



Wandsworth Clinical Commissioning Group

Bullying and Harassment at Work Policy

v1.0

Bullying and Harassment at Work Policy

THIS POLICY WILL BE APPROVED BY WANDSWORTH CCG AND WILL HAVE EFFECT AS OF 10th December 2014.

Target Audience	Governing Body members, committee members and all staff working for, or on behalf of, the CCG
Brief Description (max 50 words)	This policy sets out the principles by which the CCG will promote a working environment in which bullying and harassment are known to be unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concern will be dealt with appropriately, objectively, quickly, sensitively and fairly.
Action Required	<p>Following approval at the CCG Governing Body, The Chief Officer will ensure that the requirements of this policy will be raised at all team meetings, and confirm the requirements with the chairs of each committee, and with CCG executives.</p> <p>Chairs of committees will identify the programme of review with the Accountable Executive for each policy within their committee remit.</p> <p>Accountable Executives will identify policy owners for each policy within their remit.</p> <p>The Governance Lead will establish and maintain a corporate register of all policies and their status, and will ensure that these are appropriately reflected on the website.</p>

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Equality Analysis	<p>Equality Analysis This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Wandsworth CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners.</p> <p>The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.</p>
Contact details for further information	

This policy progresses the following Authorisation Domains and Equality Delivery System (tick all relevant boxes).

Clear and Credible Plan		Commissioning processes	
Collaborative Arrangements		Leadership Capacity and Capability	
Clinical Focus and Added Value		Equality Delivery System	
Engagement with Patients/Communities		NHS Constitution Ref:	

Associated Policy Documents

Reference	Title
	Equality & Diversity Policy
	Disciplinary Policy
	Capability Policy
	Grievance Policy
	Stress Management Policy
	Whistleblowing Policy

This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of the document are not controlled.

Glossary

Term	Definition
Accountable Executive	CCG Executive accountable for development, implementation and review of the policy
Policy Owner	Post holder responsible for the development, implementation and review of the policy
Document definitions	These are provided in Section 3

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Section 1: Introduction

1.1 Introduction

Wandsworth CCG is committed to creating a work environment free of bullying and harassment for all employees, where everyone is treated with dignity and respect and protected from harassment, intimidation and other forms of bullying at work.

The CCG believes that bullying and harassment at work in any form is completely unacceptable and will not be tolerated. All allegations of bullying and harassment will be investigated and, if appropriate disciplinary action will be taken. Disciplinary action may also be taken against a complainant if a complaint is found to have been submitted maliciously or in bad faith.

The CCG will also not tolerate victimisation of a person making allegations of bullying and harassment in good faith or supporting someone to make such a complaint.

The CCG will take such steps as are necessary to achieve this aim.

Managers and employees should note that the CCG's liability may extend to both 'official' business and 'unofficial' social activities as these may be deemed to be an extension of the workplace. The CCG may have a duty of care in respect of such matters and will investigate all complaints of inappropriate or improper conduct whether they are alleged to have occurred in or outside of the workplace.

In addition the CCG will investigate any allegations of bullying and harassment regardless of whether the matter has been raised formally or informally.

1.2 Purpose

The purpose of this policy is to promote a working environment in which bullying and harassment are known to be unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concern will be dealt with appropriately, objectively, promptly, sensitively and fairly, while ensuring the rights of both the complainant and the alleged perpetrator.

The policy also provides practical guidance and support for those individuals who make a complaint, those whom the complaint is against and those involved in dealing with such complaints.

1.3 Scope

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at Wandsworth CCG, whether by direct contract with the CCG or otherwise.

If the complainant is a CCG employee and the alleged perpetrator is employed by another organisation, the complainant with appropriate support from their manager should make a formal complaint to the alleged perpetrator's employing organisation. In this case it is essential that the HR Team is informed of the complaint in order to monitor the outcome.

Each employee carries personal responsibility for their own behaviour in relation to this policy and is responsible for ensuring that their conduct is in line with the standards set out in this policy.

