Bullying and Harassment Policy  
(Promoting Dignity and Respect at Work)  
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<td>Version</td>
<td>5</td>
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<tr>
<td>Author</td>
<td>Nicky Mansfield</td>
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Contribution List

Key individuals involved in developing this version of the document

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<thead>
<tr>
<th>Name</th>
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<tbody>
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<td>HR Adviser</td>
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Approved by Committee: 10th February 2015

Change History

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<td>Caroline Lankshear</td>
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<td>Tanishka Norris</td>
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<td>Nicky Mansfield</td>
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## Contents

1. Introduction  
2. Objectives  
3. Scope  
4. Equality and Diversity Statement  
5. Responsibilities  
6. Definitions  
7. Recognising Bullying and Harassment at Work  
8. Support and Advice  
9. Monitoring the Use of Email and Internet / Other Telecommunications Use  
10. The Procedure for Dealing with Bullying and Harassment  
11. Appeal Process  
12. Complaints by Employees Against Employees from Other Organisations  
13. Training for Staff in the Specifics of this Policy  
14. Evaluation Measures  
15. References  
16. Related Policies  
17. Equality Impact Assessment  
18. Policy and Procedure Sign-off Sheet  

## Appendices

- Appendix 1 - Bullying and Harassment Complaint Form  
- Appendix 2 - Terms of Reference Form  
- Appendix 3 - Investigation Report Template  
- Appendix 4 - Guidelines for Writing a Statement  
- Appendix 5 - Bullying and Harassment Policy Process Flowchart
1. **Introduction**

Equality and fair treatment are essential in order to maintain a working environment where there is freedom from discrimination and harassment. Everyone connected with the services of the Trust is responsible for promoting a culture of openness and treating others with dignity and respect. The Trust’s values provide a firm foundation for this, and all staff are expected to value each other, demonstrate leadership, be transparent and speak out when something is not right, and be proud of the care given in our hospitals. The values are linked to the behaviours which are now at the heart of the appraisal system.

The Trust is committed to its legal and ethical responsibility to ensure that employees are not subjected to inappropriate behaviour. It is widely acknowledged that bullying and harassment affects health and wellbeing and impacts greatly on morale, employee retention and service delivery. A hostile atmosphere causes stress in the workplace and has an impact on the immediate and wider teams.

2. **Objectives**

The aim of this policy is to raise awareness and help staff develop confidence to challenge offensive or discriminatory behaviour.

This policy is also intended to provide guidance on how to respond to and report bullying or harassment and to ensure that robust mechanisms are in place to provide routes for informal and / or formal resolution of complaints. The aim is to be consistent and fair in all procedures and to act in a timely manner.

3. **Scope**

This policy applies to all employees of West Hertfordshire Hospitals NHS Trust as well as all persons connected with service delivery of the Trust such as NHSP staff and contractors.

4. **Equality and Diversity Statement**

It is the commitment of West Hertfordshire Hospitals NHS Trust to provide a safe working environment that encourages tolerance and respectful treatment of colleagues and service users. In doing so, this document takes into account current legislation including that outlined below and must be implemented in conjunction with the Trust’s Equalities Framework and the Equality and Human Rights Policy.

- Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Employment Rights Act 1996
- Human Rights Act 1998
- Part-time Workers Directive 1999
- Health and Safety at Work Act 1974
- Protection from Harassment Act 1997
- The Workplace Health, Safety and Welfare Regulations 1992
- Public Interest Disclosure Act 1998
This policy has also been developed in consideration to the Trust values that underpin everything we do as an organisation. In particular, writing of this policy has involved specific attention being made to ensure the values of involving others, being transparent, demonstrating leadership, being proud, working in partnership, and adding value are incorporated into the content.

The Trust also recognises its vicarious liability as an employer under legislation to ensure employees are not exposed to bullying and harassment and to promote the principles of this policy from induction and throughout employment.

Similarly, managers have a particular responsibility to ensure their management practices do not discriminate in the provision of their service or in the employment of staff. The Trust monitors and publishes information on the profile of its workforce based on age, disability, ethnicity, gender and marital status and appropriate actions will be taken by the Equality & Diversity Group to identify and address any problems.

