

TRUST POLICY

MUTUAL RESPECT

This document may be made available to the public and persons outside of the Trust as part of the Trust's compliance with the Freedom of Information Act 2000.

Please be aware that only documents downloaded or viewed directly from the GHNHST Policies webpage are valid documents. Documents obtained through printed copies or internet searches may be out of date and therefore will be invalid.

In this document you may find links to external websites. Although we make every effort to ensure these links are accurate, up to date and relevant, Gloucestershire Hospitals NHS Foundation Trust cannot take responsibility for pages maintained by external providers.

FOR USE BY: This document is to be followed by all staff of Gloucestershire Hospitals NHS Foundation Trust and Gloucestershire Managed Services

FAST FIND:

- [B0291 AC5](#) - Case Assessment Framework
- [B0291 AC8](#) – Restorative Guidance
- [B0291 AC9](#) – Reflective Guidance
- [B0295 AC1](#) – Grievance process

This Policy is supported by the Respectful Resolution toolkit which provides an overview of the **Five-Step** approach:

- [Step 1: Creating a Safe Culture](#)
- [Step 2: Reflect](#)
- [Step 3: Direct Feedback](#)
- [Step 4: Supported Resolution](#)
- [Step 5: Formal Process](#)

For support with any aspect of the Mutual Respect Policy **Quick Guides** are available:

- [Help! I am experiencing inappropriate behaviour](#)
- [I've had an allegation of inappropriate behaviour made against me](#)
- [I've witnessed inappropriate behaviour](#)
- [For Managers: addressing inappropriate behaviour](#)
- To access confidential support, contact the People Team, your trade union if you are a member, or the 2020 Staff Advice and Support Hub
- Colleagues are advised that a separate policy exists for the management of patient and visitor conduct, please see: [B0209](#) Violence and Aggression Policy.

This document should be read in conjunction with the following statements:

Safeguarding Is Everybody's Business

All Gloucestershire Hospitals NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults and must:

- be alert to the possibility of unborn child, child or adult abuse, neglect and exploitation in any setting
- be conscious that our patients are still children until their eighteenth birthday no matter the reason for attendance
- know how to deal with a disclosure or allegation of unborn child, child or adult abuse
- undertake Safeguarding training appropriate to their role and ensure they undertake regular updated training and awareness at the mandated intervals
- understand and follow local policy and procedure relating to reporting unborn child, child and adult concerns
- ensure early advice and support is obtain if required through the Trust Safeguarding Hub on 0300 422 6279 or by using the Trust vulnerability guidance on the intranet at [Vulnerability \(gloshospitals.nhs.uk\)](https://gloshospitals.nhs.uk)
- if necessary and role appropriate, participate in the multi-agency working arrangements to safeguard a child or adult
- ensure relevant contemporaneous records are kept and maintained in accordance with Trust policy, procedure and professional guidelines.
- ensure that all employees and their managers discuss and record any safeguarding issues that arise at each supervision session

Equality And Human Rights

Gloucestershire Hospitals NHS Foundation Trust recognises that some sections of society may experience prejudice and discrimination. The Equality Act 2010 specifically recognises the protected characteristics of age, disability, sex, race, religion and belief, sexual orientation, gender reassignment, pregnancy and maternity and marital and civil partnership status.

The Trust is committed to promoting and advancing equality; removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not both in the provision of services and in our role as a major county employer. The Trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices. The Trust is also aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

The Trust is committed to carrying out its functions, decision making and service delivery in line with that Human Rights commitment and the associated person centric FREDA principles of Fairness, Respect, Equality, Dignity and Autonomy.

Contents

1. INTRODUCTION.....	4
2. PURPOSE.....	4
3. PRINCIPLES AND VALUES	5
4. DEFINITIONS.....	6
5. ROLES AND EXPECTED RESPONSIBILITIES.....	12
6. WHAT WORKPLACE CONCERNS COULD BE RESOLVED WITH THIS POLICY?	14
7. STAGE 1 - INFORMAL STAGE	15
8. STAGE 2 - CASE REVIEW	16
9. STAGE 3 - FORMAL STAGE	17
10. FALSE ALLEGATIONS.....	18
11. DELAY IN REPORTING AND COMPLAINTS RECEIVED BY STAFF WHO LEAVE THE TRUST	18
12. ADVICE AND SUPPORT	18
13. TRAINING	19
14. EQUALITY IMPACT ASSESSMENT (EIA)	19
15. MONITORING OF COMPLIANCE, REPORTING OUTCOMES, COFINDETIALITY AND RECORD KEEPING	20
16. REFERENCES.....	20
Document Profile	21
Equality Impact Assessment (EIA).....	23
ACTION CARD 1 - Mutual Respect Policy Flow-Chart	25