The CCG also has a duty of care towards its employees under the Health & Safety at Work Act 1974 and a legal obligation under the Equality Act 2010.

Exclusions

Managers are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable and appropriately conducted monitoring and management of an employee's behaviour or work performance within good management practice does not constitute bullying or harassment.

It is reasonable to expect a manager to carry out these functions in a fair, firm, and consistent manner, and it is acknowledged that some staff may feel anxious while the procedures are on-going. However carrying out these functions in an appropriate way and in accordance with the CCG's performance management framework does not constitute an act of bullying or harassment.

Section 2: Policy Principles

- 2.1 This policy is designed to ensure that all complaints of bullying and harassment are dealt with appropriately, objectively, promptly, sensitively, and fairly while ensuring the rights of both the complainant and the alleged perpetrator.
- 2.2 All employees, contractors, agency staff, bank workers, and those on secondment to the CCG will be made aware of this policy on joining the organisation and will be encouraged to read and understand its processes. All existing staff will be made aware of the policy.
- 2.3 All matters relating to any part of this procedure will be treated in strict confidence. Any breach of this confidentiality may render those responsible liable to disciplinary action. However, it must be remembered that legislation requires the accused to be made aware of the allegations against them and the name(s) of the individual(s) making the allegations, along with the name(s) of any witnesses.
- 2.4 No employee will be victimised for making a complaint of bullying and harassment or assisting a colleague in making a complaint, and no manager shall threaten either explicitly or implicitly that an employee's complaint of bullying and harassment will be used as a basis for decisions affecting that employee. Such conduct will be treated as a serious disciplinary offence.
- 2.5 Managers are required to act upon any complaint of bullying and harassment, whether formal or informal. Failure by a manager to do so will be regarded as misconduct, which if proven, will result in disciplinary action. Details of all such complaints must be notified to the HR Team for recording in compliance with legislation i.e. the Equality Act 2010 and for Equality Monitoring purposes.

- 2.6 Any employee who wishes to make a complaint of bullying and harassment should first discuss this informally with his/her manager or another appropriate manager or the HR Team providing they feel able to do so. If the issue has not been resolved at the informal stage of the process, or if an employee feels unable to raise the issue informally, or it is considered inappropriate for the matter to be dealt with at the informal stage, then a formal resolution should be sought as outlined in section 5.
- 2.7 Where a complaint of bullying and harassment is brought to the attention of management, whether formally or informally, prompt action will be taken to investigate the case. If bullying and harassment is established, the appropriate corrective action will be taken. This will normally include an investigation in accordance with the CCG's Disciplinary Procedure.
- 2.8 If it is considered that one of the parties concerned should be removed from the workplace, then as a matter of principle, the CCG will normally remove the alleged perpetrator rather than the complainant. However this will depend on the nature of the complaint and the circumstances at the time, as in some cases it may be more appropriate to remove the complainant. It should be noted that by removing either party, there is no implied guilt nor will this have any detriment on the investigation. Advice should be sought from the HR Team prior to any decision being made.
- 2.9 The CCG recognises the distress and anxiety that such allegations can cause to both the complainant and the alleged perpetrator. Support is available for both parties from HR, Trade Union Representatives or the Employee Assistance Programme (details of which are available on your local intranet site or from HR). Enquiries into complaints of bullying and harassment will be progressed promptly and with sensitivity and due respect for the rights of both the complainant and the alleged perpetrator.

Section 3: Definitions

3.1 **Harassment** is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The protected characteristics are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

It could also include any personal characteristic of the individual, and may be persistent or an isolated incident. The key to distinguishing between what does and what does not constitute harassment is that harassment is behaviour that is unwanted by the person to whom it is directed. It is the impact of the conduct and not the intent of the perpetrator that is the determinant.

Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion or isolation from social activities

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

The following are some examples of bullying:

- Unjustified criticism of an individual's personal or professional performance
- Deliberately undermining a competent employee by imposing unreasonable workloads
- Shouting at an individual
- Criticising an individual in front of others
- Making threats or comments about job security without foundation
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Spreading malicious rumours or making malicious allegations
- Intimidation or ridicule of individuals with disabilities and/or learning difficulties.
- Ignoring or excluding an individual from the team/group

This list is not exhaustive.

Bullying and harassment is not necessarily face to face. It may also occur in written communications, emails, phone conversations, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

The differences between a manager who is firm but fair and a manager who is bullying and harassing staff are often ambiguous. The framework below sets out some useful guidance.

Firm but fair manager	Bullying and/or harassment
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve best results, but reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their own ideas, but willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions
Insists upon high standards of service in quality of and behaviour within the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper, regularly degrades people in front of others, threatens official warnings without listening to any explanation
Asks for other people's views, listens and assimilates feedback	Tells people what is happening, does not listen

[source: www.direct.gov.uk]

3.3 **Victimisation** occurs when a person receives less favourable treatment because they have made a complaint, or it is suspected they have made a complaint, or if they have or are going to provide evidence about the behaviour, conduct or performance of a third party or parties.

Where the victimisation is related to an act of unlawful discrimination, for example where an individual makes a complaint about race, age, sex or disability discrimination etc., then the act of victimisation itself would be deemed unlawful.

Section 4: Roles and Responsibilities

4.1 Managers

4.1.1 All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of bullying and harassment. They must:

- Treat a complaint seriously and deal with it promptly and confidentially, giving the employee and the alleged perpetrator full support during the whole process
- Set a positive example by treating others with respect and setting standards of acceptable behaviour
- Promote a working environment where bullying and harassment is unacceptable and is not tolerated
- Tackle, and where possible, resolve incidents of bullying and harassment
- Consult with the HR Team for advice and support

4.2 Employees

4.2.1 All staff have a personal responsibility for their own behaviour and for ensuring that they comply with this policy. There are a number of things that staff can do to help prevent bullying and harassment such as:

- Setting a positive example by treating others with respect
- Be aware of how their behaviour may affect others, and to uphold standards of behaviour set within the CCG
- Be aware of the CCG's policy and comply with it
- Attend training sessions arranged to increase awareness of the issues involved
- Be aware of bullying and harassment and challenge unacceptable behaviour where appropriate
- Be supportive to individuals who state they have been bullied or harassed and take full account of their feelings and perceptions of the situation
- Encourage those individuals to seek help from an appropriate source
- Cooperate with investigations into allegations of bullying and harassment and act in a way which preserves the confidentiality of an investigation

4.2.2 Staff can contact the HR Team or their Trade Union Representative for confidential advice and support.

4.3 Human Resources Team

4.3.1 The HR Team has a responsibility to ensure that the policy is followed, fairly and consistently. Their duties will involve:

- Confidential advice and support to staff
- Advising managers on the application of the policy (including the provision of training on this policy)
- Advising managers and staff where individuals feel that they are being bullied or harassed in the course of their employment
- Ensuring the effective implementation of the policy
- Monitoring incidences of bullying and harassment and initiating appropriate action
- Reviewing and amending the policy as necessary

4.4 Support and Advice

4.4.1 The CCG is committed to achieving informal resolution of complaints relating to bullying and harassment wherever possible. In line with this approach, a number of options have been put into place to enable staff to be supported. This support may be provided to both complainants and alleged perpetrators and to any witnesses or others involved in a complaint.

4.5 Employee Assistance Programme:

4.5.1 The CCG's Employee Assistance Programme is available to provide impartial listening when an individual may want to explore issues of bullying and harassment in the initial stages. The individual may find the service useful in formulating a decision whether or not to pursue the case through formal channels. Alternatively, the individual may need support to develop strategies to deal with the difficulties at a personal level. The service

will also be appropriate after the decision on how to deal with the situation has been made (e.g. formally or informally). The service can offer formal counselling on the personal impact of bullying and harassment and may be useful for developing personal insights and strategies for the future. Counselling is available to both those who believe that they are being bullied or harassed and also to those who may be accused of bullying or harassment.