5. Responsibilities

5.1 Line Manager Responsibilities

- Ensure that employees are aware of the Bullying & Harassment Policy
- Create an environment and culture where everyone is treated with dignity and respect
- Set examples and standards of good behaviour
- Recognise destructive behaviour and take action where it occurs
- Promote a good communication culture
- Work to find solutions to support staff who feel they are being bullied, harassed or treated inappropriately via the Harassment Advisers or the Employee Assistance Programme
- Deal with complaints fairly, thoroughly, quickly and sensitively, respecting the feelings of all concerned
- Maintain confidentiality in regard to these matters
- Seek Human Resources guidance when necessary
- Ensures the Trust values underpin all aspects of their performance and demonstrate good practice in treating all colleagues and team members fairly and with respect
- Be a role model for others in the manner in which they conduct themselves during the course of their duties

5.2 Employee Responsibilities

- Comply with all aspects of the bullying & harassment policy
- Treat all colleagues and service users with dignity and respect
- Be continuously aware of own behaviour and how this may be interpreted by others to ensure that recipients are treated in a manner that they find acceptable
- Be prepared to change behaviour if it is brought to the employee’s attention that some of their actions are perceived negatively by others
- Co-operate with the informal and formal procedures outlined in this policy
- Report any inappropriate behaviour or behaviour that contravenes this policy and the Trust values to their line manager and / or the human resources department

Employees who consider that they have been subjected to bullying and harassment behaviours should also consider the following as their responsibility:
• Make attempts to resolve the issue first by using the informal procedure before commencing with formal action
• Make file notes of the date, time and detail of behaviour that they have considered inappropriate. This should also include a record of any response they gave during the situation and details of who (if anyone) they reported the alleged offence to.
• Document the names of any witnesses or people present at the time of an incident.
• Keep documentary evidence such as e-mails, memos, and any correspondence relating to the alleged incidents – these may be used as supporting evidence if a formal investigation is commissioned.
• Utilise the support services offered by the Trust including support in bringing a complaint from harassment advisers, policy advice from human resources, health advice and support from occupational health, and counselling services from the employee assistance programme.

5.3 Human Resources Responsibilities

• Assist managers with the fair and consistent application of the policy
• Provide advice to employees and managers concerning individual issues
• Provide training for managers and harassment advisers on the application of the policy
• Monitor complaints of bullying and harassment

6. Definitions

Bullying

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment

Unwanted behaviour or conduct either persistent or singularly, directed at a person or persons which creates an environment which is intimidating, hostile, degrading, humiliating or offensive.

7. Recognising Bullying and Harassment at Work

7.1 Bullying in the Workplace

Bullying is not always immediately obvious and can take many forms that vary over time to avoid detection. For this reason, there is not one single definition or type of behaviour that can be classified as bullying, and therefore employees need to be vigilant to the occurrence of employees experiencing less favourable treatment from others.

Bullying can range from a misuse of power to any other type of situation including inappropriate behaviour between colleagues, to service users, between different groups of employees, and from an employee towards their supervisor or line manager.
Bullying is distinct from a right to manage and to supervise staff in carrying out their duties. It is expected that managers will manage appropriately and challenge poor behaviour and / or underperformance, but this in itself will not constitute bullying providing such actions are applied fairly, consistently, and in a manner that supports the employee to improve.

Some examples of bullying behaviours could include the following, but this list is not intended to be in anyway exhaustive:

- Persistent and unfair criticism
- Repeatedly shouting and / or behaving in an intimidating manner
- Apportioning unfair blame
- Insulting others and name calling
- Ridiculing or humiliating others
- Withholding information possibly with a view to making it more difficult (or impossible) for a colleague or employee to perform their duties
- Taking away responsibility and persistently imposing menial tasks
- Offensive language, gossip and spreading of malicious rumours
- Denial of leave, training or promotion unfairly
- Deliberately favouring others
- Inappropriate use of social media to isolate employees within a team (see Trust’s IT Code of Conduct)

The key identifying feature of bullying is that is usually ongoing and for this reason one-off or arguments / incidents are not necessarily thought to constitute bullying; although such behaviour may represent misconduct and should be appropriately managed, possibly in accordance with the disciplinary policy and procedure.

7.2 Harassment in the Workplace

Employees should remain conscious of being courteous and considerate of others in the workplace and be aware that even unintentionally offensive behaviour could constitute harassment in accordance with equality legislation.

