

DIGNITY AT WORK POLICY

PROMOTING DIGNITY AND RESPECT IN THE WORKPLACE

Responsible Director	Director of Human Resources
Approved By	APF
Equality Assessed: 	We are working to ensure that no-one is treated in an unlawful and discriminatory manner in the workplace because of their age, disability, gender (including re-assignment), marriage or civil partnership, pregnancy or maternity status, race, religion or belief or sexual orientation. This policy has been developed based on equality assessed guidance.
Date Approved	June 2014
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Replaces	Board Dignity At Work
Other Relevant Policies, Frameworks and Programmes	Disciplinary Policy & Procedure Grievance Policy & Procedure Mediation Framework Policy on Stress in the Workplace Personal Use of Social Media Policy Facing The Future Together Employee Capability Policy & Procedure eESS Standard Letters

DIGNITY AT WORK POLICY

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DIGNITY AT WORK POLICY

1. POLICY STATEMENT

- 1.1 The purpose of this policy is to promote dignity and respect at work and to help foster a positive and dignified workplace culture. The policy not only details the courses of action open to members of staff who experience inappropriate or unacceptable behaviour from a colleague, but more fundamentally it sets out how, in developing a positive culture, we aim to minimise the instances of such behaviour occurring in the first place.
- 1.2 This policy is part of the response of NHS Greater Glasgow and Clyde (the Board) to the 2010 'Give Respect, Get Respect' campaign within NHS Scotland (Appendix 1). The policy was revised during 2013/14 to complement Facing The Future Together (FTFT), with particular reference to 'Our Values & Behaviours' (Appendix 2).
- www.staffnet.ggc.scot.nhs.uk/Info%20Centre/FTFT/OurCulture/Pages/
- 1.3 The policy also makes a separation between what is termed 'disrespectful behaviour' and what is termed as more serious bullying, harassment and/or victimisation. To assist in this separation the policy contains the Board's definition of each term.
- 1.4 There are therefore three tiers within the policy:
- **Developing a positive workplace culture**
 - **Dealing with disrespectful behaviour**
 - **Dealing with bullying, harassment and victimisation**
- 1.5 By focusing attention on workplace culture and dealing effectively with disrespectful behaviour whenever it arises it is expected that cases of bullying, harassment and victimisation will become much more isolated.
- 1.6 The Board acknowledges the fact that employees do sometimes make genuine mistakes with their behaviour. The policy and procedures are designed to enable behavioural matters to be dealt with appropriately, but also sensitively and in accordance with the wishes of the employee subjected to the disrespectful behaviour.
- 1.7 It is also acknowledged that behavioural issues between members of staff can feel difficult and uncomfortable for those involved. Staff are reminded of the availability of the Employee Counselling Service for confidential advice and support when facing such issues.

- 1.8 The highest level of confidentiality will be observed in relation to cases being dealt with under this policy. Any breach of such confidentiality may be subject to action being taken under the Board's Disciplinary Policy and Procedure.

2 SCOPE

- 2.1 This policy applies to all employees of the Board, whether full or part-time or whether on permanent contracts or bank contracts.
- 2.2 The policy also applies to employees of the Board in their work with staff from the Board's partner agencies. In the event of a complaint about an employee from another organisation, there will need to be close collaboration between Management and Human Resources from both organisations. Employees can only access and be bound by the terms of their employer's policies and not by those of an employer to whom they are not contracted to work.

3 DEVELOPING A POSITIVE WORKPLACE CULTURE

- 3.1 The Board is committed to creating a work environment which is free of bullying, harassment and victimisation and where everyone is treated with dignity and respect. All employees have a right to work in an environment where staff are treated fairly and consistently, are kept well informed, are involved in decisions which affect them, are appropriately trained and are provided with a work environment which is safe. Together these are part of the Staff Governance Standard which is a legal obligation placed upon NHS Scotland employers.
- 3.2 The Board has also established Facing The Future Together as its major staff engagement and culture change programme. Its overarching aim is to encourage all members of staff to improve how they support each other to do their jobs, provide an even better service to patients and communities, and to improve how staff feel about the service as a place to work. To create the conditions for this positive culture across all work areas there is a strong FTFT focus on the Six Values and associated behaviours, set out fully in Appendix 2. This not only enables staff themselves to feel more confident in dealing with disrespectful behaviour if encountered, but more importantly it sets a tone across the organisation that reduces the instances of such behaviour occurring in the first place.
- 3.3 It is the responsibility of all managers and team leaders to set this positive culture for their immediate team and workplace. This should involve a focus on the Six Values and an agreement in each team about those behaviours which are encouraged and those which are unacceptable. Some teams call these their 'Ground Rules' and should be accompanied

by a commitment to speak out and give feedback if these are broken, and for the team to regularly review their effectiveness.

- 3.4 Conflict which arises within teams, perhaps due to an inappropriate management style being applied or personality clashes between team members should also where possible be addressed in this way.

4 DEALING WITH 'DISRESPECTFUL BEHAVIOUR'

- 4.1 This section of the policy sets out courses of action open to members of staff who experience behaviour from another member of staff that displays a basic lack of respect. 'Respect' is a term that has been used at national NHS level in the 'Give Respect, Get Respect' campaign and also in one of our own six value statements 'We treat each other with respect'. Hence the use of the term 'disrespectful behaviour', which for the purpose of this policy is defined as:

Rude or discourteous behaviour that causes the receiver to feel belittled or insulted or to have their reputation damaged. If left unchecked it creates an uncomfortable or even hostile work environment and could develop into bullying and harassment. Examples include use of demeaning or offensive language, shouting, openly disregarding other's views, frequent interrupting, being deceptive or manipulative, gossiping behind another's back (including online), being disruptive or not making a full contribution in the workplace to the detriment of colleagues.