4.6 Occupational Health Service:

The CCG's Occupational Health Service is available to provide independent and confidential advice and support to an individual who is experiencing stress in the workplace as a result of bullying and harassment as this is a health and safety matter.

All CCG employees have the right to self-refer to the Occupational Health Service.

4.7 Trade Unions

The CCG recognises the important role that Trade Unions play in addressing bullying and harassment. Staff who are members of a Trade Union are encouraged to approach their Trade Union Representative regarding their concerns. The CCG will work in conjunction with the Trade Unions in addressing unacceptable and inappropriate behaviour.

Section 5: Procedure for dealing with Harassment and Bullying

In considering allegations of bullying and harassment, the CCG will apply an objective test of reasonableness. That is, it will ask whether, with due regard to all the circumstances including in particular the perception of the person affected, the behaviour in question could reasonably be considered to have had the effects described.

5.1 Informal Procedure

5.1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.

5.1.2 Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged perpetrator that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case complainants are advised to keep a record of all incidents, including the dates and times and any witnesses to these along with a note of their feelings. Complainants should also keep copies of any correspondence or relevant documents.

5.1.3 To address matters informally the complainant will:

- Explain how the unwanted behaviour makes/made them feel
- Explain how it affects their work or personal life
- Ask for it to stop

5.1.4 If the complainant feels unable to approach the alleged perpetrator, a Trade Union Representative or work colleague could be asked to speak to the alleged perpetrator on the complainant's behalf. A note should be made of the action taken.

5.1.5 An individual who is made aware that their behaviour is unacceptable should:-

- Listen carefully to the complaint and the particular concerns raised
- Respect the other person's point of view; they have a right to work in an environment free of harassment/intimidation
- Remember that it is the other person's reaction/perception to your behaviour that is important
- Agree the aspects of your behaviour that you will change
- Review your general conduct/behaviour at work and with workplace colleagues

5.1.6 Mediation is a voluntary process and may be considered as an informal approach in resolving the issues between individuals. It may be used in situations such as:

- Dealing with conflict between colleagues or between a line manager and staff
- Rebuilding relationships after a formal dispute has been resolved
- Addressing a range of issues including relationship breakdown, personality clashes, communication problems etc.

5.1.7 It should be noted that not all cases will be suitable for mediation and that both parties must be in agreement for it to go ahead. The mediator is in charge of the process but not the outcome, which will be agreed by the individuals. Should mediation be considered an option please discuss the case with HR who may suggest an independent mediator to take the matter forward.

5.2 Formal Procedure

5.2.1 If attempts to resolve the matter are not successful at the informal stage of the procedure, or the complainant feels unable or unwilling to raise the allegations informally, or that the allegation(s) are of such a serious nature that make it inappropriate for the allegations to be dealt with by the informal procedure, a complaint should be raised formally with the manager. However if the employee feels unable to do this, they should submit the complaint in writing to a senior manager within their Department or Directorate. In exceptional circumstances, allegations may be raised directly with HR, who will with other appropriate senior managers, arrange for the matter to be progressed in accordance with this policy.

5.2.2 When dealing with a complaint of bullying and harassment under the formal procedure, the complainant's manager or another senior manager in consultation with HR should:

- Request the complainant to put their complaint in writing outlining the nature of the bullying/harassment, providing details of the alleged behaviour/conduct. This should contain information and evidence (where relevant) regarding the alleged incident/s including dates and times, the circumstances, the parties involved and details of any witnesses to the alleged incident/s

- Meet with the complainant and their representative (if appropriate) to discuss the details of their complaint, and seek clarification on any of the information provided
- Assign an appropriate investigating manager to carry out an investigation and provide them with terms of reference for the investigation and the timescales for completion
- Write to the complainant to inform them that an investigation will be carried out, the name of the investigating manager and the expected timescales for completion

5.2.3 If the allegations and the situation warrant it, the alleged perpetrator may be suspended during the investigation (in accordance with the CCG's Disciplinary Policy) or temporarily redeployed to another Department or Directorate pending the outcome of the investigation. In some situations this may not be practical in which case the complainant could be temporarily redeployed. The Manager should seek advice from the HR Team prior to deciding on a course of action.