The Equality Act (2010) protects individuals from harassment in relation to protected characteristics and the Trust is fully committed to its responsibility to provide an environment where employees can work safe in the knowledge that they will not be subjected to harassment. It is expected that every employee of the Trust shares this responsibility and commits to demonstrating the Trust values in all that they do during the course of their duties.

Harassment is legally prohibited when associated with a protected characteristic, and these include the following:

- Race
- Gender
- Sexual orientation
- Disability
- Religion or belief
- Transsexual status and / or gender reassignment
- Being pregnant and / or just having had a baby
- Age
- Being a carer for a dependent
It should also be noted that due to changes instigated by the Equality Act (2010) an employee can bring a claim against an individual and the Trust if they have suffered harassment on the grounds that they are associated with someone who possesses one of these characteristics, or if they themselves are incorrectly assumed to have one of these characteristics.

As with bullying behaviours, harassment might not always be obvious but some behaviours that could constitute harassment are as follows:

- Unwanted physical contact or more serious physical assault or threats
- Unwanted sexual advances or serious sexual assault, directed at women or men
- Verbal abuse including innuendo, jokes, offensive language,
- Persistent name calling and teasing
- Isolation and intimidation

The growing use of social media presents challenges as employees may communicate outside of working time and socialise online. Conduct of an unacceptable nature which has been carried out online will be liable to scrutiny and could be included in a complaint.

8. Support and Advice

Bullying and harassment are rarely one-off events, unless this is a serious assault: it is often repeated behaviour. Employees are therefore encouraged to take personal action to try and resolve concerns about someone’s behaviour before such behaviour escalates into bullying.

The Trust has a number of sources of support available so employees can discuss and raise concerns. Sometimes a trusted colleague or line manager can be approached, but in the case an employee does not feel comfortable speaking with their line manager then there are other avenues of support available.

The Trust also recognises that being accused of bullying and / or harassment can also be a very stressful time, particularly if they dispute that this behaviour has taken place. It is therefore encouraged that those accused of such behaviour also seek support following submission of a complaint against them.

8.1 Harassment Advisors

The Trust has an established network of trained harassment advisors who will provide confidential and independent support, advice and guidance to any employee in a voluntary and informal capacity. It can be useful to get a fresh perspective from outside the team affected.

The role of the harassment advisor is to listen to the person, provide advice and information, act as a sounding board, explore the problem, help clarify thinking, and outline options available to the employee. Meetings can take place in a private and neutral environment and support by phone in between meetings can be provided. This will enable employees to determine for themselves what action they would like to see happen to resolve the issue.

Employees are encouraged to seek help where they are unsure if bullying or harassment has occurred and to prevent it becoming prolonged or escalating. It is acceptable for employees to seek help if they witness behavior that upsets them and they are not sure what to do. It is recognised that bullying and harassment can be a very isolating experience and a
harassment advisor can support them through this difficult time.

Contact details for the harassment advisors can be sought from Human Resources, Occupational Health or found on the Trust Intranet: http://wghintra01/human_resources/employee_relations/harassment_advisors.htm

8.2 Occupational Health Service

Any employee who has a concern about bullying or harassment may find it helpful to talk to an occupational health advisor.

The Trust’s occupational health departments are located at both Watford and Hemel Hempstead hospital sites and can be contacted on either 01923 217304 or 01442 287576 respectively.

All appointments are confidential and feedback will not be provided to the employee’s line manager unless a management referral has been made to arrange the appointment or unless the employee gives express consent for information to be shared.

8.3 External Counselling Service

The Employee Assistance Programme is a confidential support service, providing practical information, legal advice, telephone and face-to-face counseling. The service is free and available to all Trust employees, 7-days a week, by telephoning 0800 085 1376, or via email at assist@cic-eap.co.uk or via text relay (for people with speech or hearing impairment) on 18001 08000851376.

Further information regarding the counselling service is available from occupational health or the Trust intranet at Balance For Life: http://wghintra01/human_resources/balance4life/mentalwellbeing/eah.asp

8.4 Trade Unions

Where employees are a member of a trade union, they should approach their representative regarding their concerns. Contact details for trade union representatives are available on the Trust intranet and also via the human resources department: http://wghintra01/human_resources/trade_unions/

Trade union representatives have role in attending meetings and provide support during the formal aspects of the procedure.

