



Rotherham
Clinical Commissioning Group

Title:	Acceptable Standards of Behaviour Policy (incorporating bullying, harassment and other behaviours which affect people's dignity at work)
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Distribution:	All staff and GP members of the CCG.
Compliance:	Mandatory for all permanent and temporary employees of Rotherham CCG.
Equality & Diversity Statement:	In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

THIS POLICY HAS BEEN SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT

VERSION CONTROL SHEET

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1. PURPOSE

- 1.1 This document sets out the organisations policy and procedure on acceptable standards of behaviour in the workplace. It is drafted to comply with statutory requirements, professional codes of conduct and other legal requirements.
- 1.2 Certain types of harassment are regarded as unfair discrimination and are covered by statute. The Equality Act (2010) covers age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Under the Criminal Justice and Public Order Act 1995 the use of threatening, abusive or insulting words, or disorderly behaviour intended to cause harassment, alarm or distress, is a criminal offence. Under Article 14 of the Human Rights Act 1998, discrimination in any form is prohibited. Employers are also responsible for the health, safety and welfare at work of all employees under the Health and Safety and Work Act 1974.
- 1.3 The organisation recognises that all employees have the right to be treated with consideration, dignity and respect. The purpose of this policy is to support a working environment and culture in which bullying, harassment and other similar behaviours are unacceptable. The organisation has a zero tolerance approach to unacceptable behaviours and it will not be tolerated in any form. Employees are encouraged to discuss support options with managers and Human Resources Representatives.
- 1.4 Each individual carries personal responsibility for their own behaviour in relation to this policy and are responsible for ensuring that their conduct is in line with the standards set out in this policy. The policy is underpinned by the following principles:
- Protect the dignity of all employees
 - Respect and value differences
 - Ensure all policies and procedures are consistent with the principles of justice, fairness and respect for all employees and the organisation
 - Prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours
 - Ensure that there are appropriate procedures, systems and campaigns in place to promote the dignity of employees at work
 - Provide advice, information and support that protects the dignity of employees
 - Raise awareness of this policy, making training and education available at all levels in the organisation to ensure individuals are aware of the behaviours expected of them and their responsibilities.
- 1.5 All employees have also committed to behaving in a manner which reflects RCCGs agreed RESPECT values as follows:

Respect – above all we respect each other, our organisation and the people of Rotherham

- **Responsibility** - We are accountable and take ownership for our actions as individuals
- **Empowerment** - We take the initiative to make decisions, solve problems and achieve
- **Support** - We encourage and listen to others, challenging ideas not people

- **Positivity** - We inspire and motivate others, embrace creativity, encourage initiative and celebrate success
- **Equality** - We challenge unfair behaviour and inequities, and treat others as they would want to be treated
- **Communication** - We share information in an honest, sensitive and transparent way, listen and expect to be heard
- **Trust** - We act with integrity, understanding and compassion to build strong relationships

2. SCOPE

- 2.1 This policy will apply to all employees, contractors, employees of other organisations engaged to work on the premises such as Governing Body Members, volunteers, visitors (for the purpose of this policy the term “employee” will apply to all the groups stated).

3. EQUALITY STATEMENT

- 3.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation; in addition to offending background, trade union membership, or any other personal characteristic. A single Equality Impact Assessment is used for all policies and procedures.

4. ACCOUNTABILITY

- 4.1 The Chief Officer is accountable for this policy.

5. IMPLEMENTATION AND MONITORING

- 5.1 The Governing Body is responsible for formal approval of this Policy and the Operational executive will monitor compliance. Following ratification the policy will be disseminated to staff via the CCG’s intranet site.
- 5.2 The policy and procedure will be reviewed periodically by the Operational Executive in conjunction with managers, Human Resource Representatives, the Anti-Crime Specialist and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

6. RESPONSIBILITIES

- 6.1 Good working relations are vital for the organisation to operate successfully and conduct its business. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

6.2 Employees

- 6.2.1 It is the responsibility of employees to ensure that:

- They help ensure individuals do not suffer any form of unacceptable behaviour by conducting themselves in a manner that does not cause offence to another person
- They carry personal responsibility for their actions on or off site
- They are aware of their own behaviour and the affects this may have on others around them
- They understand the organisation has a zero tolerance approach to unacceptable behaviour
- They treat colleagues with respect and dignity and value diversity
- They use the procedure in this policy responsibly and in situations where they genuinely believe that unacceptable behaviour is taking place. Malicious use of this policy is a disciplinary offence.