5.2.4 To maintain impartiality the investigating manager should normally not have been involved in dealing with the complaint at any stage. A member of staff may also request that their complaint is investigated by a manager outside of the immediate work area. Investigating Managers should discuss the case with the HR Team at the earliest opportunity.

5.2.5 The Investigating Manager will write to the alleged perpetrator to advise them that they are the subject of an investigation and provide them with full details of the complaint made against them.

5.2.6 The Investigating Manager will write to the complainant, any witnesses involved and the alleged perpetrator to advise them that they are conducting an investigation into allegations of bullying and harassment, provide summary details of the allegations and invite them to an investigation meeting. All individuals invited to an investigation meeting are entitled to be accompanied by a Trade Union Representative or a work colleague.

5.2.7 The starting point of the investigation will be for the Investigating Manager to explore with the complainant what they hoping to achieve by making the complaint and the resolution they are seeking.

5.2.8 The Investigating Manager, supported by the HR Team will meet with the complainant, any witnesses to the alleged incident and the alleged perpetrator and take comprehensive statements and notes of the meeting. The Investigating Manager will also ensure these are agreed with the individuals concerned and are signed and dated to confirm their acceptance that the statements/notes are an accurate record of what was discussed at the meeting. The statements/notes should be a comprehensive account of what was discussed, however are not required to be verbatim.

5.2.9 The Investigating Manager will also identify if any other individuals need to be interviewed as witnesses as part of the investigation process and if this is the case will invite them to an investigation meeting.

5.3.0 The CCG's intention is that all formal investigations will be completed as quickly as possible normally within 4 weeks, but given the complexity of some cases, timescales

may be reviewed or extended subject to discussion with the individual. The Investigating Manager will keep the complainant and the alleged perpetrator informed on a regular basis of the status of the investigation and the length of time it is likely to take.

- 5.3.1 Having obtained all of the information possible, the Investigating Manager will prepare a detailed report setting out their findings and recommendations and submit this to the manager who initiated the investigation. If the report highlights that bullying and harassment has occurred and there is a case to answer against the alleged perpetrator, the Investigating Manager will make a recommendation that a separate disciplinary investigation is carried out by an impartial manager supported by the HR Team. The CCG's Disciplinary Policy and Procedure should be followed in cases of misconduct.
- 5.3.2 The Investigating Manager will meet with both the complainant and the alleged perpetrator (separately) to inform them of the outcome of the investigation. This will also be confirmed in writing, providing detailed reasons of how the decision has been reached.
- 5.3.3 Whether or not the complaint is upheld, the complainant's manager (or his/her immediate manager) will also meet with the complainant to draw a line under the investigation and to ensure that there are no further issues that need to be addressed.
- 5.3.4 If however through the course of the investigation, evidence supports the fact that the allegation(s) have been made frivolously, maliciously or for personal gain, the complainant may become the subject of a disciplinary investigation. In this case the Investigating Manager will conclude that there is no case to answer and will make a recommendation that a separate disciplinary investigation is carried out by an impartial manager supported by the HR Team. The CCG's Disciplinary Policy and Procedure should be followed in cases of misconduct.
- 5.3.5 It should also be noted that the complainant may wish to move section/work area depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the decision communicated to the complainant along with the reasons for not granting this, if this cannot be accommodated.

Section 6: If allegations of bullying and harassment are not upheld

- 6.1 The Investigating Manager will meet with the complainant and the alleged perpetrator (separately) to confirm the conclusion of the investigation.
- 6.2 If either party has been moved or suspended, they will return to the work place as soon as possible.
- 6.3 It may be that counselling or mediation is required to support the working relationship between both parties to ensure they work together in a professional manner. This will be organised as soon as practicable.