- 4.2 When an employee encounters disrespectful behaviour, either to themselves or others, they should - where they feel confident in doing so - tell the person responsible to stop the particular behaviour or action that is causing the difficulty as near to the time of the incident occurring as practicable. This may resolve the issue and stop any recurrence, and can usually be done in a way that diffuses tension in the situation. Often the person responsible is not aware of the impact of their behaviour or quickly reflects on it and changes it as soon as it is pointed out to them. See Appendix 3 for 'Tips for giving and receiving feedback with colleagues'. This can also found on FTFT online under 'Our Culture' www.staffnet.ggc.scot.nhs.uk/Info%20Centre/FTFT/OurCulture/Pages/
- 4.3 It is acknowledged that dealing one to one with such issues can feel awkward or difficult, but it may clear up the situation satisfactorily and quickly. If on the other hand the member of staff feels they have no choice but to escalate the issue, they should make a complaint to their Line Manager or use their Trade Union/Professional Organisation Representative to do so on their behalf.

- 4.4 In instances where the issue involves the Line Manager, then the approach should be to the next-in-line Manager.
- 4.5 In response to such a complaint from a member of staff the manager will listen, discuss and explore the nature of the issue with the staff member and agree next steps with them. For cases of alleged disrespectful behaviour the manager should aim to resolve the issue informally and in a way that allows positive working relationships to be rebuilt. This may in some cases be helped by interventions from Human Resources, Organisational Development, Learning & Education or perhaps by independent mediation.
- 4.6 Mediation is a process that attempts to resolve conflict by involving a neutral third party to bring conflicting parties together with the aim of reaching a mutual agreement. A summary about mediation and its use can be found in Appendix 4. For more detailed information the Mediation Framework can be found online on Staffnet under HR Policies.
<http://www.staffnet.ggc.scot.nhs.uk/Human%20Resources/Policies/Pages/default.aspx>
- 4.7 Following the agreed actions being taken, the manager will continue to monitor and review the situation until they and the member of staff are satisfied that the issue is concluded.
- 4.8 If the member of staff is not satisfied about the way the issue is being handled or feels that the issue is not being progressed effectively towards resolution, they may invoke the Grievance Procedure.
- 4.9 A flow chart for the above process is set out in Appendix 5.

5 DEALING WITH BULLYING, HARASSMENT AND VICTIMISATION

5.1 Board definitions:

Bullying is an escalating process of offensive, intimidating, malicious or insulting behaviour aimed at an individual, which occurs repeatedly and regularly (e.g. weekly) over a period of time (e.g. six months). It often involves an abuse of power and authority and makes the victim feel upset, threatened or humiliated. Bullying tends to have the effect of undermining self-confidence and can make people feel vulnerable and stressed. Bullying has no legal definition, whereas harassment does.

Harassment describes unwanted conduct affecting the dignity of men and women in the workplace, i.e. acts which are unacceptable and demeaning to the victim. Harassment may be related to age, sex, race, disability, religion, sexual orientation, nationality, marriage/civil partnership, maternity/pregnancy status or any personal characteristic of

the individual. Harassment may be persistent or an isolated incident. The legal definition of harassment in the Equality Act 2010 refers to ‘...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’

***Victimisation** is punishing or treating an individual unfairly, for example, because they have either made a complaint, intend to make a complaint or are believed to have made a complaint. The National NHS policy on Equality, Diversity and Human Rights defines victimisation as detriment suffered by a member of staff as a result of issues or allegations they have raised in good faith, or because they have participated in an associated process, for example as a witness.*

5.2 Allegations of above behaviour will always be formally investigated and if upheld can result in disciplinary action, up to and including dismissal, under the Board’s Disciplinary Policy and Procedure.

5.3 A member of staff who feels they are experiencing Bullying, Harassment or Victimisation, as defined in 5.1, should immediately report the matter to their line manager. If the allegation involves the line manager then the next in line manager should be approached.

5.4 The manager will listen and explore the nature of the issue with the staff member. If the manager agrees that the issue meets one of the definitions in 5.1 then there are two possible next steps:

- Where there is clear evidence of misconduct, then an investigation will proceed directly under the Disciplinary Policy & Procedure.

- Where the line manager deems the evidence to be unclear then there will be an independent review of the evidence. This review will be carried out by a Joint Investigatory Panel (JIP). See Appendix 7.

If the manager finds that the issue does not meet one of the definitions in 5.1 and the staff member disagrees, the staff member may then employ the Grievance Procedure.

5.5 The aim of the JIP is to gather and consider all the relevant facts relating to the allegations and to do so promptly. It is expected that investigations should be concluded within 6 weeks. This may be extended if required by the Chair of the JIP who will set out a revised and specific timescale, with reasons, to all parties.

5.6 The JIP acts under the delegated authority of the line manager unless the manager is implicated in any aspect of the complaint. In such cases another manager will be commissioned to lead the process. The

manager will appoint a JIP which will consist of a Human Resources professional, a nominated Service Manager and a Trade Union / Professional Organisation Representative. The chair will be the nominated Service Manager.

- 5.7 The Chair of the Panel must be experienced in using investigative techniques.
- 5.8 The JIP will interview those individuals who may be able to provide information about events pertaining to the complaint. When interviewing the principal subjects (i.e. alleged bully and person feeling bullied) and any witnesses, the following points should be adhered to:
 - The JIP will ask employees to provide a written statement which must be dated and signed. They will be advised that copies of these will be given to the employee who has raised the complaint and the employee(s) whom the complaint has been made against, or their Trade Union/Professional Organisation Representative. Employees providing statements will be given the opportunity to consult with their representative regarding the content of these.
 - All parties must be advised that the information they provide will be used as evidence in the final JIP Report.
- 5.9 All participants of the process should be offered the opportunity to be represented and/or accompanied by their Trade Union/Professional Organisation Representative (including full-time Trade Union Officers or by a fellow employee or a friend/relative not acting in a legal capacity).
- 5.10 All parties need to engage in the process with a sense of urgency, efficiency and focus. No party gains from a long or drawn out process which often adds to the inherent strain involved in these cases.
- 5.11 The Board commits to the training of all those involved in investigating allegations of bullying, harassment and/or victimisation.
- 5.12 The Human Resources panel member must ensure that the policy is followed and that all relevant communication to those providing evidence is timeous. The Human Resources panel member will also support the panel by preparing the first draft of the report for the other panel members.
- 5.13 When the JIP believe they have reached a conclusion to their investigation they are required to produce a comprehensive report outlining their findings. This report is sent in the first instance to all parties involved for their comments prior to submission to the Manager for final decision.