6.3 Line Managers

6.3.1 It is the responsibility of line managers to ensure that:

- All employees are aware of the content of this policy and what is acceptable and what is not acceptable behaviour at work
- There is a supportive working environment
- They take prompt action to prevent and stop inappropriate behaviours by using this policy
- If an employee makes a complaint (informally or formally) they execute their duty to consider it and take appropriate action and inform the HR Manager
- They attend relevant training sessions instigated by the organisation

6.4 Governing Body Members and Senior Management

6.4.1 It is the responsibility of the Governing Body Members and Senior Management Team to ensure that:

- They demonstrate full commitment to the prevention and elimination of unacceptable behaviour at work
- They act as role models in demonstrating appropriate and professional behaviour at work
- Policies are developed and implemented which respect the dignity of employees at work
- There is no victimisation of any employee who has made or assisted someone else to bring a complaint
- Employees are aware that incidents of unacceptable behaviour will not be tolerated and will be dealt with as a disciplinary offence

6.5 Human Resources Manager

6.5.1 The Human Resource Manager will provide advice and support on all aspects of this policy to ensure consistency of application and support.

6.6 Trade Unions

6.6.1 Ensuring employees are familiar with the policy and procedure.

Advising and representing employees who are members of a recognised Trade Union. Assisting employees in the preparation of a written statement and encourage employees to provide a clear explanation of the allegations with supporting evidence, where possible.

6.7 Contact Officers

- 6.7.1 Contact Officers are members of staff who believe that support is vital to victims of bullying or harassment at work and have volunteered to take on this role to listen and signpost colleagues on the options available to them within the CCG's Acceptable Standards of Behaviour at Work Policy. Details of current Contact Officers are available to staff on the CCG Intranet.

7 SCHEME OF DELEGATION

Informal Procedure	Line manager or equivalent level manager from elsewhere within the organisation
Formal Procedure	Line manager or equivalent level manager from elsewhere within the organisation or the line managers direct manager if the line manager has been previously involved or implicated supported by the HR Manager
Appeal Procedure	Chief/Deputy/Assistant Chief Officers, Operational Executive Members and Trade Union / Staff Side representative and Human Resources representative

8 RECORDS

- 8.1 Where the complaint is informal and resolved at this stage or where a formal investigation did not substantiate the allegations, no record will be kept on personal files.
- 8.2 Where a complaint is substantiated but does not proceed to a disciplinary investigation/hearing, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.
- 8.3 Where a matter proceeds to disciplinary hearing then the storage of records should be in accordance with the disciplinary policy.

9 APPROACH

- 9.1 The organisation is committed to eradicating unacceptable behaviour at work and securing a working environment in which everyone is treated with dignity and respect. Bullying, harassment and other similar behaviours are potentially gross misconduct offences and the offender may be dismissed without notice under the Disciplinary Procedure.
- 9.2 The organisation recognises in line with Agenda for Change that unacceptable behaviour "at work" includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to the same employment. It includes any place where NHS care is delivered. This could therefore be at work or outside of work and this policy and procedure applies equally in both circumstances.
- 9.3 Managers have the right and duty to manage and the legitimate exercise of this right by way of advice, instruction, direction, control and discipline may not necessarily constitute unacceptable behaviour.
- 9.4 An allegation of behaviours such as bullying, harassment, victimisation and discrimination is very serious and should not be made lightly. Malicious, false or reckless allegations will themselves be disciplinary offences which could lead to

disciplinary action being taken up to and including dismissal. The organisation recognises that a balance needs to be struck between the rights and interests of the complainant and those of the alleged perpetrator. Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The organisation gives an assurance that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague in making a complaint.

10 DEFINITIONS

10.1 Discrimination

10.1.1 When a person or group is treated less favourably than any other person or group because of their belonging to that group, because they associate with someone of that group or because others think they belong to such a group.

10.2 Harassment

10.2.1 Harassment is conduct directed at an individual but unwanted by them which has the purpose or effect of:-

- violating dignity
- creating an intimidating, hostile, degrading or offensive environment
- causing fear, alarm or distress.

Harassment includes any contact that is unwanted, unreasonable, embarrassing, upsetting or offensive to the recipient or recipients. This includes conduct related to a protected characteristic.

10.3 Victimisation

10.3.1 When a person or group receives less favourable treatment than others because they have made, supported or are believed to have made a claim under anti-discrimination legislation or the organisation's policies.

10.4 Bullying

10.4.1 There are various examples of bullying, these may compromise:

- an abuse of power
- threatening, abusive or humiliating behaviour directed at an individual
- more subtle isolating behaviour
- offensive discrimination through vindictive, cruel, insulting, malicious or humiliating behaviour
- attempting to undermine an individual or group of employees.

10.5 Violence

10.5.1 Any incident in which a person or group is verbally abused, threatened or assaulted.

Please see Appendix A for further examples.

11 SERIOUSNESS / POLICE INVESTIGATIONS

11.1 Unacceptable behaviours covered by this policy may be criminal offences for which the perpetrator could be prosecuted. The complainant may, under relevant legislation, choose to make a formal complaint to the Police. If this route is chosen, the complainant must inform the Chief Officer if it is in connection with another employee of the organisation.