9. Monitoring the Use of Email and Internet / Other Telecommunications Use

In order to identify unacceptable behaviour to prevent its occurrence and evidence such behaviour for the purpose of formal investigation, it may be necessary for the Trust to monitor the use of electronic communication systems and other telecommunications.

The Trust prohibits employees from sending or forwarding emails containing fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate information that could be offensive to recipients. It could also be considered as an act of employee misconduct to store such information on Trust
electronic servers / systems and other forms of electronic communication such as bulletin boards, newsgroups, chat groups and social networks.

Users who encounter or receive emails with this content should report it as an information security incident to IT Helpdesk on 0800 783 1894 (it.helpdesk@whht.nhs.uk) and to the human resources department.

10. The Procedure for Dealing with Bullying and Harassment

10.1 Informal Action

Where an employee feels bullied or harassed, talking directly with the person concerned may be sufficient to resolve the issue. The employee should ideally make it clear to the person and ensure that they:

- Explain how the behaviour makes them feel and how it is interfering with their work
- Discuss how the working relationship can be restored
- Explain that if their inappropriate behaviour continues then a formal complaint could be made

If the behaviour persists, employees should make and retain file notes of all incidents that happen and keep together with any associated evidence such as emails, and letters. Details of any potential witnesses should also be kept in case they need to be approached as part of a later formal investigation.

It is recognised that this approach may not always be appropriate, particularly if the employee feels threatened by the behaviour of the alleged harasser. In this case, it is recommended that the employee approach a harassment adviser to guide them through the most appropriate way of resolving their concerns informally.

10.2 Facilitated Meetings

If informal action as described in Section 10.1 does not stop the unwelcome behaviour or if the issue is particularly complicated then employees should seek help from their line manager or in exceptional cases, the grandparent manager.

The line manager has responsibility for informing their human resources representative that a concern has been raised and to explore together whether a facilitated meeting would be appropriate, or if the issue requires formal investigation.

If a facilitated meeting process is deemed appropriate and both parties agree to participate, an impartial and appropriately skilled manager will be appointed to chair the meeting.

The meeting will be convened with the appropriate manager chairing and both employees attending to talk through the issues causing concern in order to agree an appropriate way forward. The manager will document agreed actions and write a summary of the meeting to each participant. This method can be useful if there is recognition of a problem and both parties are willing to work towards solution.

If either employee is concerned about attending the meeting unaccompanied then they would be welcome to be accompanied at the facilitated meeting by a colleague or trade union representative. To ensure the process is fair and balanced, should employees want to
be accompanied then this must be made clear to the chairing manager in advance of the meeting so that the other participant may also choose to be accompanied.

In the case of employees bringing a companion or trade union representative to the meeting then the chairing manager will be entitled to be accompanied by a representative from human resources.

It should be noted that issues to be considered should be current and it is expected that incidents that are complained of will have occurred within the last 6 months. Incidents that occurred more than 12 months ago will not normally be taken into account when responding to a complaint of harassment.

### 10.3 Mediation

Mediation is a more structured resolution process where trained external mediators are involved. Both parties have to agree to mediation for it to go ahead.

Mediation is a confidential and voluntary process where an impartial mediator facilitates communication between two individuals in dispute. The mediator is not there to judge, to say that one individual is right and the other wrong, or tell those involved in mediation what to do. Mediation seeks to provide an informal and speedy solution to a dispute, and offers a safe and confidential space for the individuals to find their own answers in a number of ways:

- By exploring issues, feelings and concerns of both parties and rebuilding relationships
- By allowing those involved to understand and empathise with the feelings of those they are in conflict with
- By helping individuals develop the skills to resolve workplace difficulties for themselves in the future
- By encouraging communication and helping the individuals involved to find a solution that feels fair for both sides

Employees or managers who wish to use this option should contact a Human Resources Manager in the first instance.

### 10.4 Formal Action

The employee making the complaint should complete a Bullying and Harassment Complaint Form (see Appendix 1) and forward it to their manager with a copy to Human Resources. If the alleged harasser is the employee’s manager, the employee should forward the form to the next level of management.

The Commissioning Manager (usually grandparent manager of the employee) will appoint a manager to act as Investigating Officer who is independent, supported by an HR Adviser, to undertake a thorough investigation to establish the facts and to determine whether or not there is a case to answer.