1. INTRODUCTION / RATIONALE

- 1.1 The Mutual Respect Policy reflects the Trust's commitment to achieve the highest standards of health care services whilst providing a safe, healthy and fair working environment. Our approach advocates **mutual respect and civility** across the whole organisation at all times and in all circumstances. We must all take responsibility to address poor behaviour and allow colleagues to develop within a culture that is restorative, just and encourages learning.
- 1.2 All members of the Trust are responsible for their own professional and personal behaviour and are required to conduct themselves in a manner that does not cause offence to others.
- 1.3 The Trust is responsible for and is committed to creating a workplace that is free from victimisation, intimidation, bullying and harassment whilst ensuring all employees are treated fairly, equally and with respect. Colleagues, management and trade union representatives must work with a shared ambition and in partnership to ensure everyone is treated well in the workplace. There is an expectation that all staff will take action and ownership to challenge inappropriate behaviours and address concerns constructively.
- 1.4 The Trust will not tolerate any form of bullying, victimisation or harassment or any other inappropriate behaviour and will take all practicable steps to prevent and address this. Clear standards of behaviour are expected from all employees of the Trust at all levels. We are committed to robust conversations where we recognise and call out inequality as clearly unacceptable.

We pride ourselves on our compassionate culture, which is underpinned by three values and four compassionate behaviours: [Values and Compassionate Behaviours](#)

Trust Values:

- Caring:** we care for our patients and colleagues by showing respect and compassion
- Listening:** we actively listen to better meet the needs of our patients and colleagues
- Excelling:** we strive to excel through learning, and we expect our colleagues to do and be the best they can

Our Behaviours

- **Attend to others needs**
- **Understand one another**
- **Show empathy and compassion**
- **Help by taking action**

2. PURPOSE

- 2.1 This document refers to the standards of behaviour required and the guidance for employees on raising and managing an issue along with the potential consequences of failing to adhere to acceptable standards of behaviour.

- 2.2 The Policy outlines the processes to be followed by all employees, managers, the People Team, and staff side representatives.
- 2.3 It is recognised that conflict and disagreement in the workplace happens but also that it can be entirely normal and certainly it is not always negative. When conflict is managed well it can lead to healthy, resilient and positive working relationships.
- 2.4 The Mutual Respect Policy and its accompanying guidelines and action cards is the agreed Trust approach in raising and responding to issues of bullying and harassment in the workplace and where relevant away from work i.e., Social Media use. In doing so the aim is always to resolve all concerns as quickly and effectively as possible. Should informal resolution not work or be inappropriate in the circumstances then matters should be addressed by the Disciplinary Policy. However, no formal action will be taken without the completion of the Trust Case Assessment Framework ([B0291 AC5](#)) using the Restorative Guidance ([B0291 AC8](#)) and Reflective Guidance ([B0291 AC9](#)) as applicable.
- 2.5 All steps in the process are confidential, although in order for concerns and issues to be resolved; there will always need to be a sharing of information and feelings between the parties concerned.
- 2.6 As part of our Restorative, Just and Learning culture we strive for a workplace where colleagues can engage with one other constructively and use the toolkits available to seek their own resolution if they are concerned. In resolving issues, it can be helpful to involve the line manager for advice and support. If the concerns are about the line manager the advice is for the colleague to make contact with the next more senior manager or a member of the People Team who will advise how to take the matter forward.
- 2.7 The Mutual Respect Policy applies to all Trust employees, officers, consultants, self-employed contractors, casual workers including bank workers, agency workers, volunteers and interns.
- 2.8 This Policy applies to individuals but the principles outlined can be utilised for collective or group concerns.
- 2.9 This Policy does not form part of any contract of employment or other contract to provide services, and the Trust may amend it at any time (following consultation and agreement with the Trust's staff side organisations).

3. PRINCIPLES AND VALUES

- 3.1 The following principles and values underpin the Mutual Respect Policy:
- The right of Trust workers to be treated with dignity and respect and to work without fear of bullying and harassment
 - The right of any Trust worker who feels they are being bullied and/or harassed to address matters without fear of reprisal.
 - That employee performance management will be fair and reasonable with colleagues supported to understand the difference between managing work performance issues and bullying/harassment. The Trust will support managers to address employee poor performance in a constructive, fair and timely way. See the Managing Performance (Capability) Policy
 - The right of Trust workers raising concerns or facing allegations to be provided with support to protect their health and wellbeing as far as reasonably practicable.

- Provide a mechanism by which complaints can wherever possible be addressed in an informal and timely way in accordance with a Restorative, Just and Learning Culture.

The Trust will:

- Treat all allegations seriously and in good faith unless there is good reason to do otherwise
- Encourage Trust workers to fully utilise the Respectful Resolution toolkits and supporting material in seeking informal resolution.
- Review all allegations/cases using the Case Assessment Framework if further action is required
- If necessary and appropriate, use the Trust Disciplinary Policy to address matters that cannot be fairly and proportionately resolved informally or where informal resolution is not appropriate given the nature of the allegations.
- Where an investigation is proportionate and appropriate, investigate allegations in a timely manner.
- Ensure that any allegations made maliciously are reviewed using the Case Assessment Framework to consider the appropriateness prior to any action using the Trust Disciplinary Policy.

