions that imply the complainant might be over-reacting, or lying, or somehow to blame, and avoid comments that reinforce stereotypes.

Avoid these sorts of questions:

- Did you do anything to provoke what happened?
- Are you sure you are not mistaken?
- Do you think they might have been joking?

At the end of the interview explain clearly to the complainant what will happen next and check again that they have access to appropriate support.

Interviewing other employees involved

Whatever the nature of the complaint you should neither assume any guilt nor trivialise the complaint.

Avoid allowing your preconceptions or prejudices about an individual to get in the way of fair questioning. However serious or unpleasant the allegation is, it is important to distinguish the alleged behaviour or incident from the person. There may be cases where behaviour, which is one incident may not appear significant in its effect, has been repeated several times and the cumulative effect results in more serious bullying or harassment.

Those involved in a case of bullying or harassment will respond to complaints with a range of emotions. They may be defensive or incredulous. They may show disbelief, anger, upset and tears. The presence or absence of a particular emotion should not be taken as an indication of responsibility.

Start the interview by explaining clearly what the substance of the complaint is. Ask the employee to tell you their version of events. Use the kind of open questions suggested for interviewing a complainant.

In cases where the employee broadly confirms the behaviour, you have a variety of responses available. Your choice of the appropriate response will depend on the seriousness of the behaviour, the wishes of the complainant, and the need to stop a repetition of the incident and to return to a healthy, working relationship as quickly as possible.

Where someone accused of bullying or harassment accepts the accusation but says they did not intend to cause offence it is important to point out that the issue is not their intention but how their behaviour has affected someone else.

When an employee understands their behaviour has caused offence or hurt they may be deeply sorry that it has happened and be willing to apologise and learn from their mistakes. This is to be welcomed and respected and the process should be undertaken in a safe, formal setting.

Where the behaviour or incident has been serious and unacceptable it may be necessary to instigate formal action under the Disciplinary Policy.

Where an incident is completely denied you will need to act with particular sensitivity with both parties. You must continue to respect the seriousness of the complaint. You should also reiterate the CCG's position on bullying or harassment to all employees involved and check that it is understood. You may still decide to pursue the complaint through the disciplinary procedure, and this should be part of your final report.

Outcomes

Outcomes following a complaint of bullying or harassment are likely to differ dependent on the nature and seriousness of the complaint, the wishes of the complainant, the needs of the organisation and the stage of the procedure being undertaken.

Where their complaint has serious implications for the organisation, or in cases where people are at physical risk, you may wish to instigate further action such as a disciplinary hearing. In this case the staff will need special support and you should explain carefully what you are planning to do. The CCG HR Business Partner should be involved.

You will need to indicate on the Employee Bullying or Harassment Investigation Form (Appendix 4) and in the report (Appendix 5) the specific action you are intending at the end of the assessment process. This may include:

- Support
- Training
- Mediation
- Workplace Action
- Formal action
- Other action

You will need to explain what specific outcomes entail and ideally try to gain the consent of one or both parties to the recommended action. Whatever your recommendation(s), you should explain carefully your conclusions with reasons.

You will need to ensure that all involved parties are fully informed about what will happen next.

Where a formal disciplinary hearing is being implemented, in order to protect both complainant and the alleged perpetrator, to ensure the minimum of distress to both parties and to avoid further deterioration of the situation, the CCG may need to:

- Separate the alleged perpetrator from the complainant
- Voluntary transfer of either party to another team, department or location
- Changing supervisory or line management arrangements
- In serious cases, suspending one or both parties on full pay while the investigation is underway (but note that suspending the complainant could potentially be discrimination or victimisation)

The perpetrator should normally be moved, not the complainant, unless the complainant asks or agrees to move. Moving the complainant without their consent could result in further discrimination or victimisation.