- 5.14 The Chair of the JIP will meet with the Manager to outline the report and this may include further discussion/clarification required by the Manager with regard to any additional comments submitted. If the panel require to meet again or carry out further investigation prompted by these comments then this will happen. The Manager will make a final decision based on panel recommendations only when s/he is completely satisfied that all details have been considered. The manager will send a letter outlining their decision in advance of any meetings with the parties to advise them of the outcome.
- 5.15 There are 3 potential outcomes in the JIP report namely:
- 1 No evidence of bullying found, no interventions recommended;
 - 2 No evidence of bullying found, however the matter requires consideration for a suitable development intervention such as training, mentoring or coaching;
 - 3 Evidence supports allegations of bullying.
- 5.16 Based on the outcome the manager will explore a range of actions from no action, development interventions, to commencing a disciplinary process.
- 5.17 Any concerns about the process must be raised with the JIP Chair or line manager whilst the process is ongoing or with the line manager at the end of the process.
- 5.18 Employees are urged to allow the process to run its course, but have the right at any point to employ the Grievance Procedure if they believe they have reasonable grounds for grievance about the process or against individuals associated with it.
- 5.19 In allowing the opportunity for both parties to submit further comment about the JIP report prior to submission to the line manager, this ensures that all facts and views are fully considered by the line manager prior to their decision, which is then final.
- 5.20 A flow chart for the above process is set out in Appendix 6.

6 POLICY COMMUNICATION

- 6.1 The terms of this policy will be communicated via StaffNet, Team Brief and through Induction of new-starts and job changers.
- 6.2 The policy will be hosted on the Human Resources – Policies page and within the Staff Governance pages.
<http://www.staffnet.ggc.scot.nhs.uk/Human%20Resources/Policies/Pages/default.aspx>

7 MONITORING AND REVIEW

- 7.1** The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.
- 7.2** The Board is required by Law to gather monitoring information relating to a broad range of characteristics with regard to equality and diversity (e.g. race/ethnicity, age) for many aspects of employee relations. Employees may be asked for information relating to the above in connection with the policy. Employees do not have to give the monitoring information if they do not wish to. Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this policy.
- 7.3** The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation and formally reviewed again no later than June 2017.

APPENDIX 1:

'GIVE RESPECT, GET RESPECT' NHS SCOTLAND INITIATIVE

In response to results from a number of national staff surveys, NHS Scotland launched a campaign to address the subject of harassment in the workplace. This national initiative was undertaken in partnership with staff-side organisations and led to the development of a toolkit. The toolkit comprised a number of 'how to..' guides and a DVD which illustrated the staff governance standards and offered advice on exhibiting an authentic style of leadership which encourages strong engagement and high performance.

The following three tables are extracts from the *Give Respect Get Respect* toolkit.

TABLE 1 : **FACT OR FICTION**

FACT

Being respectful to everyone you meet at work will improve your workplace and the patient experience.

NHS Scotland has a zero-tolerance attitude to negative behaviour. Wherever you come across confrontation, obstruction, offensive language or exclusion – you have a responsibility to speak up and put a stop to it.

Our colleagues who experience persistent negative behaviour will often suffer severe emotional stress. It can affect their work performance, their health, trigger frequent absenteeism, and even pressure a person into leaving their job. Negative behaviour damages lives.

FICTION

Gossiping is harmless. Not true. Talking negatively about a person behind their back is a form of social exclusion. Gossip is a negative behaviour and will damage a person's reputation and professional standing.

Ignoring or freezing someone out can't do any real harm. Not true. It is a wilfully negative social act, and can have a truly intimidating effect on the person being ignored. Inclusion shows respect.

It doesn't matter if I don't get on with someone at work. Not true. Personal conflicts have a negative impact all around the workplace where they exist. You might not get on with an individual you work with, but you still need to work well with them. Respect means treating them as you'd want to be treated.

TABLE 2 : HOW TO GUIDE - NETIQUETTE

Steps towards email manners

As a first principle, show respect. Never send an email you wouldn't like to receive yourself. If you wouldn't say something to a person face to face, then you shouldn't write it in an email. People don't turn off their feelings when they turn on their computer.

Check before sending

Take a few moments to proof-read before you send something! Frequent typographical errors or misspellings will distract readers and can leave a bad impression. Always use the spell checker.

Be clear and concise

Emails should be easy to understand, so avoid too much background information. If the message needs a lot of detail, perhaps email is not the best way to communicate it.

Beware of acronyms

Not everyone reading your email will be familiar with NHS jargon or even words that are local to your area. So always provide a brief description of unfamiliar terms. Never use text speak – such as, IMHO (In My Humble Opinion) or FWIW (For What It's Worth). Acronyms can confuse.

Watch your language

Never - and that does mean never - use words that could be considered sexist, racist or ageist, or express a social viewpoint that could be regarded as insensitive, prejudiced or biased – and therefore disrespectful. Offensive language is contrary to the code of behaviour.

Don't turn a 'flame' into a forest fire.

A 'flame' is email content that takes a particularly nasty, mean-spirited

tone. So, in response, never criticize the sender online. Personal attacks inhibit communication by raising everyone's defences. Instead, email an alternative perspective.

Try to ignore others' attempts to antagonize. If you are offended by something online, express your feelings calmly to the appropriate person - preferably by private email, not by 'reply all'. If you feel that the behaviour is not a one-off or it falls into the realm of racism, sexism or is threatening, alert your line manager or consult a confidential contact as appropriate.

Be patient and polite

Not everyone has an equal understanding of email technology, or perhaps the topic being discussed, so there may be occasional misunderstandings. Try to resolve these quickly and with courtesy.

Don't use ALL CAPITALS

Using capitals is the equivalent of SHOUTING on line. To emphasize, use an asterisk (*) before and after the word you want to stress. For example:

I said that we should all go to meeting room 1 for this discussion.

I said that we should *all* go to meeting room 1 for this discussion.