4. DEFINITIONS

Word/Term	Descriptor
Bullying	<p>Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.</p> <p>Bullying may include overbearing and intimidating levels of supervision or inappropriate derogatory remarks about someone's performance. However, legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.</p> <p>Bullying might:</p> <ul style="list-style-type: none"> • be a regular pattern of behaviour or a one-off incident • happen face-to-face, on social media, in emails or calls • happen at work or in other work-related situations • not always be obvious or noticed by others <p>It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone. Examples of bullying at work could include but are not limited to:</p> <ul style="list-style-type: none"> • constantly criticising someone's work • spreading malicious rumours about someone • constantly putting someone down in meetings • deliberately giving someone a heavier workload than everyone else

Word/Term	Descriptor
	<ul style="list-style-type: none"> • excluding someone from team social events • putting humiliating, offensive or threatening comments or photos about a colleague or other person connected to the Trust on social media <p>Bullying can sometimes be unlawful and will not be tolerated. For Trust employees it may lead to disciplinary action up to and including dismissal if it is committed:</p> <ul style="list-style-type: none"> • in a work situation. • during any situation related to work, such as at a social event with colleagues. • against a colleague or other person connected to us outside of a work situation, including on social media. • against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. <p>The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.</p>
Harassment	<p>Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.</p> <p>Conduct that has one of these effects can be harassment even if the effect was not intended.</p> <p>Unlawful harassment may involve conduct of a sexual nature (sexual harassment – see below), or it may be related to a range of other Protected Characteristics: age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Sexual harassment and harassment in relation to any Protected Characteristic will not be tolerated and are unlawful. Harassment is unacceptable even if it does not fall within any of these categories.</p> <p>Harassment may include, for example:</p> <ul style="list-style-type: none"> • racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender; • disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes; • offensive emails, text messages or social media content; • mocking, mimicking or belittling a person's disability; • unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing; • continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

Word/Term	Descriptor
	<ul style="list-style-type: none"> • sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet); or • unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless) <p>A person may be harassed even if they were not the intended target. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.</p> <p>The law requires employers to take reasonable steps to prevent sexual harassment of workers. Harassment is unlawful and will not be tolerated. For Trust employees it may lead to disciplinary action up to and including dismissal if it is committed:</p> <ul style="list-style-type: none"> • in a work situation. • during any situation related to work, such as at a social event with colleagues. • against a colleague or other person connected to us outside of a work situation, including on social media. • against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. <p>The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.</p>
Discrimination	<p>Direct discrimination is treating someone less favourably because of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation ("Protected Characteristic). For example, rejecting a job applicant because of their religious views or because they might be gay. Direct discrimination can include associative discrimination, where a person is treated less favourably because of their association with an individual with a Protected Characteristic, and perception discrimination, where a person is treated less favourably because of the mistaken belief that they possess a Protected Characteristic.</p> <p>Indirect discrimination is having in place a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.</p> <p>Disability discrimination includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.</p>

Word/Term	Descriptor
	<p>Discrimination in any form is unlawful and will not be tolerated. For Trust employees it may lead to disciplinary action up to and including dismissal if it is committed:</p> <ul style="list-style-type: none"> • in a work situation. • during any situation related to work, such as at a social event with colleagues. • against a colleague or other person connected to us outside of a work situation, including on social media. • against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. <p>The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.</p>
Victimisation	<p>Victimisation includes subjecting a person to a detriment (treating someone badly) because they have done, or are suspected of doing or intending to do, any of the following acts:</p> <ul style="list-style-type: none"> • making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment). • helping someone else make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010. • doing any other thing for the purposes of or in connection with the Equality Act 2010. • making an allegation that someone has contravened the Equality Act 2010. <p>Victimisation may include, for example:</p> <ul style="list-style-type: none"> • denying someone an opportunity because it is suspected that they intend to make a complaint about harassment. • excluding someone because they have raised a grievance about harassment. • failing to promote someone because they accompanied another staff member to a grievance meeting. • dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing. <p>Victimisation is unlawful and will not be tolerated. For employees, it may lead to disciplinary action up to and including dismissal if it is committed:</p> <ul style="list-style-type: none"> • in a work situation. • during any situation related to work, such as at a social event with colleagues. • against a colleague or other person connected to us outside of a work situation, including on social media.