General Workplace Action

These are some of the actions an Investigating Officer might recommend:

- Checking that all employees have been told about the CCG's policy on harassment and bullying either through individual supervision or at team meetings.
- That managers 'walk the job' and check how relationships feel
- That managers ask their staff how things feel without breaking any confidences
- Training
- Some follow-up work such as, checking with the complainant from time to time about how things are going; asking if they want any further support or help
- Re-deployment of a member of staff in cases where bullying or harassment has not been found but the working relationship between parties has broken down irretrievably.

Appendix 3 - Form One. Bullying or Harassment: Employee Complaints Form – Stage 2

To be completed by a member of staff requesting a Stage 2 Investigation

Name of complainant:

Post Title:

Workplace:

Telephone No:

Email Address:

Details of Complaint:

Describe briefly your complaint of harassment or bullying:

How have you fulfilled Stage One of the harassment process? (see harassment and bullying procedures and guidance document). Please give details.

Any other details you wish to be considered at this stage?

Signature of Complainant:.....

Date:.....

Appendix 4 - Form Two Bullying or Harassment Investigation Form – Stage 2

This form should be completed by the Investigating Officer. It is used only as part of the Stage 2 investigation process.

Investigating Officer Post Title:

CCG HR Business Partner:

Name of complainant:

Contact Telephone Number:

Details of Incidents(s): Use the questions below to ask the complainant, and to detail the complaint. (Use additional paper if required)

- Please describe in your own words what your complaint is
- Describe what has happened, when it happened, where it happened, and who has been involved.
- Did anyone witness what happened?
- If another employee witnessed the complaint, are you willing, if necessary, for them to be a witness?
- Has this kind of incident (or another kind you think may be related to it) happened to you before, in your work with the CCG? If so, describe what, when and where.
- Have you taken all the informal action recommended as Stage One of the process, e.g. talked to colleagues, talked to the person harassing you, taken advice? Give details.

Explain to the complainant that it will now be necessary to talk to other members of staff and to summarise in writing to the person they are complaining about the detail of their complaint.

- Detail any support offered
- Detail any support arrangements
- Detail any problems
- Details if all other informal discussions before the formal interview should be noted either on this form or in the formal assessment report.

Interviews with other witnesses:

Give names and details of arrangements for interview. For all parties – detail any support offered/detail any support arranged/detail any problems.

Action Checklist

1. Complainant's interview completed
2. Summarise complaint in writing and inform all parties directly concerned
3. Interview main parties involved
4. Offer and arrange support for all parties
5. Interview additional parties involved (these people do not need full summary of complaint)
6. Complete investigation report
7. Follow up to main parties detailing outcome

Summary Recommendations

- Outline details of recommendations in investigation report
- Signature of Investigating Officer
- Signature of CCG HR Business Partner

Appendix 5 - Bullying or Harassment Report Template

Investigating Officer Job Title:
CCG HR Business Partner:
Complainant Job Title:

Background

Give brief details of when the complaint was received and when the meeting was convened. List and attach as appendices any background documents, signed statements etc.

Nature of Complaint

Briefly outline the issues the complainant is concerned about and what forms the body of the complaint

Investigation

Detail the action you have taken in conducting this investigation:

- Interviews that have taken place with the people involved to verify elements of the complaint
- Anyone you were unable to contact
- Any paperwork you have examined, for example timesheets, minutes of meetings etc.

Chronological Background

Begin with the date and a brief sentence summary of what happened before, explaining the situation more fully (if necessary) including:

- What happened,
- When it happened
- Who was involved
- Any action that was taken
- What the outcome was
- How the people involved felt and perceived the situation, etc.

Examination of the Complaint

Use the information given in Section 2 and examine each point separately. Describe the 'Evidence Presented by (name of complainant) and give your 'comment' on this using any appropriate information from your investigation.

Conclusion

Having conducted a full and independent assessment/investigation of the complaint I have concluded that: Detail your conclusions from the results of your assessment/investigation.

Recommendations

Detail your recommendations for future action

Signatures

Signature of Investigating Officer:
Signature of CCG HR Business Partner:

Governance Backpage

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Author: Midlands and Lancashire Commissioning Support Unit (MLCSU)