- 6.4 Any request to transfer to another work area will be considered, taking account of whether suitable vacant post(s) are available, as well as the operational needs of the organisation. Any requests to transfer to an alternative position will be subject to normal recruitment and selection processes.

Section 7: If allegations of bullying and harassment are upheld

- 7.1 The Investigating Manager will meet with the complainant and the alleged perpetrator to confirm the conclusion of the investigation. This will also be confirmed in writing, providing detailed reasons of how the decision has been reached and where appropriate a copy of the investigation report.
- 7.2 The Investigating Manager will inform the alleged perpetrator that further action will be taken in accordance with the CCG's Disciplinary Policy.
- 7.3 Where the outcome of the Disciplinary Investigation is that there is a case to answer the alleged perpetrator will be informed that they will be required to attend a Disciplinary Hearing in accordance with the CCG's Disciplinary Policy.
- 7.4 The complainant will be advised that they will be required to attend the Disciplinary Hearing as a witness, unless there are exceptional circumstances which prevent them from doing so. If they are required to attend, they are entitled to be accompanied by either a Trade Union Representative or work colleague and have any questions directed through their representative if they so choose.
- 7.5 If the outcome of the Disciplinary Hearing is that the complaint has been proven there are a number of possible outcomes as follows:
- A written warning
 - Dismissal for gross misconduct

Following the issue of a written warning the following may also be implemented

- A recommendation of redeployment either on a temporary or permanent basis
This will not be on any less favourable terms and conditions of employment
- Making arrangements for both parties to work as separately as possible within the same workplace
- Attendance on an Eliminating Bullying and Harassment at Work and/or Equality, Diversity and Human Rights training course

Section 8: Right of Representation

Employees will be entitled to be accompanied by a work colleague or Trade Union representative during any hearings, formal meetings or appeals relating to the procedure. The colleague or Trade union representative will be allowed to confer with the employee during the meeting and to address the meeting on his/her behalf. The colleague or trade union representative however, does not have the right to answer questions on behalf of the employee. It is the employee's responsibility to arrange this representation.

The trade union representative need not be an employee of the CCG, but if he/she is not a fellow worker or an employee of his/her union, the CCG may insist on him/her being certified by the union as being experienced or trained in accompanying employees at formal hearings.

The choice of companion is a matter for the employee, but the CCG reserves the right to refuse to accept a companion whose presence would undermine the Bullying & Harassment process, or where it deems the choice of companion to be unreasonable e.g. someone from a remote geographical location, when there is someone suitable and willing available at the same location. Please note that individual work colleagues are not obliged to agree to accompany employees. Companions will be given appropriate paid time off to allow them to accompany colleagues at a formal hearing.

A member of Human Resources will support the Manager at all stages and during meetings with both parties.

Section 9: Victimisation

9.1 Victimisation occurs when a person is treated less favourably because that person has made a complaint of discrimination or bullying and harassment, has acted as a witness in connection with such a complaint, or has been involved or intends to be involved in any way in such a complaint. Anyone found to have victimised a person involved in a complaint as outlined above may be subject to disciplinary action in accordance with the CCG's Disciplinary Policy.

Section 10: Malicious Claims

10.1 All complaints of bullying and harassment will be treated within the context of the right of each individual to be treated with dignity and fairness. Staff that have bona fide complaints are encouraged to raise them without fear of recrimination, in the knowledge that the CCG takes the issue of bullying and harassment very seriously.

10.2 However if the complaint is found to have not been made in good faith and/or made with malicious intent, or it has been identified through the investigation that the complainant's behaviour or actions has contributed towards the alleged incident(s), this will be treated as a disciplinary offence which may result in disciplinary action.

Section 11: Responding to Counter Allegations

11.1 When a complaint of bullying or harassment is made, sometimes a counter complaint is made. In these circumstances both complaints will be investigated simultaneously by the same Investigating Manager, if practicable.