Word/Term	Descriptor
	<ul style="list-style-type: none"> • against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. <p>The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.</p>
Sexual Harassment	<p>Sexual harassment occurs when someone is subjected to unwanted conduct (see definition of Harassment above) which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature. Conduct 'of a sexual nature' includes a wide range of behaviour and might include but not be limited to:</p> <ul style="list-style-type: none"> • sexual comments or jokes. • displaying sexually graphic pictures, posters or photographs. • suggestive looks, staring or leering. • propositions and sexual advances • making promises in return for sexual favours • sexual gestures • intrusive questions about a person's private or sex life or a person discussing their own sex life • sexual posts or contact on social media • spreading sexual rumours about a person • sending sexually explicit emails or text messages • unwelcome touching, hugging, massaging or kissing <p>An individual can experience unwanted conduct from someone of the same or a different sex.</p> <p>Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted however it is still not appropriate in the workplace. Sexual conduct that has been welcomed in the past can also become unwanted.</p> <p>Sexual harassment will not be tolerated and is unlawful. It may lead to disciplinary action up to and including dismissal if it is committed:</p> <ul style="list-style-type: none"> • in a work situation. • during any situation related to work, such as at a social event with colleagues. • against a colleague or other person connected to us outside of a work situation, including on social media. • against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. <p>The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.</p>

Word/Term	Descriptor
	<p>The Equality Act 2010 states that employers have a legal obligation to prevent sexual harassment of workers. The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment.</p>
Less Favourable Treatment for Rejecting or Submitting to Sexual Harassment	<p>It is also harassment where a worker is subjected to unwanted conduct of a sexual nature; related to sex or related to gender reassignment and the unwanted conduct has the purpose or effect of violating the worker's dignity; or creating an intimidating, hostile degrading, humiliating or offensive environment for the worker, and the worker is treated less favourably because they submitted to or rejected the unwanted conduct.</p> <p>Less favourable treatment for rejecting or submitting to sexual harassment will not be tolerated and is unlawful. It may lead to disciplinary action up to and including dismissal if it is committed:</p> <ul style="list-style-type: none"> • in a work situation. • during any situation related to work, such as at a social event with colleagues. • against a colleague or other person connected to us outside of a work situation, including on social media. • against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role. <p>The Trust will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.</p>
Third Party Harassment	<p>Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the Trust, but with whom they have come into contact during the course of their employment.</p> <p>Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation from a patient, client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.</p> <p>Third party harassment will not be tolerated and is unlawful. An individual cannot bring a claim for third party harassment alone, but if it occurs then third-party harassment can still result in legal liability when raised in other types of claims. The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment by third parties.</p> <p>All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this Policy. Any harassment by an employee of the Trust against a third-party may lead to disciplinary action up to and including dismissal</p>

Word/Term	Descriptor
	The Trust will take active steps to try to prevent third-party harassment of workers. If any third-party harassment of staff occurs, the Trust will take steps to remedy any complaints and to prevent it happening again.
Restorative, Just and Learning Culture	An environment where equal emphasis is placed upon both accountability and learning.
Respectful Resolutions	An informal resolution toolkit to help resolve workplace concerns in relation to bullying, harassment, and victimisation.
Facilitated Discussion	A facilitated discussion is a single meeting, or a series of meetings, which can be held between colleagues who are having difficulty working together to resolve a problem. The aim is to try to reach agreement on the way forward for the benefit of all parties including the organisation. The facilitator might be a manager, a colleague or someone with particular or relevant knowledge or skills.
Mediation	Mediation is a way to mend relationships when there is a disagreement at work. It is held by a trained 'mediator', a neutral person, who is impartial which means they do not take sides. They are there to help everyone involved find a solution they can all agree to. Mediation is not about judging who was right or wrong in the past and it looks at how to agree on working together in the future.
Cyber Bullying	Cyberbullying is bullying with the use of digital technologies. It can take place on social media, messaging platforms, gaming platforms and mobile phones. It is repeated behaviour, aimed at scaring, angering or shaming those who are targeted.
Case Review	A review in which all the details of an allegation are considered by a panel comprising of a member of the People Team, EDI and Management to consider if sufficient informal action has been undertaken to resolve matters and/or if the matter should be subject to formal action under the Disciplinary policy.
Case Assessment Framework	<p>The Trust and GMS framework providing structure and consistency to fact-finding, assessment and recording following an incident or event. The gathering of information within this framework does not constitute a formal investigation.</p> <p>It should be undertaken by the receiving manager, or suitable nominee, using the Trust Case Assessment Framework (B0291 AC5), Supporting Guidance (B0291 AC8) and Reflective Guidance (B0291 AC9) in order to determine the next steps</p>

5. ROLES AND EXPECTED RESPONSIBILITIES

Post/Group	Details
Director for People	<ul style="list-style-type: none"> Strategic responsibility for effective operation of this Policy Strategic responsibility for fair and consistent compliance Ensuring dissemination and awareness at Executive and Board level Ensuring appropriate consultation on this Policy