I said that we should all go to *meeting room 1* for this discussion

Be cautious with humour

It's very common to be misunderstood when using humour or irony, some readers may not get the joke. Instead, use 'emoticons', the icons that express emotions. You may think them unnecessary or silly, but they have a valid purpose. In emails we cannot pick up facial expressions or tone of voice, so these icons can provide important information about your exact meaning.

The most commonly used emoticon is the 'smiley' ... :-) ... created by typing a colon followed by a dash and a bracket. A 'winking smiley' is often used after someone makes a wry joke and wants to be certain that the reader 'hears' the ironic tone. For this simply substitute the colon for a semi-colon ... ; -)

Use email responsibly

Don't be a cyber bully. If you've got a concern or a grumble – do you need to include anyone else other than the person you really need to tell? Likewise if you are e-mailing tasks and there are many 'to do's' involved, pick up the phone and alert people. Better still, meet them if possible. Be sure any deadlines you set are realistic.

TABLE 3: EVERYONE DESERVES RESPECT

Your colleagues, boss, staff, patients and public.
How you behave towards them matters.
Respect means treating everyone as you'd want to be treated yourself.
There's simply no place in NHS Scotland for negative behaviour, confrontation or obstruction.
Unfortunately, it can surface in all sorts of ways.
Criticising colleagues to others.
Keeping someone out of the information loop.
Bombarding a person with emails.
Ganging up on someone or spreading gossip.
Victims of such behaviour often suffer deep emotional stress.
Far beyond work, it can destroy their life.
If you see it happening, don't tolerate it - challenge it.
You're right to speak up and nip it in the bud.
In the end, it's all down to rights and responsibilities.
You've every right to be treated with respect.
And you have an equal responsibility to act with respect, even in situations when respect isn't being shown to you.
Mutual respect improves your working life
Mutual respect builds a dignified workplace
And that takes patient care to an altogether higher level
When you work at it, respect works.

APPENDIX 2:

FTFT: OUR VALUES AND BEHAVIOURS

2.1 FACING THE FUTURE TOGETHER

In 2011 NHS Greater Glasgow & Clyde launched an employee engagement initiative with five main component parts, namely:

- Our Culture
- Our Leaders
- Our Patients
- Our People
- Our Resources

An integral part of this framework is the collection of our six organisational values statements that underpin all that we do:

- **We put patients first**
- **We focus on outcomes**
- **We take responsibility**
- **We always try to do better**
- **We work as one team**
- **We treat each other with respect.**

All of these commitments are vital to delivering contemporary health services which we can be proud of. The '*we treat each other with respect*' commitment is arguably of most relevance to the Dignity At Work Policy. The following are positive behaviours which NHS GG&C encourages in the workforce. *You should*

- Be truthful, honest and inspire trust.
- Engage, influence and respond positively with people.
- Seek first to listen and understand others points of view.
- Support an open, non-threatening climate where people can say 'no' as appropriate.

- Respect confidentiality.
- Value everyone as individuals and respect diversity in all its forms.
- Support a climate where people don't feel threatened about their differences.
- Value the efforts of others and regularly show appreciation.
- Use inclusive language and behaviour.
- Demonstrate warmth and be easy to approach.
- Show genuine concern for others.
- Manage your own emotions and handle others' emotions with sensitivity.
- Give and value honest and constructive feedback. Reflect on and use feedback to further develop your own behaviours/skills.
- Be objective, fair and constructive in conflict situations always ensuring that everyone's dignity is maintained.
- Encourage behaviour which is consistent with the above and challenge behaviour which is not.

Additional information can be found via the StaffNet link:

www.staffnet.ggc.scot.nhs.uk/Info%20Centre/FTFT/OurCulture/Pages/

APPENDIX 3:

Tips for Giving & Receiving Feedback with Colleagues

Personal feedback is an exchange of information from one person to another that may take place for a variety of reasons, for example:

- To encourage or show appreciation
- To help another person to improve their skills, better their performance or to achieve a desired goal or outcome.
- To make another person more aware of the impact that their behaviour is having.

Tips for giving feedback:

1. Think about what is triggering your need to give feedback. What are your motives and desired outcomes? To punish? To fix? To control? Or to provide honest observations that will help an individual to achieve a desired goal or better outcome.
2. Has the feedback been requested? Will it be welcomed? You may need to find an appropriate time and start the conversation by indicating that you'd like to resolve an important issue with an offer of feedback.
3. Feedback should be timely so that the person can easily connect the information to their actions. The only caveat is to avoid giving feedback when emotions in a situation are still running high. It is important to choose a moment when the person will be receptive.
4. Be careful to judge whether public or one to one feedback is more appropriate. Appreciation may be appropriate in public but communicating unmet expectations may not be.
5. Try to make feedback a day to day conversational activity about small things. This means the practice becomes easy and expected and not an awkward process when feedback about a bigger issue is required.
6. Although feedback may be given with the intention to improve performance or outcomes, the receiver always has a choice about what s/he does with it.
7. In some situations particularly in giving performance feedback it may be accompanied by the consequences being set out for the receiver not taking action on the feedback. Ultimately only the individual themselves can decide to make a change.
8. Giving feedback is about letting the person know from your own position how their actions or behaviours are impacting (positively or negatively).

Feedback can therefore often be most effectively delivered using the first person 'I'.

Also, feedback is more effective as a description about actions or behaviours and their impact, not about the attributes of the person themselves.

"I thought the way you dealt with the situation led to a really positive meeting".

"I felt under attack and harassed when you were shouting".

"I sense you get irritated when I ask you these types of questions".