The Commissioning Manager will draft terms of reference for the investigation - see template in Appendix 2.
Managers in liaison with Human Resources must consider carefully how they manage the work situation during and following an investigation. It may be appropriate to move either party to an alternative work situation.

The investigation should commence as soon as possible after the complaint has been received and be completed within 8 weeks.

The Commissioning Manager will inform the alleged harasser in writing of the nature of the allegation and their right to be represented by a trade union representative or work colleague.

The Investigating Officer will conduct the investigation and will normally interview the employee, alleged harasser and relevant witnesses as part of this process. The employee, alleged harasser and witnesses are all entitled support / representation at any meeting connected with the investigation.

All relevant facts should be gathered promptly before memories of events fade. Statements should be taken from the employee and witnesses at the earliest opportunity, using Appendix 3. All statements should be signed and dated. Where an employee does not provide a statement for an investigation but is subsequently interviewed, the notes from the meeting will be used instead of the statement. Information provided by witnesses will be given in confidence and should be in good faith. As a result, the employee under investigation must not discuss the content of witness statements with the individuals concerned, to avoid a breach of confidentiality.

At the end of the investigation, the Investigating Officer will produce an investigation report for the Commissioning Manager, outlining the facts of the case and recommendations. For the report template, see Appendix 4.

Based on the information contained in the investigation report, the Commissioning Manager will decide what future action should be taken. The outcomes are as follows:

- Taking no action, as the allegation has not been substantiated or there is insufficient evidence
- Proceeding to a disciplinary hearing, as the investigation has found that there may be a case to answer
- Taking alternative management action. This may be appropriate if the evidence and/or nature of the complaint does not justify formal disciplinary action. Alternative management action could include:
  - recommendation for facilitated discussion / counselling for both parties where both parties agree to this
  - recommendation for redeployment of one or both parties, either on a temporary basis or permanent basis
  - setting up arrangements to monitor the situation
  - required attendance on a training course (such as equality and diversity awareness training)
  - making arrangements for the complainant and alleged bully/harasser to work as separately as possible within the same workplace with regular monitoring from the line manager

If the Commissioning Manager decides that a formal disciplinary hearing should be convened, this will be done in accordance with the Trust’s Disciplinary Policy and Procedure. The report completed for the harassment investigation will be used in place of the disciplinary investigation report
10.5 Redeployment or Suspension during Investigation

It may be necessary to consider the appropriateness of redeployment or suspension for the duration of the investigation to relieve the stress and pressure on one or both parties and/or to prevent the risk of further incidents or victimisation occurring.

Temporary redeployment of one or both parties can also be considered. In normal circumstances it is appropriate for the alleged bully/harasser to be redeployed rather than the complainant. Consideration however will also need to be given to practicality when considering which party to redeploy. The Commissioning Manager in conjunction with a senior member of Human Resources will make this decision.

10.6 False Accusations

If an investigation establishes that a complaint has been made falsely and maliciously, then disciplinary action may be appropriate. It is a very serious matter to make a false allegation that puts a fellow employee’s reputation and job at risk. The Commissioning Manager should decide whether to commission a disciplinary investigation into the employee allegedly making the malicious complaint.

10.7 Confidentiality

All information associated with the investigation should remain confidential and not be shared with any unauthorised persons. This means employees with knowledge pertaining to the investigation should not discuss with colleagues or those connected with the investigation to ensure all evidence presented by witnesses remains impartial.

Where it is identified that employees have deliberately shared information inappropriately, this could be liable to action under the Trust’s disciplinary policy and procedure.

Those investigating the complaints should make arrangements to ensure the safe storage of papers, statements and other documentation relating to the case. At the end of the investigating process all documents must be passed to Human Resources for appropriate storage. These records should be treated confidentially and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain data.

11. Appeal Process

If the complainant is unhappy with the investigation outcome, they may appeal. This should be done in writing within 21 days on receipt of the outcome of the investigation to the Director of Workforce. The appeal will be heard in accordance with the Appeal Stage of the Trust’s Grievance Policy.

The alleged harasser may appeal against any disciplinary action taken using the Trust’s disciplinary policy and procedure appeal process.
12. **Complaints by Employees Against Employees from Other Organisations**

   If an employee is experiencing bullying or harassment by an employee from another organisation they should inform their line manager immediately who will take appropriate action after taking advice from the Human Resources Department.