Post/Group	Details
	<ul style="list-style-type: none"> Abide by and recognise the principles of a Restorative, Just and Learning culture
Trust Board	<ul style="list-style-type: none"> Creation of open culture where reporting is enabled and staff have a right for their concerns to be addressed and responded to in an appropriate, structured and consistent fashion Abide by and recognise the principles of a Restorative, Just and Learning culture
Employees	<ul style="list-style-type: none"> To take personal responsibility for their own good conduct and behaviour at all times To abide by and recognise the principles of a Restorative, Just and Learning culture To acknowledge there is a clear distinction between bullying, intimidation, victimisation and harassment and the requirement to effectively address instances of poor employee performance, conduct and/or behaviour. To cooperate in any fact-finding or investigation when required to do so To attend Occupational Health referrals if relevant in support of this policy
The People Team	<ul style="list-style-type: none"> The provision of advice and support to line managers, employees and panels To promote, abide by and recognise the principles of a Restorative, Just and Learning culture To ensure matters are dealt with in a timely, consistent and fair way To maintain and update HR records in a timely fashion
Line Managers	<ul style="list-style-type: none"> Responsible for implementing and embedding the Policy within their area of responsibility including the Respectful Resolutions Tool kit Ensuring effective management systems are in place to minimise need/use for this policy Supporting staff to manage workplace concerns within their area of responsibility To ensure their staff are appropriately trained and are aware of the expected standards of behaviour and conduct To handle disciplinary matters confidentially and sensitively and take timely action as appropriate including any fact-finding and initial case assessment Abide by and recognise the principles of a Restorative, Just and Learning culture To assess matters objectively using the Case Assessment Framework and establish sufficient information in order to make reasonable, appropriate, defensible and fair decisions To seek necessary People Team support if required To keep written records and ensure appropriate confidentiality To consider any learning within the context of team, departmental or organisational improvement whilst seeking to raise and

Post/Group	Details
	address issues appropriately <ul style="list-style-type: none"> To consider the need for any staff referral to Occupational Health
Trade Union Representatives or Workplace Colleagues	<ul style="list-style-type: none"> To support employees involved in all matters of dignity and respect To abide by and recognise the principles of a Restorative, Just and Learning culture To support employees to understand and recognise how their behaviour and action should be in accordance with the Trust Values and Behaviours

6. WHAT WORKPLACE CONCERNS COULD BE RESOLVED WITH THIS POLICY?

This Policy applies if you wish to make a complaint about bullying; harassment; discrimination; victimisation; sexual harassment; less favourable treatment for rejecting or submitting to sexual harassment; third-party harassment.

You can also use the Policy to address concerns about any issue not consistent with the Trust values and behaviours. Just a few examples of this might include, but not be limited to:

- Behaving dismissively, rudely or aggressively
- Knowingly allow someone to repeatedly fail or make mistakes
- Cyber Bullying
- Spreading of malicious rumours
- Exclusion or isolation
- Persistent and unfair criticism
- Apportioning unfair blame
- Making threats or comments about job security without foundation
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

For more information, please refer to the [Respectful Resolution Toolkit](#).

This policy does not apply to patient and visitor conduct; this is addressed through the Abuse, Violence and Unacceptable Behaviour policy and the Sexual Behaviour Policy

OVERVIEW OF THE PROCEDURE

There are three main stages to addressing concerns relating to inappropriate behaviour:

- 1. Informal Stage** - Employee has concerns about how they are being treated and seeks informal resolution
- 2. Case Review** – (Case Assessment Framework and Panel)
- 3. Formal Stage** – As per the Disciplinary Policy

7. STAGE 1 - INFORMAL STAGE

- 7.1 It is expected that every attempt is made to resolve issues of bullying, harassment and other inappropriate behaviour informally by means of individual or facilitated discussion. For guidance on how to respectfully resolve concerns see the selection of [Quick Guides](#).
- 7.2 Colleagues are encouraged to respectfully challenge behaviour that they find unacceptable, or they feel does not comply with the Trust values and behaviours. It is recognised that this can be a daunting step to take and therefore employees are encouraged to use the Respectful Resolution toolkit and seek advice and support from an appropriate manager, People Team Advisor, Trade Union representative or Freedom to Speak Up Guardian. The purpose of this step is to ensure that both parties are given the early opportunity to express their views/feelings and to agree an amicable way forward. It may also be deemed appropriate to offer a supported resolution alternative at this stage of the process. The steps to take and options to help resolve matters are outlined in the [Respectful Resolution Toolkit](#).
- 7.3 If you are being subjected to bullying or harassment or other inappropriate behaviours, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult, you could speak to your line manager, a union representative or a trusted colleague, who can provide advice and assistance in resolving the issue. If you feel unable to speak to your line manager, as the complaint concerns them, you could speak to the People Advisory Team. Colleagues should be aware that whilst conversations with managers and the People Team can be both informal and confidential the organisation might have to act in order to protect employees and so in certain circumstances confidentiality cannot be guaranteed. If initial conversations do not resolve the issue, you may follow the Formal Stage as outlined below.
- 7.4 If you are not certain whether an incident or series of incidents amounts to bullying or harassment or any of the other inappropriate behaviours covered by this Policy, you should initially contact your line manager or the People Advisory Team informally for confidential advice.
- 7.5 If informal steps are not appropriate, or have been unsuccessful, you should follow the Formal Stage as set out below.