9. Don't be tempted to soften feedback to make it more palatable. This often confuses rather than helps. Using first person phrasing allows you to express your perspective in an honest and impactful way. Similarly, the 'bad news sandwich' where a piece of negative feedback is contained between two positives can sound false and confusing.
10. When delivering feedback avoid personal criticism or judgement. These tend not to be helpful and will likely result in a defensive reaction. Feedback can still be a robust view of an individual's behaviour or actions which is more helpful and actionable and more likely to create a 'listening' reaction.
11. Be as specific as you can about the details of the feedback, illustrating with examples if possible, so that the feedback is actionable for the receiver.
12. Example format for imparting feedback:
Observed behaviour > Impact > Desired behaviour > Desired impact
"Here's what I saw / heard / learned". (Observed behaviour)
"This made me feel / think..." (Impact)
"In future I'd like you to/not to..." (Desired behaviour)
"And this will mean that I will..." (Desired impact)
13. If the receiver starts to defend their behaviour, argue or deny etc, do not enter into this argument. Reiterate that your feedback is about your own observations, feelings and views which are intended to be useful for them. It may be appropriate that they seek feedback from others to get other perspectives.
14. Sometimes after giving feedback it is helpful to stop and disengage from the discussion, especially if there is a defensive reaction. Some learning styles are more reflective in nature whereupon the individual will take time

to think about what you have said and decide what they need to do at a later stage. This may lead to conversation later on where the feedback is discussed in a more useful way.

Tips for receiving feedback:

1. Be approachable and open to feedback, be proactive and ask for it, particularly if you sense there is feedback available but not being given.
2. Control your initial reactions and possible defensiveness.
3. Realise that feedback may not necessarily be imparted skilfully, so you may want to ask questions to clarify and explore.
“Can I check that the issue is about (?)”.
“When I took this action, how did you feel?”
“How could I have done this better?”
4. Suspend your judgement and reflect on what you are being told.
5. It is often useful to summarise back to the individual what you think you have heard from them.
6. Show appreciation for the feedback. It is information that you would not otherwise have received and it may have been difficult for the person to discuss it with you.
7. Feedback is information about one person’s observations or impact and is correct from their perspective. It may be useful to check what you have heard with others and get their feedback as well.
8. Ultimately you have the right to decide what you do with feedback you receive. There may however be consequences you should be aware of if you do nothing.

APPENDIX 4:

SUMMARY DETAILS ABOUT THE MEDIATION PROCESS

Introduction

Below are summary details about Mediation and example situations where its application may or may not be appropriate. If on reading this summary there is an indication that mediation is a possible way forward for a particular situation then the complete Mediation Framework can be found online on Staffnet in the HR Policies page.

<http://www.staffnet.ggc.scot.nhs.uk/Human%20Resources/Policies/Pages/default.aspx>

What is mediation?

Mediation is where an impartial third party, the mediator, helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not in charge of the outcome.

When to use mediation

Although the use of mediation is encouraged in the organisation it is important to consider if it is always the most appropriate option. The following lists are examples and not exhaustive.

Mediation **may be** appropriate:

- To address a range of issues, including relationship breakdown, personality clashes or communication problems;
- To resolve conflict involving colleagues of a similar job or grade, or between a line manager and a member of their team;
- To help re-establish working relationships after a formal dispute has been resolved / formal procedure completed;
- Where an ongoing professional working relationship is required / or there is a requirement to act cooperatively;
- Where there are questions over fairness and reasonableness;
- Where it is in the interest of both parties to resolve a situation without recourse to the Grievance Procedure.

Mediation **is not** appropriate:

- As a first resort – because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation;
- To address issues of Bullying, Harassment and/or Victimisation. These issues are dealt with under the Disciplinary Policy & Procedure or, if evidence is unclear, they are investigated by a Joint Investigation Panel and the issue may then, depending on findings, proceed to the Disciplinary Policy & Procedure (please refer to the Dignity at Work Policy, Section 5 - Dealing with Bullying, Harassment and Victimisation);
- Where a decision about right or wrong is needed, for example where there is possible criminal activity;
- Where there is an unbridgeable imbalance of power;
- Where the individual bringing a discrimination case wants it investigated;
- Where someone has learning difficulties or mental health problems (the party may be permitted to have someone to attend in an “advocacy” capacity –if agreed, the latter would only be permitted into the mediation if they signed a confidentiality agreement;
- Where the parties do not have the power to settle the issue;
- Where one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

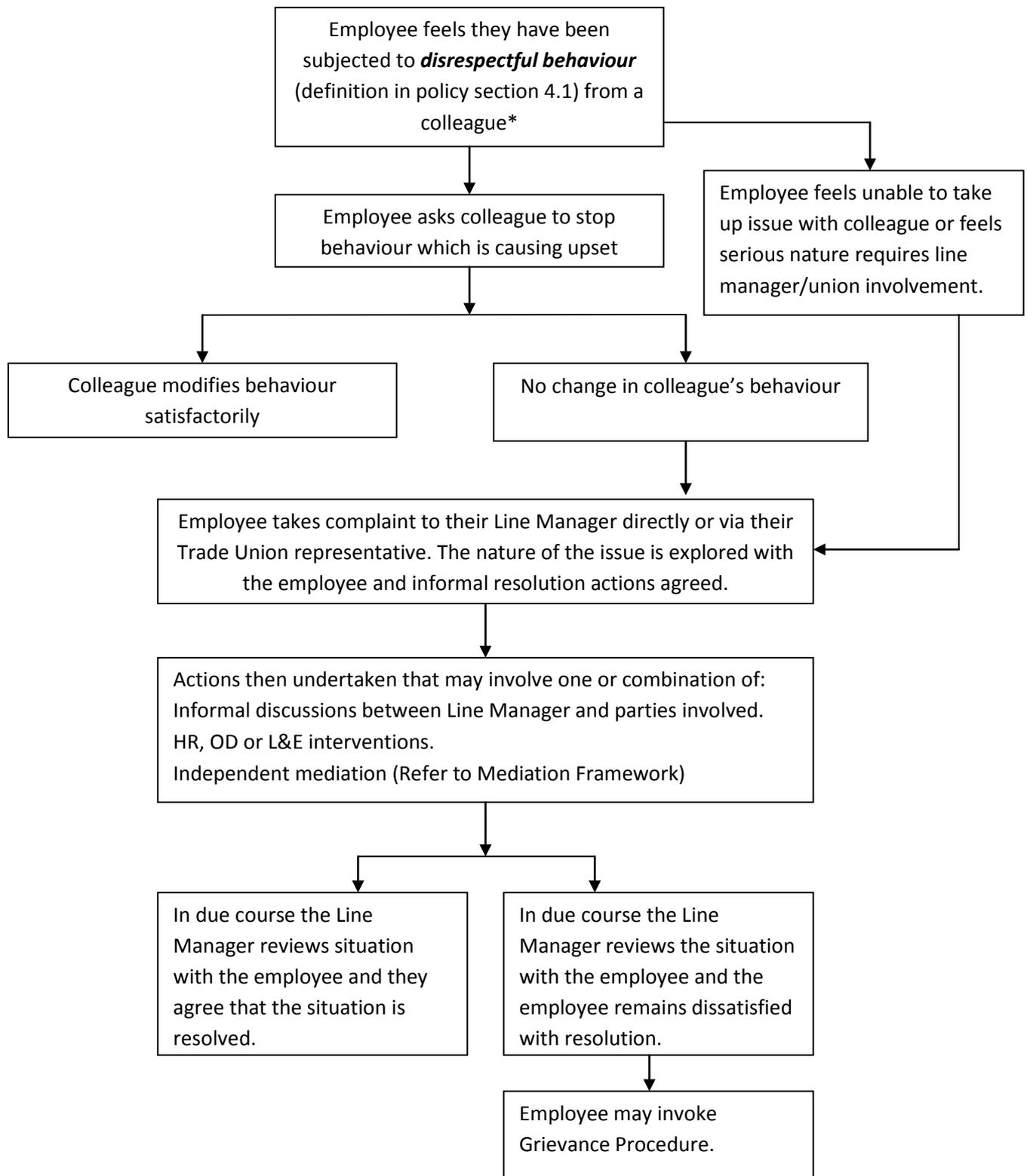
Additional underpinning principles of mediation