13. **Training for Staff in the Specifics of this Policy**

   Awareness of this policy must be included in all staff corporate and local induction. Training in conflict resolution and bullying and harassment will be widely available to staff. The Trust will also promote its commitment to a work environment that is free of bullying and harassment via the Trust values behaviours and which are incorporated into the appraisal process.

14. **Evaluation Measures**

14.1 **Monitoring**

   The Human Resources department will log reported complaints of harassment on a database with the respective dates that the complaint was received and when the investigation commenced and was concluded and will monitor these cases on an ongoing basis and take action accordingly.

14.2 **Audit Review**

   The Senior HR team will review the results of the annual staff survey and in particular the responses to questions about bullying and harassment to further inform the Trust’s approach to tackling bullying and developments of the this policy.

   Management and staff side representatives, along with input from the Harassment Advisers, will review the policy on a regular basis and every three years as a minimum.

15. **References**


16. **Related Policies**

   Policies related to this are as follows:

   Disciplinary policy and procedure
   Grievance policy and procedure
   IT Code of Conduct
17. **Equality Impact Assessment**

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<td><strong>2.</strong> Is there any evidence that some groups are affected differently?</td>
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<td><strong>5.</strong> If so can the impact be avoided?</td>
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<td><strong>6.</strong> What alternatives are there to achieving the policy/guidance without the impact?</td>
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<td><strong>7.</strong> Can we reduce the impact by taking different action?</td>
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If you have identified a potential discriminatory impact of this procedural document, please refer it to (Insert name and position) together with any suggestions as to the action required to avoid/reduce this impact.

For advice in respect of answering the above questions, please contact (Insert name and position).
18. Policy and Procedure Sign-off Sheet

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All staff members must sign to confirm they have read and understood this policy.

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BULLYING AND HARASSMENT COMPLAINT FORM

STRICTLY PRIVATE AND CONFIDENTIAL

Please complete this form if you wish to submit a complaint of bullying or harassment. You should ensure that you have tried to resolve the matter informally before entering the formal stages of the process.

Name: ……………………………………………………………………………………………………………………………

Job Title: ……………………………………………………Dept / Site: …………………………………………………

Contact Details: …………………………………………………………………………………………………………….

____________________________________________________________________________________________

Details of Whom Complaint Made About:

Name: …………………………………………………………Job Title: …………………………………………………

Dept / Site: …………………………………………………………………………………………………………………

Details of Complaint:

Include all relevant details, including dates, details of witnesses or documentary evidence and the outcome of any informal meetings. (Please continue on separate sheet if necessary)

____________________________________________________________________________________________

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____________________________________________________________________________________________
Please state below the desired outcome/resolution you would like to achieve.

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Have you contacted your Trade Union Representative? Y / N

Have you contacted a Harassment Advisor? Y / N

Would you consider mediation to resolve the issue? Y / N

Signed ____________________________________________ Date: ___________________________
(Employee)

Received by: ______________________________________ Date: ___________________________

________________________________________________________________________________________

________________________________________________________________________________________

PLEASE SEND FORM TO YOUR LINE MANAGER/SENIOR MANAGER AND
FORWARD A COPY TO THE HUMAN RESOURCES ADVICE CENTRE, MEDICAL
EDUCATION CENTRE, WATFORD GENERAL HOSPITAL
INVESTIGATION OUTLINE – TERMS OF REFERENCE

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<td>Investigating Officer</td>
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Was the employee suspended?  Yes  No

Please provide rationale for decision………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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PRIVATE AND CONFIDENTIAL

INVESTIGATION REPORT

POLICY NAME

Investigating Officer Name
Investigating Officer Job Title

HR Advisor Name
HR Advisor Job Title

Date of Report
Section Headings:

1. **Introduction**

   Explain why the investigation was requested and the background to the case.

2. **Allegation**

   State the specific allegations being investigated

3. **Methodology**

   Explain who was interviewed as part of the investigation and any other documentation that has been reviewed.

4. **Findings**

   This should include a summary of the key findings and facts of the case. It is important for investigating officer to separate fact from comment and personal perceptions. It may be appropriate to refer to appendices such as notes of meetings with employees, extracts from policies here.