Keeping Records

- 7.6 It is important that anyone who believes that they are subject to bullying, harassment or other inappropriate behaviour, keep a confidential record of all alleged incidents as soon as possible after they have taken place. A supportive guide and template to capture this information is provided in [Help, I'm experiencing inappropriate behaviours](#). Once completed this record can be used to aid a conversation with the person and/or shared with line manager or People Advisory Team representative.
- 7.7 It is also important to keep records not just of the alleged events/incidents but also what attempts at informal resolution have occurred or if you do not feel informal resolution is appropriate, why this is the case. What conversations have taken place, who was there, who if anyone facilitated them and what was the outcome?

Mediation

- 7.8 If the issue has not been resolved through discussion and/ or a facilitated conversation then mediation is an option. Mediators are colleagues who have been trained in mediation. Mediators ensure a safe environment for both parties to explore the inappropriate behaviour and resolve issues and conflict towards agreeing solutions and a way forward. In some cases, an external mediator may be appropriate. Mediation can be arranged through the Organisational Development Team.
- 7.9 Further information on the mediation process can be found in the [Quick Guide](#).

8. STAGE 2 - CASE REVIEW

- 8.1 If reasonable attempts at informal resolution have been unsuccessful or you do not believe that informal resolution is appropriate, you may make a formal complaint of bullying or harassment or other inappropriate behaviours. You should submit it in writing to your line manager using the Grievance Policy documentation ([B0295 AC1](#)) which will support you in presenting your case comprehensively. If the matter concerns your line manager, you should submit it to the People Advisory Team.
- 8.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully or perpetrator of other inappropriate behaviour, the nature of the harassment or bullying or other inappropriate behaviour, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. Do include any other supporting documentation such as emails etc.
- 8.3 Alternatively, the circumstances may be considered so serious based on the event itself or the patterns/persistence of the behaviour, that the Line Manager must request a case review to determine if the case should move to a formal Disciplinary process.

A request for a Case Review is made through the People Advisory Team and prior to doing so the manager must have completed the Case Assessment Framework. No request for a Case Review will be accepted without the completion of the Case Assessment Framework.

- 8.2 A Case Review allows an independent assessment of the facts before making any decisions on any need for formal action. Treating colleagues fairly is at the heart of a Restorative, Just and Learning Culture and allows staff to feel confident to speak up when things go wrong rather than fearing blame. In using a restorative, just and learning approach an individual need may be identified such as reflective practice or behavioural awareness. However, such an approach is all about both fairness and accountability and often there are others who are impacted or need to be considered too. It is on that basis that formal action may be required but only after careful consideration, as it is never the preferred choice.
- 8.3 Such an approach is also entirely consistent with the duty placed upon an employer to protect employees from sexual harassment and the Trust and GMS Sexual Behaviour Policy. It is the Case Review process that will consider cases of sexually inappropriate behaviour where it is believed that formal action is necessary.

- 8.4 The Case Review will be undertaken by a group chaired by a Business Partner, People Team Manager or the Investigation/Support Officer, an operational manager independent of the case, an EDI representative and the manager or People Advisory Team member with knowledge of the case. The coordination of the panel will be undertaken by the People Team. In reaching any decisions it might be that the line manager responsible for the initial assessment may be asked to contribute to the discussion and should make themselves available.
- 8.5 A Case Review panel will;
- Assess the informal resolution process to ensure that all opportunities have been taken and in a way that is both fair and reasonable. If not, the panel may make recommendations in relation to additional informal resolution action.
 - Decide on whether there is already sufficient information that the allegation should progress to formal action under the Trust Disciplinary Policy
 - Make recommendations, if necessary, as to the parameters of any formal investigation for any subsequent Commissioning Manager
 - Consider any urgent action required as a result of a decision to move to formal action. That might relate to safeguarding, interim working arrangements, suspension, restrictions or exclusion. If there is no immediacy then the consideration and any review of these issues remains with the Line Manager/Commissioning Manager
 - Record in writing any decisions including any rationale
 - Ensure that through the People Advisory Team representative the Trust case management system is updated
- 8.6 There is no mechanism for representation at the Case Review from either the complainant or the subject of the complaint. The circumstances are presented by the line manager through the completion of the Case Assessment Framework and/or their presence to answer questions. Any further information from the aggrieved or additional or formal response from the employee would be within a disciplinary process.
- 8.7 Following the Case Review panel it is for the Line Manager to inform all parties of the next steps.