- 11.2 In such situations a decision will be taken to determine whether it is appropriate to continue or conclude the internal investigation before the conclusion of the Police investigation or that the Police investigation should take priority over the internal investigation. This decision will be taken in discussion and agreement with the police.

12 THIRD PARTIES

- 12.1 The organisation has a duty to provide a safe and secure environment for employees. This includes protection against people who are not employees of the organisation such as clients, customers, independent contractors, agency staff and members of the public.
- 12.2 Where concerns are related to an individual who is not an employee of the organisation, the procedure will depend on the nature of the allegation and the relationship. Many incidents of unacceptable behaviour can be dealt with effectively in an informal way as described in the procedure below. Whether action was taken or not the incident and the way it was managed should be reported to the line manager and formally documented as required under the Incident Reporting Policy. If the behaviour persists, or the employee was unable to approach the issue at the time, a further report should be made to the line manager, as it may be necessary to take further action. Repeated incidences of unacceptable behaviour from non-employees towards employees will be taken very seriously and may lead to legal action, exclusion from services or other appropriate sanctions. Where allegations are of a serious nature the appropriate Head of Service should be informed who will send a letter to an appropriate senior manager in the individual's employing organisation outlining the concerns, explaining the organisation takes allegations very seriously and has a policy protecting all employees from such inappropriate behaviour, requesting that the organisation follow their own procedures to ensure this stops. Advice should always be taken from a Human Resources representative before taking action.
- 12.3 If complaints are made about the organisations employees by external employees then the employee would be invited to relevant meetings as part of this policy and procedure.

13 PERSONAL RELATIONSHIPS AT WORK

- 13.1 From time to time situations may arise where a personal relationship exists between employees of the organisation. It is expected that where a personal relationship exists, employees will behave responsibly and professionally and not put themselves into a situation where their relationship/behaviour may impact adversely on their work, each other or the organisation. Any incidents of unacceptable behaviour concerning a personal relationship at work will be dealt with under this policy. To foster a positive working environment managers are asked to follow guidance in appendix B when considering close working relationships with a personal association.

14 DOMESTIC ABUSE

- 14.1 The organisation acknowledges that domestic abuse is a serious issue within our society and affects many people's lives. Domestic abuse can affect an individual's work performance. Employees or line managers who are approached by other employees experiencing domestic abuse are expected to follow the good practice guidance set out in Appendix C to ensure they are supported.

15 DRESS AND APPEARANCE

15.1 It is the responsibility of employees to ensure they present a professional and smart appearance when at work. Employees are considered to be ambassadors for the organisation and it is recognised that appearance acts as a visual measure of how the public, clients and partner organisations view the organisation. There is therefore the expectation employees will not only act professionally in their behaviour but also in their image. Dress must comply with health and safety policies. Employees working with patients should refer to the organisations clinical policy on dress standards to comply with infection prevention and control. The organisation recognises the religious, cultural, disability and pregnancy related requirements of employees in relation to dress or the uniform they wear. These requirements will be handled with sensitivity, taking into account both infection control and risk management considerations where appropriate.

15.2 Employees can dress smart casual at work

Employees are expected to use their discretion to dress so that they present a positive image of the organisation to clients/customers/members of the public. Smart casual clothing may be worn with the exception of:

- scruffy/torn trousers;
- jeans;
- micro- or very short miniskirts;
- low cut t-shirts, blouses and transparent clothing;
- shorts;
- sports clothing, for example tracksuits and football shirts;
- sweatshirts or t-shirts with slogans or symbols that could cause offence;
- trainers; and
- excessive or unconventional jewellery.

In certain instances the dress code may be relaxed; however clothing must still be neat, clean and in a good state of repair. Such examples would include:

- charity days
- dress-down days
- unusually hot or cold weather
- specific activities undertaken during the course of work
- medical grounds
- religious reasons

- 15.3 Line managers will promote appropriate standards of dress and appearance and remind employees of their responsibility to comply. If employees fail to dress appropriately for work, the line manager should raise concerns, bringing this to their attention in an informal meeting. As part of this the manager should explore whether there is any particular reason why they are unable to dress professionally, such as a disability preventing them from this. If there are no sound reasons to make an adjustment and the employee continues not to comply with professional standards, this may result in disciplinary action. Managers should seek advice from a HR representative in this case.