Section 12: Timescales for making a complaint

12.1 Any allegation should be made in writing within 3 months from the date of action that has caused the allegation. Consideration will be given to whether complaints made after this time will be investigated bearing in mind the practicability of investigating, taking into account time elapsed and the effect on memories of individuals who would be required to participate in the investigation. This will however be dependent on the

nature and circumstances of the allegation and take into consideration any factors such as long term sickness which may have prevented the complainant from making a complaint in a more timely way.

Section 13: Confidentiality

13.1 All employees involved with the investigation of bullying and harassment complaints and any subsequent processes are required to respect the need for confidentiality. All complaints raised in line with this policy, associated correspondence and interviews will be treated in strict confidence. Any breaches of confidentiality will be subject to disciplinary action in accordance with the CCG's Disciplinary Policy and Procedure.

Section 14: Appeals

14.1 Appeals against decisions taken under the Bullying and Harassment at Work Policy shall be dealt with as follows:

- If the complainant is not satisfied with the outcome of the investigation or the way in which this has been conducted they may attempt to resolve their dissatisfaction by requesting an appeal under Stage 2 of the Grievance Policy.

14.2 Any appeals against the outcome of a disciplinary hearing will be dealt with in accordance with the CCG's Disciplinary Policy and Procedure.

Section 15: References

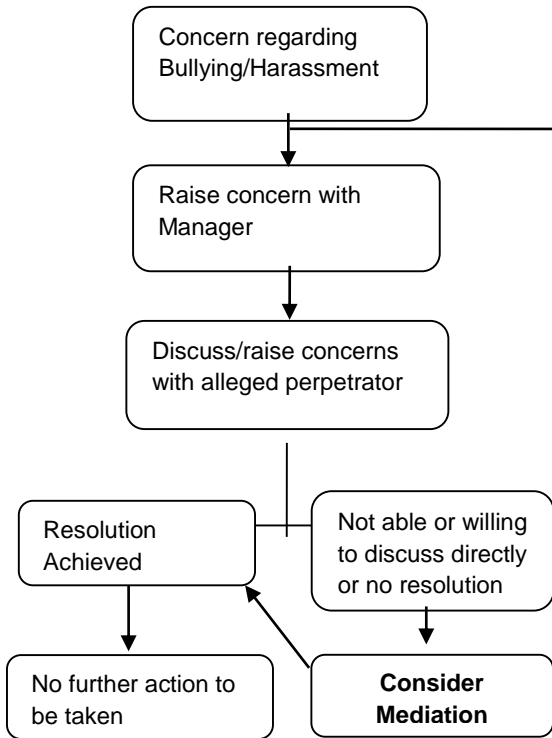
- Equality Act 2010
- Health and Safety at Work Act 1974
- Employment Rights Act 1996
- ACAS – Bullying and Harassment at Work