9. STAGE 3 - FORMAL STAGE

- 9.1 Where a disciplinary process is recommended by the Case Review panel the Line Manager, or the manager presenting the case to the panel if different, becomes the Commissioning/Case Manager and instigates an investigation in accordance with the Trust's [Disciplinary Policy](#).
- 9.2 In some circumstances, the Director for People may initiate an investigation under the Disciplinary Policy in the absence of a formal complaint. This may occur as a result of, but not be limited to, Staff Survey findings, Exit Interviews, Freedom to Speak Up feedback or ongoing assessments such as Care Quality Commission reviews.
- 9.3 Whether or not your complaint is upheld, the Trust will consider how best to manage the ongoing working relationship between the individual and the person complained about. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

- 9.4 Unless the complaint was addressed by the Disciplinary Policy, if the individual is not satisfied with the outcome to their complaint, then the appeal provisions within the Grievance Policy may be used.

10. FALSE ALLEGATIONS

- 10.1 This Trust takes seriously its duty of care for all staff. As such where it is reasonable to conclude that concerns of inappropriate behaviour were not made in good faith then the matter may be addressed using the Trust Disciplinary Procedure. This is entirely consistent with false allegations made through the Grievance or Disciplinary processes.
- 10.2 It is recognised that colleagues may struggle on occasion to make a distinction between management action or reasonable instruction and poor behaviour. It is on that basis that staff are encouraged to discuss their concerns with a trusted colleague, manager, People Advisory Team representative, staff side representative or Freedom to Speak Up Guardian at the earliest opportunity.

11. DELAY IN REPORTING AND COMPLAINTS RECEIVED BY STAFF WHO LEAVE THE TRUST

- 11.1 It is expected that employees will seek to address their concerns when they arise and they are supported by a number of routes to do that. On that basis with complaints under this policy the Trust has discretion to decline formal resolution for matters raised more than three months after the last relevant event or concern. In such cases, employees will be expected to explain and justify any delay in reporting to a line manager which might include, by way of example, matters such as long-term sickness, a real threat or genuine fear of retaliation or negative consequence or simply a reoccurrence of the initial concerns or behaviour.
- 11.2 If an employee raises a behavioural concern and then subsequently leaves the Trust the case will be considered on merit in accordance with this policy. The Trust will provide a written outcome following consideration of the circumstances but there is no mechanism for appeal.
- 11.2 Complaints from employees who have left the Trust may still submit complaints about the behaviour of colleagues during their employment but the Trust is not obliged to provide them with any outcome or response.

12. ADVICE AND SUPPORT

- 12.1 There are numerous sources of information and support available to colleagues who believe they are the recipient of poor behaviour, witness poor behaviour or are themselves the subject of allegations. Anyone who is concerned about harassment or bullying can ask for support from their line manager or a senior colleague.

If you would prefer to talk to someone outside your team, you can get help and advice from:

- [Staff Advice and Support HUB](#)
- The People Advisory Team: HR Advisory Centre on 0300 422 5360. Alternatively send an email to ghn-tr.hradvisoryteam@nhs.net
- The Freedom to Speak Up Guardians - <https://intranet.gloshospitals.nhs.uk/departments/corporate-division/raising-concerns-and-speaking-up/freedom-speak/>
- Accredited Trade Union Representatives
- The Equality Advisory and Support Service (www.equalityadvisoryservice.org.uk).
- Protect (www.protect-advice.org.uk).
- Victim support (www.victimsupport.org.uk).
- Useful toolkits and support can be obtained via the linked [Respectful Resolution](#) package.

- 12.2 Individuals who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation, must not suffer any form of retaliation or victimisation as a result. Any employee found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Trust's Disciplinary Policy.
- 12.3 If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied you should raise it formally using our Grievance Policy.
- 12.4 The Trust will monitor the treatment and outcomes of any complaints of harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.
- 12.5 We offer access to confidential counselling, which is available on request for anyone affected by, or accused of, bullying or harassment. This is available XXXXXX The helpline number is [TELEPHONE NUMBER] and email address is [EMAIL ADDRESS].]

13. TRAINING

- 13.1 All employees are required to complete all forms of relevant mandatory training including the Code of Conduct and Harassment and Bullying on-line training.

14. EQUALITY IMPACT ASSESSMENT (EIA)

See [Equality Impact Assessment \(EIA\)](#) document.

- 15. MONITORING OF COMPLIANCE, REPORTING OUTCOMES, COFINDETIALITY AND RECORD KEEPING**
- 15.1 Confidentiality is an important part of the procedures provided under this policy. Specific details of the investigation, the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under the Disciplinary Policy.
- 15.2 Where appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.
- 15.3 Information about a complaint by or about a staff member may be placed on their Personnel file (P-File), along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our **Data Protection Policy**.

Do the systems or processes in this document have to be monitored in line with national, regional or Trust requirements?		YES
Monitoring requirements and methodology	Frequency	Further actions
<ul style="list-style-type: none"> Monitor via KPIs on a quarterly basis through People and OD Delivery Group (reported by exception to Trust Leadership Team) Annual report and Audit to People and OD Delivery Group (reported by exception to Trust Leadership Team and subject to annual review) 	<ul style="list-style-type: none"> KPI Quarterly Annual 	

16. REFERENCES

N/A

Document Profile

Trust Policy Assurance Group (TPAG) require this information for approval and governance purpose. All fields must be fully completed prior to submission. Incomplete submissions will be rejected by the Policy Team. Please follow the guidance below.