16 PROCEDURE

- 16.1 Any employee who believes they are subject to unacceptable behaviour should not accept the situation. Wherever possible the emphasis should be on resolving issues informally without resorting to the formal procedure. However, an employee may seek to resolve the situation by taking action at **any of the stages** in the process described below depending on the severity of the behaviour.
- 16.2 The complainant should record notes of any alleged incidents as soon as practicably possible after the incident has taken place. These notes should contain the following:
- Date, time and place of the incident(s),
 - Name of the person(s) carrying out the unacceptable behaviour
 - Full details of what actually happened and what was said
 - Names of any witnesses
 - Any other relevant information, i.e. how it made them feel or how it affected them
 - Whether they took any action at the time, i.e. if anything was said to the alleged perpetrator
- 16.3 It is possible that employees are unaware of, or insensitive to the impact of their actions and behaviour on others. Wherever practicably possible the person(s) responsible for the behaviour that is causing offence should be made aware of the fact that his/her behaviour is unwelcome and unwanted. Making the person(s) responsible for the unwanted behaviour aware of the impact of their behaviour may be undertaken in a number of ways as below. A face to face approach is often the better initial approach, if the employee feels he/she is able to do this. Whatever approach is used to confront the person concerned, the action taken and the outcome should be recorded by the individual concerned as evidence of his/her attempt to deal with the situation.
- A face to face discussion
 - In writing
 - Through a third party on behalf of the recipient; this may be a colleague, line manager, a human resources representative or a trade union representative.

17 INFORMAL

- 17.1 If the offending behaviour continues, or if the individual feels unable to take action personally, then management support to deal with the behaviour on an informal basis may be required. The employee should initially approach their line manager to discuss this. If the incident involves their line manager they should approach their managers manager or a Human Resource Representative.

17.2 Where the employee wishes to attempt to resolve the problem informally the line manager responsible for the person whose behaviour is causing offence should be approached and the situation discussed in full (if needed the line manager of the employee making the complaint should help facilitate this) . It should be made clear to the manager that, at this stage, the matter is to be handled on an informal basis in order to resolve the situation.

17.3 The manager who is responsible for the person whose behaviour is causing offence will agree the action to be taken and an appropriate timescale. This will involve bringing both parties together in an informal meeting to seek a better understanding of the problem and to find a joint resolution. This may include or lead to:

Mediation – Where both parties agree to be supported in resolving their differences by a trained mediator.

Facilitation – Where both parties agree the issue and the solution based on common ground.

Direction – Where there is no common ground the manager will direct the outcomes, with advice from a Human Resources representative.

Managers are encouraged to discuss the support options with a Human Resource Representative.

17.4 The manager will keep a written record of the informal action. They will also write to the employee to record the issue, the outcome and the reasons for it. This letter will also detail who to contact if the employee wishes to raise the matter formally. The manager should then monitor the working relationship between the parties concerned to ensure there is no further repetition of the unacceptable behaviour. The manager will make the HR representative aware of the case in order to assist with general monitoring of such incidents.

18 FORMAL

18.1 If informal attempts to resolve the situation have not been successful, or if the allegations are so serious that the informal procedure will not be appropriate, then the next steps could be a formal investigation. If an employee wishes to make a formal complaint it should be done so in writing to their immediate line manager unless that person is subject to the allegations. In this case it should be sent to their managers manager or to a Human Resources Representative. The letter must set out the facts and include the following information:

- personal details i.e., name, home address, base, line manager and contact numbers.
- the nature of the complaint – what was said or done (the facts).
- the name and position of the alleged perpetrator.
- dates and times of incidents.
- what each incident is said to be (bullying/harassment/victimisation etc.).
- the names of any witnesses.
- what steps have been taken to resolve the issue informally.
- what is wanted as an outcome?

18.2 An employee who is a trade union member is encouraged to seek advice from the union for the completion of the letter and to arrange for representation at the

hearing(s). This letter should be sent to the named person in the outcome letter of the informal stage if appropriate.

18.3 Investigation

- 18.3.1 When a matter is referred to the formal stage, there will be an independent manager invited to investigate the case, supported by a Human Resources representative. At this stage this is not a disciplinary investigation and employees are required to co-operate in the investigation fully. No undue delay should be caused to the process while employees seek advice or representation. However, a letter will be sent detailing the allegation and arrangements for the investigation to the employee giving five working days' notice to any meeting and outlining their rights to representation.
- 18.3.2 The investigation must be prompt and reasonable in all the circumstances of the case. The investigating team will gather evidence and take statements from witnesses. Witnesses should be made aware that they might be required to attend any future proceedings i.e. disciplinary hearings to substantiate their evidence. The importance of confidentiality will be emphasised. A report will then be produced setting out the conclusions. Both the alleged perpetrator and complainant will be regularly updated on progress of the investigation by the investigating officer.
- 18.3.3 Management is responsible for keeping records of investigation interviews, hearings and appeals. The records will usually be notes of meetings rather than a verbatim record.
- 18.3.4 In certain circumstances, it may be necessary to separate the complainant and the alleged perpetrator or to suspend the alleged perpetrator. This is a matter of judgement by the Manager dealing with the complaint. The Manager should take advice from a Human Resources representative before making a decision. Suspension is not a disciplinary sanction and will be on full pay. Alternatives to suspension, such as a transfer to other duties may be considered. If an employee is suspended the suspension will be reviewed usually at fortnightly intervals in order to decide whether it is necessary to continue to suspend.