- Mediation is voluntary and will take place only where all parties involved in the dispute agree to participate.
- The process can be stopped at any point by any participant, including the mediator.
- The mediator will be impartial and independent to the situation and parties involved.
- Every individual involved will keep information about the mediation confidential and not disclose it to a third party, nor use it for any other purpose other than mediation. The only exception would be if there was a legal duty to disclose information that was shared at the meeting.
- The mediation framework, including any written agreement, is non-contractual in status, binding by honour only. To encourage employees to participate in mediation and to emphasise its use at informal stages of disputes, ACAS advise that the content of mediation discussions and agreements should not be used in any formal process.

- All mediation exercises will be evaluated by NHSGG&C with a commitment to confidentiality.

APPENDIX 5:

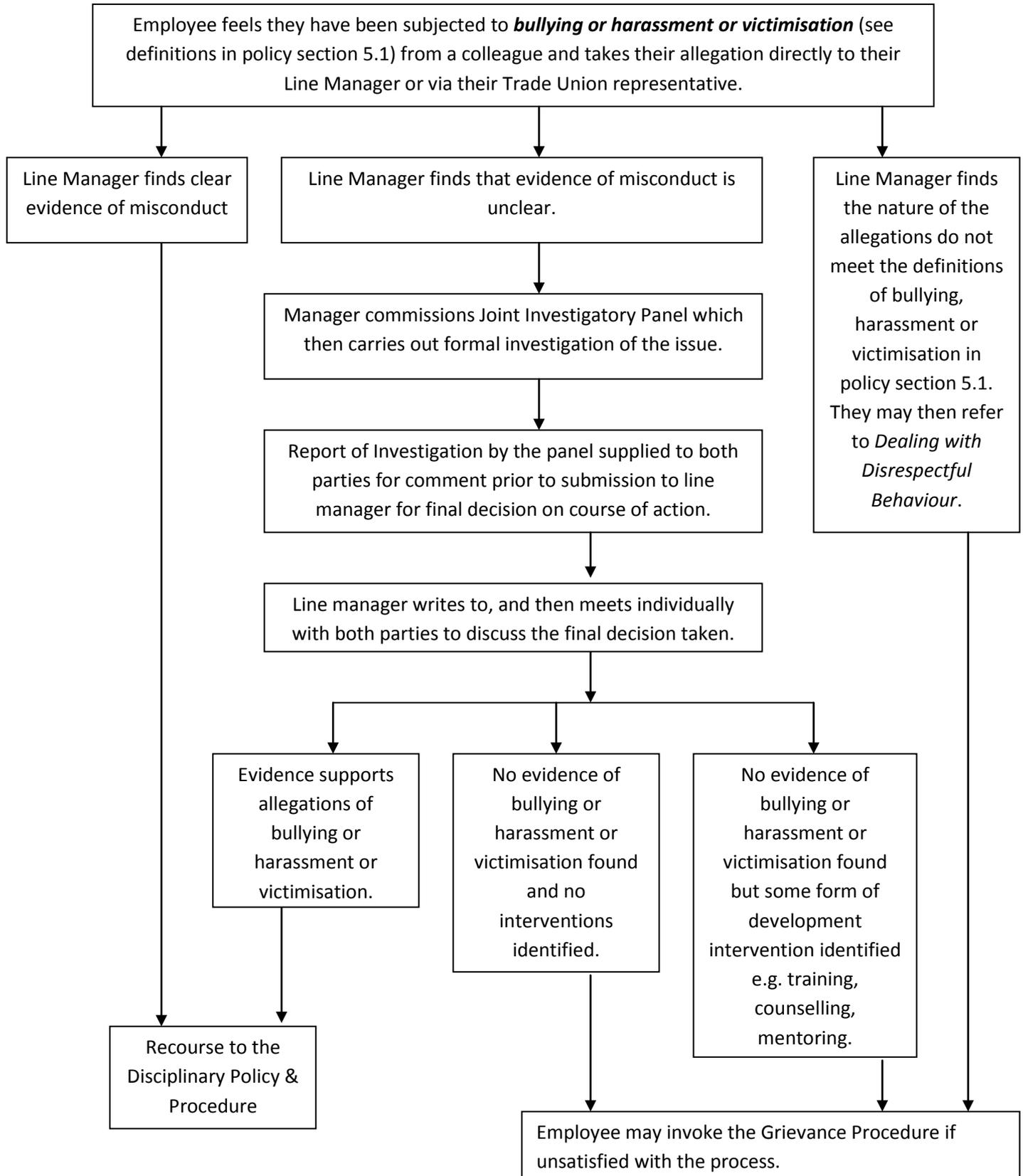
PROCESS FLOWCHART - DEALING WITH DISRESPECTFUL BEHAVIOUR



* Colleague could be at the same level, more senior or more junior in the organisation.