Document Identification	
Reference Number	B0751
Document Title	Mutual Respect
Category	Non-Clinical
For Use By	GHNHST & GMS Staff
Version	V2
Issue Date	March 2025
Review Due	March 2028
Amendment Date	N/A
Extension Date	N/A
Keywords	Bullying, Harassment, Mutual Respect
Indicate if this document should be on the Trust's public page.	No
Document Ownership Details	
Owning Division	Corporate
Owning Specialty	People and OD
Associated Specialities	List any other related specialities
Chief Executive Officer	Kevin McNamara, CEO
Responsible Board Member / Executive Director	Claire Radley – Director of People and OD
Divisional Director for Speciality	Not applicable for Corporate division
Divisional Director for Quality and Nursing	Not applicable for Corporate division
Author / Reviewer	Simon Atkinson – Investigation and Support Officer, HR
Consultation, Approval & Dissemination Details	
Consultees	HRPG Staff Side Committee Inclusion Network/Council; Medical Line via Med Director/Deputy FTSU Network Education Network Trust Leadership Team
Main Local Approval Group	Human Resources Policy Group (HRPG)
Chair of the Main Local Approval Group	Gupreet Kaur – HR Business Partner
Additional Local Approval Group/s and their Chair	N/A
Local Approval Details	HR Policy Team – February 2025

Trust Policy Assurance Group (TPAG) Ratification Date	March 2025
Dissemination Details	Upload to Policy Site; weekly news; policy newsletter to 100 leaders; cascaded via divisions
External Compliance and Guidance	
External Compliance Standards and/or Legislation	ACAS Code of practice 2015 Equality Act 2010 Employment Act 2008 Employment Act 2002 (Dispute Resolution) Regulations 2004 Worker Protection (Amendment of Equality Act 2010) Act 2023
Relevant NICE Guidance	N/A
Relevant Regulations	N/A

Equality Impact Assessment (EIA)

Date Completed	December 2024
Completed by	Simon Atkinson HR Investigation and Support Officer

<u>Age</u>		
		X
Adverse	Neutral	Positive
Consider people of different age groups. Think about the built environment, routines and practice.		

<u>Disability</u>		
		X
Adverse	Neutral	Positive
Consider both able and disabled people, and different types of disability. Think about accessibility of the built environment, routines, practice and communication.		

Protected characteristic: <u>Gender Reassignment</u>		
		X
Adverse	Neutral	Positive
Consider people who are transgender, or are transitioning. Think about routines, practice, communication and use of language.		

Protected characteristic: <u>Marriage and Civil Partnership</u>		
		X
Adverse	Neutral	Positive
Particularly relevant for issues concerning employment. Think about rules, practice, routines and use of language.		

<u>Pregnancy and Maternity</u>		
		X
Adverse	Neutral	Positive
Particularly relevant in the workplace is to consider people who are pregnant or on Maternity or Adoption Leave. Think about routines, practice and opportunities.		

<u>Race</u>		
	X	
Adverse	Neutral	Positive
Race can mean colour, nationality, ethnic and national origins, as well as people belonging to ethnic and racial groups. A racial group can be made up of two or more distinct racial groups e.g., British Jews; Romany Gypsies; Irish Travellers. Think about routines, practice and communication.		

<u>Religion or belief/no belief</u>		
		X
Adverse	Neutral	Positive
Consider people who follow religious practices or traditions. This also applies to philosophical beliefs which are cogent, serious and apply to an important aspect of human life or behaviour. Think about routines, practice, dietary issues and use of language.		

<u>Sex</u>		
		X
Adverse	Neutral	Positive
Consider people who are men, women, boys and girls. Discrimination could be a one-off act or as a result of a document/rule. Think about procedures, rules, routines, language and behaviour, built environment.		

<u>Sexual Orientation</u>		
		X
Adverse	Neutral	Positive
Consider people who are lesbian, gay and bisexual. This also covers how people choose to express their sexual orientation, such as through their appearance or places they visit. Think about practice, the environment and use of language.		

Other factors to be considered, not included as a 'Protected Characteristic'		
		X
Adverse	Neutral	Positive
Consider people with other differences which make them susceptible to discrimination e.g., socio-economic factors; gender and non-binary; marital status (such as divorced, single). Think about routines, practice, protocol, language.		

ACTION CARD 1 - Mutual Respect Policy Flow-Chart

FOR USE BY: Panel members, Authorised Officers, Line managers, the People Team, staff side representatives

LIAISES WITH: the People Team,

ALWAYS ENSURE ALL RELEVANT ACTIONS ARE DOCUMENTED