18.4 Outcome Meeting

- 18.4.1 On conclusion of the investigation report a Human Resources representative will send a letter outlining arrangements for the outcome meeting, to the complainant and alleged perpetrator, giving at least five working days' notice. The investigating officers will decide whether there has been unacceptable behaviour. It is not the intention of the alleged perpetrator that is the key to deciding whether unacceptable behaviour has taken place. The defining principle is whether the behaviour was unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it. The perception of the complainant is an important factor which will be taken into account in making the decision, but is not the deciding factor. The investigating team will meet with the complainant and alleged perpetrator separately and explain the rationale for the decisions and may provide a copy of the report where appropriate.
- 18.4.2 Whether or not the complaint is upheld, the investigating team has a range of options including:
- Take no action, as the allegation has not been substantiated or there is insufficient evidence.
 - Take alternative management action, as the evidence and / or nature of the complaint does not justify formal disciplinary action. This could include:

- A recommendation for facilitated discussion, mediation or counselling for both parties, where both parties agree to this
- A recommendation for redeployment of one or more parties, either on a temporary or permanent basis
- Setting up arrangements to monitor the situation
- Required attendance on training courses (such as equality and diversity awareness training)
- A period of special leave to enable working arrangements to be put in place.
- Proceed to a disciplinary hearing, as the investigation has found that there may be a case to answer. Potential outcomes are detailed in the disciplinary policy depending on the seriousness of the case but may include:
 - Dismissal
 - A formal warning
 - A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
 - Implementation of other sanctions as detailed in the Disciplinary Policy which may include demotion without pay protection arrangements will not apply
 - Mediation
 - Making arrangements for both parties to work as separately as possible within the same workplace
 - Attendance at training courses
-

18.4.3 The team will confirm the decision in writing to the employee and their representative. The letter will set out the decision and reasons for it and notify the employee of the right of appeal. The alleged perpetrator cannot appeal the outcome but could appeal against any formal disciplinary action taken as a result of the investigation..

18.5 Appeal

18.5.1 THE Complainant has the right of appeal against the outcome decisions. In wishing to exercise this right, the employee should write to the Human Resources Manager within fifteen working days of the date of the outcome letter. The letter of appeal must set out the grounds of appeal, saying why the original decision was wrong and specifying the outcome desired.

18.5.2 A Human Resources representative will be responsible for setting up the appeal hearing and will send a letter confirming the grounds for appeal and arrangements for the hearing giving at least five working days' notice.

18.5.3 The investigating team will prepare the management case for the hearing. The management case will typically include the outcome report, any agreed actions, the rationale for the decisions and copies of any relevant documents and other information.

18.5.4 The employee may also produce a statement of case including any relevant material to support their case. This information should be provided to the Human Resources representative five working days prior to the hearing so that an exchange of information between the parties is made. The information will be presented to the panel at least two working days prior to the hearing.

18.5.5 A failure by either party to disclose written material in accordance with the above guidelines may result in a refusal to admit such information at the hearing. The panel hearing the case will decide whether to accept information following discussion with the individuals present as to the reason(s) for the late disclosure and the possible significance of the information.

18.5.6 The composition of the appeal panel will be a Chief/Deputy/Assistant Chief Officer as Chair, a Lay Member and an independent Human Resource Representative.

18.5.7 The appeal hearing will follow the following procedure:

- the employee/employee's representative sets out the reason for the appeal.
- a member of the panel who investigated at the formal stage explains the reasons for the decision and comments on the appeal case.
- the appeal panel may ask questions of either party.
- the appeal panel considers the appeal in private.
- the panel informs the parties of the decision on the day (under exceptional circumstances the outcome may be given at a later date).
- the panel will confirm the decision in writing to the employee and their representative.

18.5.8 The appeal is the end of the internal process. The appeal panel will decide if the appeal is upheld on the basis of:-

- whether there has been a reasonable investigation.
- what they believed happened (more likely than not).
- whether they believe that the employee is guilty of unacceptable behaviour alleged or not.
- whether the recommendation, actions are appropriate.

If the appeal is upheld the panel will be responsible for instigating any further action which may include further investigation or proceeding to a disciplinary hearing.

Examples of Unacceptable Behaviour

Examples of Bullying (not an exhaustive list)

Persistent unjustified criticism
Isolation or exclusion
Shouting
Intrusive or personal comments
Spreading malicious rumours
Making false allegations
Blocking promotion or opportunities
Invading personal space
Joining in supporting or condoning such behaviour
Cyberbullying

Examples of Harassment (not an exhaustive list)

Verbal or Written

Insults, ridicule, innuendo, teasing
Offensive, threatening or abusive language
Intrusive personal questions/comments
Some jokes/banter, gossip
Offensive e-mails

Physical

Unwanted touching or contact
Invading personal space
Pestering, following stalking

Use of Offensive Material

Issuing or displaying offensive posters, magazines, graffiti, screen displays, badges
Joining in, supporting or condoning such behaviour