5. **Conclusion**

   A summary statement of the report specifically detailing whether the alleged misconduct has been substantiated or not

6. **Recommendations**

   A list of recommendations should be included in the report for consideration by the commissioning manager. These can include:
   - Proceed to a disciplinary hearing without prejudice
   - Additional training
   - Appraisal and objective setting
   - System reviews
Appendix 4

Guidelines for Writing a Statement

There are circumstances where you may be called upon to provide a written statement. This will occur when there has been an incident or complaint that needs to be investigated in line with Trust policy and you were present at the time. Statements should be of a factual nature and include a description of the events surrounding the incident or complaint.

These guidelines aim to provide you with some simple advice on preparing a statement, which has been requested for an investigation into an untoward event or complaint that has occurred during the course of your employment.

There is also a template attached following the guidance, which you may print off and use to write a statement.

- Assume that the reader of your statement knows nothing of the facts of the case, of the patient’s medical history or of hospital routines if appropriate. The statement will thus form a story, which will tell the investigating officer the circumstances of the incident as you remember them

- Use good quality A4 paper. Do not use scraps of paper, pages from notepads, medical records sheets, or the backs of documents designed for other purposes

- Statements should ideally be typed but if this is not possible, you must write clearly and in black ink

- Number the pages. If you use more than one page, ensure the pages are securely fastened together

- Begin the statement with your name and job title – see template on page 3

- Be clear about the times you were on and off duty on the days in question and about what you saw and heard. Put events in the order in which they happened, giving precise dates and times (using am/pm or the 24 hour clock)

- State the location at the time of the incident and name any other witnesses who were present. When referring to other people in your statement give their full names and job titles

- Use your own words. Please note that staff are entitled to seek support from their Trade Union Representative if they wish when writing a statement and should be given enough time to do so

- Keep to the facts and avoid giving opinions or assumptions. Only include facts or conversations you have actually witnessed or taken part in. Do not include things that other people told you happened or conversations reported to you

- Write your statement in simple terms and avoid using jargon or abbreviations. Be as brief as possible while covering all essential points. When using medical terminology always explain the meaning

- If you include in your statement any information you have read in patient notes, you should include references as to where it can be found, e.g. “It is recorded on the 3rd
February 2009 in Mrs Smith’s nursing notes that a request for a CT scan had been sent to radiology

- Your statement should be written in the first person, i.e. “I was asked by Staff Nurse Jane Smith to record Mr Green’s blood pressure”

- Any alterations to your statement should be made by drawing a single line through the words you wish to change. This should then be initialled

- The final paragraph of your statement should read: “This statement is true to the best of my knowledge and belief”

- Your statement should be signed and dated. You should also print your full name and job title

- Keep a copy for your own records

Human Resources Dept
December 2014
Name: ..............................................................  Job Title: ..............................................................

Date and Time of Incident: ........................................................................................................

Location of Incident (ward / dept): ..........................................................................................

Other Witnesses that were present: .........................................................................................

This section should be used to explain the facts of the incident but avoid giving opinions or assumptions. Only include facts or conversations you have actually witnessed or taken part in. Do not include things that other people told you happened or conversations reported to you. Write your statement in simple terms and avoid using jargon or abbreviations.

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Continue on another page if necessary

This statement is true to the best of my knowledge and belief.

Name: .................................................................................................................................

Signature: ............................................................................................................................

Date: .................................................................................................................................

Ref: WHHT: HR022          Date: February 2015          Version no: 5
Author: Nicky Mansfield    Review Date: February 2017    Page 24 of 25
Appendix 5

BULLYING AND HARASSMENT POLICY – PROCESS FLOWCHART

Concern about bullying and harassment

Seek advice from Human Resources at all key decision stages during the process

Contact TU Rep/Harassment Advisor/Manager or HR for advice and support

Keep notes /diary of events /concerns

Informal Process

Discuss concern with alleged harasser

Resolution achieved

Not able to discuss directly or no resolution

Mediation process

Resolution achieved

No resolution achieved

Formal Process

Formal complaint submitted

Investigation conducted

Allegation upheld – recommendation to proceed to Disciplinary hearing

Allegation not upheld – recommendations may be made

Right of Appeal following outcome of Disciplinary hearing

Proceed to formal complaint process where necessary

Seek advice from Human Resources at all key decision stages during the process