APPENDIX 6:

PROCESS FLOWCHART - DEALING WITH BULLYING, HARASSMENT AND VICTIMISATION



APPENDIX 7:

JOINT INVESTIGATION PANEL GUIDANCE

1. Introduction

A Joint Investigation Panel (JIP) is instigated by a line manager who has received a complaint from a member of staff alleging bullying, harassment or victimisation and the evidence in the case is unclear and requires an independent review of that evidence. In cases where the evidence of misconduct is clear then the line manager will not establish a JIP but will progress directly to the Disciplinary Procedure.

The JIP operates under the authority of the line manager and will conduct a thorough investigation likely to include interviews with the key people involved and the gathering of written statements and other relevant material. The JIP chair will seek to compile a comprehensive report with evidence and recommendations for the line manager to reach a decision about further actions.

2. Forming the Panel

The JIP will consist of a Manager as Chair, supported by a Human Resources Representative and a Staffside Representative, from the Area Partnership Forum approved list, of a Trade Union/Professional Organisation not representing any staff involved. The Manager should not be Line Manager of any of the staff involved. All will be impartial.

3. Preparation

Before the process commences, it is helpful to clarify:

- 3.1. Details of the precise issue to be investigated. Allegations of bullying and/or harassment must be clearly recorded from the harassee and must be addressed fully. This includes ensuring that each allegation is fully explored on an individual basis and that any final report identifies a response to each allegation.
- 3.2. The methodology for conducting the investigation (e.g. identification of initial witnesses, copies of relevant policy under which investigation is being held);
- 3.3. For what purpose and by whom any subsequent investigation report produced would be used;

- 3.4. Techniques, such as root cause analysis, which might be helpful;
- 3.5. The questions to be used in interviews with the aggrieved employee, the alleged harasser and witnesses. Standardisation of questions can assist to clarify facts and ensure there is consistency. This includes ensuring questions are around What, When, Who and How. The panel must avoid closed questions to ensure witnesses state the facts fully.
- 3.6. The commitment required as a panel member. It is recognised that the timescale within the policy can be challenging and if staff are nominated to be members of a JIP they must commit to freeing up time to undertake the investigation. It is expected that from original complaint to completion of JIP Report should take no more than 6 weeks.
- 3.7. Where interviews should take place. As with any sensitive issue, meetings of this nature should be held in appropriate venues to ensure privacy and lack of interruption. This includes ensuring appropriate housekeeping e.g. water, quiet space and more than one room if it's necessary to separate witnesses. The Human Resources lead on the panel should ensure these arrangements are made.

4. Investigatory interviews and witnesses

- 4.1. As part of the investigation, it will be necessary to interview the individual who is the alleged harasser the investigation, as well as any potential witnesses.
- 4.2. It may be necessary to carry out additional subsequent interviews in order to clarify details where, for example, conflicting accounts are received or where new information comes to light in the course of the investigation.
- 4.3. The order in which investigatory interviews take place should, where possible, follow a logical order, in order to minimise the likely need to undertake such additional subsequent interviews. However, it is appreciated that this may not always be possible and that, indeed, further witnesses may be identified during the course of the investigation.

- 4.4. Individuals should receive written notice of a request to provide a statement and attend an investigatory interview, which should set out the purpose of the interview and confirm the individual's right to be accompanied, and include a copy of the Dignity at Work Policy.
- 4.5. Written statements should be obtained, signed and dated as an accurate account of events.
- 4.6. In the case of the individual who is the subject of the investigation, it is important that they are made aware of the allegations being investigated at an early stage (although it is recognised that these may change during the course of the investigation).
- 4.7. The investigating officer should identify what needs to be established from each investigatory interview and prepare accordingly.
- 4.8. Those being interviewed should be encouraged to recall their version of events in their own words, with the use of open, rather than closed, questions being used to gain information, clarify the issues and to check understanding of what has been said.
- 4.9. In the case of witnesses, they should be informed that their statement may be shared with the individual who is the subject of the investigation, that the statement may be used if further action is taken and that they may be required to give evidence if matters subsequently proceed to a disciplinary hearing. If a witness refuses to participate it is important that the investigating officer meets with them to understand their reasons and to discuss any means by which such refusal might be overcome.
- 4.10. The investigating officer should make full notes of the investigatory meeting. While those interviewed may subsequently be invited to sign and date those notes as an accurate reflection of the discussion, there is no obligation on the part of interviewees to do so. However, in such cases, a separate signed and dated written statement would be required from the individual.
- 4.11. Where witnesses have been identified by either the aggrieved employee or the alleged harasser they must be contacted. It is not appropriate in the spirit of fairness and transparency for the JIP to decide not to call witnesses unless the Panel has evidence that the witnesses have no relevant information to provide. If there are

exceptional circumstances as to why a witness cannot be called, e.g. illness, the JIP should use their discretion and aim to get a written statement.

- 4.12. All witnesses who come forward with information must be willing to substantiate their comments.
- 4.13. The JIP may decide to interview others within the department if appropriate, this must be clearly explained to those involved.
- 4.14. The witness process must be seen to be fair to all parties involved:
 - Must be transparent.
 - Must be clearly explained.
 - Must be seen to be unbiased.
 - All witnesses will be questioned on their statement.
 - If possible, all witnesses will be interviewed on the same day to avoid any opportunity to confer.
 - Be asked structured, open questions in the interview.
 - Be both supported, through counselling if required, and have the assurance of freedom of intimidation.

5. Assessing Evidence

- 5.1. The JIP are required to establish facts relating to the allegations, which either, supports the claim of bullying and harassment has taken place, or clearly illustrates that there is no evidence to support such allegations.
- 5.2. The evidence presented should include specific instances to support the allegations or a pattern of behaviours, which on the balance of probability supports the allegations. In either case there should be rational belief, which can be tested beyond reasonable doubt.
- 5.3. The JIP have to explore all evidence to ensure no vexatious claims are made. Should they find evidence of a vexatious claim this may lead to disciplinary action.