Sexual

Lewd comments
Leering
Whistling
Sexually suggestive comments or gestures

Suggestions that sexual favours may further a colleague's career, or that refusal may hinder it

The display of pornographic or sexually suggestive pictures, objects or written material

Unwanted, non-accidental physical contact

Unwelcome sexual advances

Undermining an individual on the grounds of their sex

Ignoring or dismissing of a colleague's work specifically because of their gender

Racial

Racial name calling

Derogatory nick-names

Display or sending of offensive letters or publications

Racist graffiti

Threatening behaviour on the grounds of race

Being frozen out of a conversation

Assault or any other non-accidental physical contact

Open hostility to employees from a particular ethnic or racial group

Undermining, ignoring or dismissing the quality of a colleague's work specifically because of their race.

Managing Personal Relationships at Work

The aim of this guidance is to protect employees of the organisation in situations where a personal relationship exists, or develops by setting boundaries. Employees are expected to act professionally at all times and not let any personal relationship impact on their conduct at work.

The organisation's stance on personal relationships at work is that in the majority of situations where a line management relationship exists the organisation will not support employees working together where they have a close personal relationship as described below.

What Constitutes a Personal Relationship?

A personal relationship includes any relationship where a close family relationship exists, for example, including mother, father, daughter, son, sister, brother (and including step and in-laws) partner, ex-partner (including spouse or cohabitee), civil partner.

Managing Situations where a Work/Personal Relationship Conflict Arises

Where a personal relationship exists or develops and this is seen to impact upon the organisation the employees concerned will be helped to resolve the matter to the benefit of the organisation and themselves. As a basis it would not be appropriate for a line management relationship to exist between two employees who have a personal relationship. The Recruitment and Selection Policy gives further guidance around employing prospective employees who have a personal relationship with the expected line manager. Where a personal relationship develops whilst working for the organisation, and there is line management/supervisory relationship between the two employees involved, they should declare this to the organisation.

The resolution may include consideration of redeployment to a position which requires similar skills, experience and competencies and is, wherever possible, on similar terms and conditions.

The two employees affected by the personal/work relationship will be consulted about who should transfer and in the majority of cases the organisation's policy will be that the two employees involved will be party to a final decision. However, the organisation reserves the right to make the final decision in the event that agreement cannot be reached or if service needs are put at risk.

The organisation expects employees to take responsibility and not put themselves into a situation where their relationship may cause the organisation problems.

Termination of contract would only be considered in exceptional circumstances under the Disciplinary Policy, where the employees concerned have not declared the potential conflict of interest issue caused by their personal/work relationship and this has adversely affected the organisation, its employees or clients.

In all other cases every effort will be made to resolve the situation by consulting the employees involved, so that a mutually acceptable solution may be found.

Good Practice Guidance and Procedure for Employees Experiencing Domestic Abuse

Aims of the Guidance and procedure

- Support employees experiencing problems at work arising from domestic abuse.
- Ensure confidentiality and sympathetic handling of situations at work arising from domestic abuse.
- Remove fears of stigmatisation at work for employees experiencing domestic abuse.
- Raise awareness and understanding amongst all employees in the workplace of the affects of domestic abuse.

If an employee is experiencing domestic abuse

Employees have the right to work in a supportive and confidential environment that does not discriminate against, or stigmatize people who are experiencing domestic abuse.

Employees are not obliged to tell anyone at work about their domestic situation, but there are many support mechanisms available such as the line manager, the Human Resources Manager, Trade Union Representatives, Occupational Health Staff/Counselling Service, Contact Officers. Employees may also be directed to the Police or/ A&E services for support for specific cases/incidents of domestic abuse where the employee may wish to report the matter formally and evidence may need to be gathered, e.g. photographs. Employees are therefore advised to talk to someone at work if they feel their personal situation is affecting work – specific details are not necessary but a joint approach to problem solving to resolve any work issues is essential. If managers have any health and safety concerns they can seek guidance from the Health and Safety Manager.

Line Managers will provide support by:

- Responding sympathetically and confidentially to employees who may be experiencing domestic abuse.
- Being supportive.
- Giving information about support services which the member of staff may wish to contact – Please refer to 'Useful contacts' below.
- Allowing the employee time off to visit solicitors and other agencies under provisions contained within the Flexible Working/Special Leave Policy (paid & unpaid leave).
- Reassuring the employee that their job is guaranteed should extended leave be required to flee violence.

- Offering relevant training to the abused employee, where appropriate (for example assertiveness training as domestic abuse can affect self-esteem).
- Gaining consent from the employee to share any information, except in cases where there is a legal requirement to report issues.

Arrangements for where others may be put at risk:

Managers have a duty to maintain a secure environment for all employees and this may be made easier if colleagues are aware of potential risks. With the express wish and consent of the employee in question colleagues may need to be informed of the situation. It is however important that the manager agrees with the individual what information can be disclosed. In these circumstances colleagues privy to this information must be reminded that the information is confidential and that there are risks to the member of staff if it is disclosed.