Section 16: Review

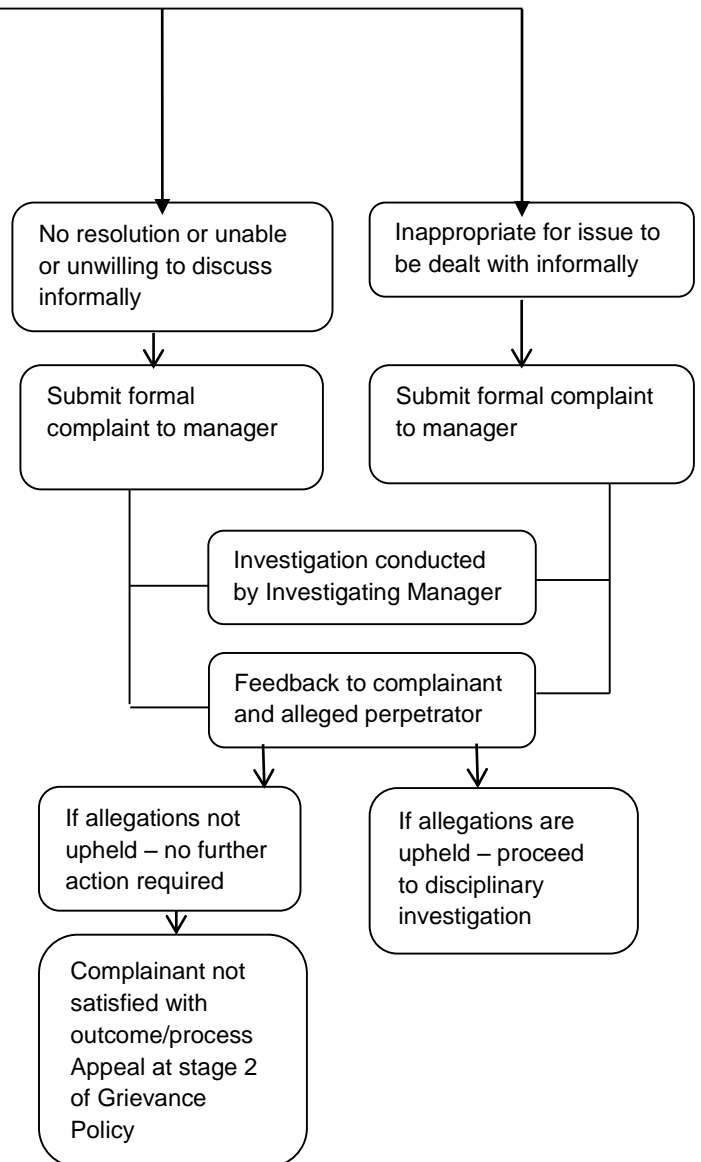
Unless there are major changes to legislation this policy will be reviewed every two years.

Appendix 1: Bullying and Harassment Procedure Flowchart

INFORMAL



FORMAL



Appendix 2: Principles of Mediation

- Mediation is where an independent, impartial third party, helps two or more people in dispute to attempt to reach an agreement.
- Any agreement comes from those in dispute, not from their mediator. The mediator is not there to judge or tell those involved what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.
- Mediators may be employees trained and accredited by an external mediation service, who act as internal mediators in addition to their day job or may be from an external mediation provider. They can work individually or in pairs as co-mediators.
- There are various stages of mediation, which may involve separate meetings as well as joint meetings between the alleged perpetrator and the complainant
- Anything said during mediation is confidential to the parties concerned. The only exception to this is where for example, a potential unlawful act has been committed or there is a serious risk to health and safety.

Appendix 3 - Timescales

Process	Timeframe
Complainant raises a formal complaint	As soon as possible after the alleged incident/s
Formal acknowledgement/receipt of complaint by Manager and date set for initial meeting to discuss complaint	Within 5 working days of receipt of formal complaint
Manager assigns Investigating Manager and provides terms of reference for investigation	Within 7 working days of receipt of complaint
Alleged perpetrator notified in writing by Investigating Manager and provided with a copy of the complaint	Within 10 working days of receipt of formal complaint
Investigating Manager sets up investigation meetings with relevant parties	Within 12 working days of receipt of formal complaint
Notification to all parties of dates of investigation meetings	Within 12 working days of receipt of formal complaint
Investigation carried out	Within 4 weeks of commencement of investigation process
Investigation report produced and sent to complainant's manager	Within 5 working days of the end of investigation process
Investigation Manager meets with complainant and alleged perpetrator to provide feedback	Within 7 working days of completion of investigation report
Outcome of investigation and any action to be taken conveyed in writing to alleged perpetrator	Within 7 working days of completion of investigation report
Outcome of investigation and any action to be taken conveyed in writing to complainant	Within 7 working days of completion of investigation report
N.B. Exceptionally, timescales may be reviewed or extended subject to discussion with the individual.	The Investigating Manager will keep the complainant and the alleged perpetrator informed on a regular basis of the status of the investigation and the length of time it is likely to take.