- 5.4. Evidence must be facts not feelings.
- 5.5. Dates, times and places must correlate with allegations. (As these can be used for effect.)
- 5.6. Particular attention should be given to the following:
 - Direct witness evidence (which will usually be stronger than indirect information relating to the incident/ allegation);
 - Evidence which is inconsistent with documents produced at the time;
 - Evidence which is vague, omits significant details or contains inherent contradictions; and
 - Any bias or influence individual witnesses may have.
- 5.7. JIP members need to recognise that these are emotional meetings and they may have to deal with a spectrum of emotions which should not influence either the process or their recommendations.
- 5.8. Evidence must be fully understood by all involved (e.g. Off-duty rotas)
- 5.9. Re-interview may be necessary.
- 5.10. The JIP should at all times avoid becoming involved with other matters that are not related to the actual allegations unless they are directly linked to an allegation.

6. Gathering Other Evidence

- 6.1. Do not just rely on witness statements, as this may result in other crucial evidence being overlooked.
- 6.2. Files, documents, computer records, policy documents and training records can all be produced as evidence where relevant.
- 6.3. If any evidence is likely to perish or be removed, gather it as a priority.

7. Preparing the Investigation Report

The report should be structured in a logical format.

- 7.1 Introduction – a brief introduction to the report clarifying the allegations/incidents which have been investigated, details of the person against whom the allegation has been made and the names of the JIP panel.
- 7.2 Methodology – detail the process of the investigation including a list of the people interviewed, specifying if written statements/notes from meetings have been taken, details of Board policies reviewed and details of any other activities undertaken as part of the investigation.
- 7.3 Findings – detail the findings from the investigation, including the facts and evidence presented; any inconsistencies found, with explanations where applicable; any mitigating circumstances; and any risks identified. Where information from written statements/notes from meetings is cited, note must be made of the relevant appendices where these can be found.
- 7.4 Recommendations – this section should include the conclusions drawn by the JIP panel including suggested recommendations for consideration.
- 7.5 Appendices – all written statements/notes from meetings, copies of correspondence, policies cited during the report and any other relevant information should be included.

8. Recommendations

- 8.1 The JIP's role is to collect evidence and make recommendations.
- 8.2 Recommendations must be detailed, clear and fair to all and be able to be justified by the JIP.
- 8.3 Evidence must be concrete.
- 8.4 JIP must explain their findings and all feedback delivered will be detailed, transparent and fair.
- 8.5 Aggrieved Employees should be supported, through the process including assessing the most suitable options for the long term.
- 8.6 HR members of the panel should support the Chair in the development of the report. Other HR support should be available to support all employees in the process impartially.
- 8.7 The report will be submitted to the line manager who commissioned the report for consideration.
- 8.8 Where there is no evidence of bullying or harassment identified:
 - In order to ensure transparency in the decision-making process, where it is held that there is no case to answer, a discussion will

take place between the aggrieved employee and manager to explain the basis on which the decision was reached and seek to agree, and at a minimum determine a constructive way forward.

- The employee will not have a right of appeal but may invoke the Grievance Procedure if unsatisfied with the process.

8.9 Where there is insufficient evidence to neither support nor disprove the allegations:

- Recommendations may still be made to the line manager, aggrieved employee or alleged harasser as there maybe training and/or organisational development interventions which may support the way forward for all parties to ensure an effective working relationship.

8.10 Where evidence supports allegations of bullying or harassment

- Where the evidence supports the allegations the JIP should ensure each allegation is clearly identified with supporting evidence as the manager may determine to use the report as part of the disciplinary procedure.

9. Further Actions

9.1. Disciplinary

- Where the findings of the JIP identify that there is sufficient evidence presented which substantiates the allegation that an individual has undertaken bullying and harassment tactics against a fellow employee then this should be addressed through the Board's Disciplinary Policy and Procedure.
- The full investigatory report will be sent to the appropriate Line Manager so that a disciplinary investigation can be set up to consider the findings of the report. The Joint Investigatory Panel may require to present the findings of their investigations to the Disciplinary Chair Panel and should be prepared to answer questions from the Disciplinary Chair Panel and the alleged harasser.

9.2. Counselling

- It is recognised that the investigatory process may be stressful for all parties involved and to ensure that appropriate support is in place throughout the investigation, counselling is available for anyone who feels this would be of assistance.
- It is the responsibility of the panel to ensure that all parties are aware of this assistance via Occupational Health 0141 201 5612 and ensure that appropriate arrangements are made to accommodate this wish. Support is also available from Trade Union Representatives, Professional Organisation and your local HR Dept.

9.3. Anger Management

- Where clear evidence is established that an individual has acted in a manner which is unacceptable and demonstrates a sequence of behaviours which have not been managed appropriately, anger management coaching can be accessed as part of the disciplinary process.
- Guidance should be sought from Occupational Health 0141 201 5612 so that the appropriate anger management control systems are established for future working relationships.

9.4. Improving Communications

- Many investigations establish that rather than a concerted effort to bully and harass an employee, the main problem has resulted from poor communication between the aggrieved employee and the alleged harasser.
- Where this is clearly established as the main root of the problem the Joint Investigatory Panel needs to make this clear in their findings report. It is thereafter the responsibility of the local line manager to ensure that work is undertaken with all associated individuals to facilitate discussion, which is intended to lead to a better communication process where all parties feel engaged. The Learning and Education Department 0141 201 3562/3720 can support this process via focussed training.

9.5. Team Building

- The submission of a bullying and harassment allegation can be symptomatic of the working relationship having broken down or exhausted itself, in as much that one of the parties feels that they can no longer continue without external support. In such cases it is important to re-establish working relationships via team building exercises and the Learning and Education Department and Organisational Development can provide useful guidance. A clear plan should be outlined which focuses on specific problems that had been encountered and seeks to minimise the opportunity for them arising in the future via re-establishing the team bond where possible.