Ensuring that all team members are aware that under no circumstances should the workplace or personal details of individuals be divulged unless consent is given by the individual concerned.

Ensuring that information contained in the employee's personal file will not be divulged to anyone without the permission of the individual and the manager.

Recording Information

Managers will record a summary of any discussion together with any agreed outcomes. The manager should keep this confidentially on their own files.

If a manager is unsure how to approach a domestic abuse or related situation then they should take further confidential advice from the HR Manager.

If an employee is convicted of domestic abuse and this clearly conflicts with their role within the organisation, appropriate action will be taken. Advice should be sought from the Human Resources Manager.

Supporting Employees Experiencing Domestic Abuse

If an employee alleges abuse they should be believed unless there is clear evidence to the contrary.

Employees should:

- Listen carefully and provide space to talk. Assure them of your confidentiality unless there are child protection issues which must be reported
- Ask their colleague what they want to do, if anything, and respect their decision.
- Ask their colleague if they want to report it to the police and/or need to see a General Practitioner or go to A&E for medical attention - again this is their choice. If the person is injured they should be encouraged to see their GP or A&E to have any injuries assessed and documented with their consent.
- Give information (not advice) about local refuges/safe houses or help lines. Remember inaccurate or bad advice is worse than no advice at all.
- Give information to the member of staff about Counselling Services.
- Be prepared to offer the same standard of support on all occasions no matter how many times the same colleague comes forward. Because of the nature of persistent domestic abuse, victims often find it very difficult to leave abusive relationships.
- Assist them in making contact with agencies that may be able to help (please refer to the "Useful Contacts" below)

Offering basic information about services is very helpful whether they are used immediately or not. Victims need a link to the larger community, and may be unaware that they need or deserve these services because they probably minimise the abuse. Pressuring victims to leave the abuser is NOT helpful. Violence usually escalates after an attempt to leave. Leaving the situation is a step that should be carefully planned after support and must be taken at the victim's pace. Admitting that the abuse is happening is the first step to stopping it.

Useful Contacts

- National Domestic Violence Helpline (for women) - 0808 2000 247 (Freephone 24 hour)
- Men's Advice Line (for male victims of domestic abuse) - 0808 801 0327
- The Forced Marriage Unit - 0207 0080151 or 0044 20 7008 0151 if calling from overseas.

The Unit is dedicated to preventing British nationals being forced into marriage overseas. If you are worried that you might be forced into a marriage or are worried about someone else who may you should contact them on 0207 0080151 or 0044 20 7008 0151 if you are overseas.

- Rotherham Women's Refuge. 0330 2020571

- You can write to them at:

- Rotherham Rise
- PO Box 769
- Rotherham
- S60 9JJ

- Email us: enquiries@rotherhamrise.org.uk

Secure Email: outreach.rwr@rothwr.cjism.net (For services CJSM compatible)

- For Accommodation Services please call: 0870 8502247

- South Yorkshire Police

- Call 999 if you or someone that you know is in immediate danger of a Domestic Abuse incident
- Call 101 if you want to report something that has happened or if you want to seek advice.

Appendix D - Cyberbullying Policy

1. Cyberbullying and cyber abuse

This section should be read in conjunction with the Acceptable Standards of Behaviour Policy, Disciplinary Procedure and the Internet Acceptable Use Policy. If you are unsure as to what could be deemed inappropriate in terms of social media use, please contact your manager for further information.

Whilst at work staff should be aware that internet usage is monitored at all times. Staff may use the NHS Rotherham CCG Internet connection to connect to social networking sites during their own time such as Facebook and Twitter, but they must be aware of the impact this will have on other staff using the Internet connection at the same time for legitimate work purposes.

1.1 Use of Social Media

Personal Use

Employees are responsible for what they post on social media about CCG colleagues both at work and off duty. As with email, the CCG reserves the right to monitor all social media usage that it has access to.

Any communications made with other employees through social media outside of working hours must still be done so with the best interests of the CCG in mind. If you are posting information or photographs of other employees outside of working hours, you should still seek their permission to post these before doing so. You are responsible for posting content covered in 1.3 below whilst at work or in your own time and the CCG reserves the right to take action in these circumstances.

CCG Use

The CCG may decide at times to promote its activities through the use of social media and internet communications. Any employee doing this on behalf of the CCG must do so in a professional way. The following rules for using social media on behalf of the CCG apply:

- As with emails, all communications should follow the same standard as would be expected in all written communication with the CCG.
- Only authorised spokespersons must post information on behalf of the CCG.
- Employees responsible for using social media for the CCG must not use it for their own personal purposes (see 'personal use').
- Employees must not discuss or disclose proprietary or confidential information of the CCG on any social media sites.
- Any negative communication by other parties or employees that may damage the CCG must be dealt with accordingly, and if possible removed.

1.2 A working definition of cyberbullying and abuse

Cyber abuse is any form of harassment, bullying, vitriol, discrimination, intolerance or hate expressed online or digitally that embarrasses, hurts or intimidates another person. This abuse can be posted via websites, social networking sites, chat rooms, message boards, webcams, smartphone apps, instant messaging, emails and text messages.

1.3 Examples of cyberbullying include:

- Posting offensive or threatening comments directed at a member of staff, patient, relative, carer or visitor.
- Posting inappropriate photographs or sensitive personal information of or about a member of staff, patient, relative, carer or visitor.
- Pressuring staff, patients, relatives, carers or visitors to join or leave online groups.

1.4 What to do if you think you are being cyberbullied

As with bullying in person, it is very important to keep a record of the instances of bullying and/or harassment which occur online or electronically. Digital communication gives you the chance to record bullying messages or content by taking a screenshot before it can be deleted by the sender. This can be done using the print screen button on a keyboard. Paste the image into a draft email or a Word document. On mobile devices there are a variety of ways to take a screenshot, search online for how to take a screenshot on your device type. Always record the time and date the message was sent. Take the example(s) of the bullying to your line manager, or their manager if the messages are from them.

1.5 What should happen when you report cyberbullying?

Depending on the type and severity of the cyberbullying, there may be a need for a formal investigation. However, the earlier instances of cyberbullying are dealt with, the greater the chance we have of stopping the bullying before it requires a high-level investigation – which can be very stressful for all involved.

Your line manager should take your reporting of cyberbullying seriously and a plan of action should be agreed try to stop the bullying. If the bullying is severe or has occurred over a long period of time your line manager should ask the HR Manager for extra help to support you.

1.6 How we will support you

All staff have access to counselling which can be accessed via Health Assured. You can self-refer to this service by calling 0800 030 5182

In cases of cyberbullying we will also try to support you in learning how you can report instances of cyberbullying on platforms like Twitter and Facebook. For Example Facebook has a Bullying Prevention Hub for teens, parents and educators

seeking support and help for issues related to bullying and other conflicts. <https://en-gb.facebook.com/safety/bullying/>

Our Head of Communications can also provide support on how to set your privacy settings on various social media platforms to help stop unwanted communication reaching you.

Equality Impact Assessment

Title of policy or service:	Acceptable Standards of Behaviour Policy	
Name and role of officer/s completing the assessment:	Head of HR	
Date of assessment:	August 2017	
Type of EIA completed:	Initial EIA 'Screening' <input checked="" type="checkbox"/> or 'Full' EIA process <input type="checkbox"/>	<i>(select one option - see page 4 for guidance)</i>

1. Outline	
Give a brief summary of your policy or service <ul style="list-style-type: none"> Aims Objectives Links to other policies, including partners, national or regional 	<p>1.1 This document sets out the organisations policy and procedure on acceptable standards of behaviour in the workplace. It is drafted to comply with statutory requirements, professional codes of conduct and other legal requirements</p> <p>1.2 This policy should be used in conjunction with NHS Rotherham Clinical Commissioning Group's policies and procedures governing sickness absence, grievance, and performance,</p>

Identifying impact:

- Positive Impact:** will actively promote or improve equality of opportunity;
- Neutral Impact:** where there are no notable consequences for any group;

- **Negative Impact:** negative or adverse impact causes disadvantage or exclusion. If such an impact is identified, the EIA should ensure, that as far as possible, it is either justified, eliminated, minimised or counter balanced by other measures. This may result in a 'full' EIA process.

2. Gathering of Information					
This is the core of the analysis; what information do you have that might <i>impact on protected groups, with consideration of the General Equality Duty.</i>					
(Please complete each area)	What key impact have you identified?			For impact identified (either positive and or negative) give details below:	
	Positive Impact	Neutral impact	Negative impact	How does this impact and what action, if any, do you need to take to address these issues?	What difference will this make?
Human rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy and maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Marriage and civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

(only eliminating discrimination)					
Other relevant groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
HR Policies only: Part or Fixed term staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

IMPORTANT NOTE: If any of the above results in 'negative' impact, a 'full' EIA which covers a more in depth analysis on areas/groups impacted must be considered and may need to be carried out.

Having detailed the actions you need to take please transfer them to onto the action plan below.

3. Action plan				
Issues/impact identified	Actions required	How will you measure impact/progress	Timescale	Officer responsible
n/a				

4. Monitoring, Review and Publication				
When will the proposal be reviewed and by whom?	Lead / Reviewing Officer:	Head of HR	Date of next Review:	September 2019

Once completed, this form **must** be emailed to Alison Hague, Equality & Diversity Manager for sign off:

Alison.hague@rotherhamccg.nhs.uk

Alison Hague signature:	
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