Respect & Dignity at Work – Manager Guide

Introduction

Everyone in GHC has the right to work in a safe, respectful culture, free of abuse, harassment, bullying or other inappropriate behaviour. However, sometimes misunderstanding, conflict or inappropriate behaviour at work can happen. The purpose of the process in the Respect & Dignity at Work policy is to enable staff to raise concerns about conflict or unwanted behaviour in a way that allow everyone involved to be heard and the matter resolved quickly and constructively.

This guide is for managers who are approached about a concern involving inappropriate behaviour or workplace conflict, or who are asking to support the formal process. It includes information about the stages of process and guidance to consider. It should be read alongside the Respect & Dignity at Work Policy and Action Card which has flowcharts setting out the process.

Equality Act and bullying and harassment

As the policy explains, there is no one definition or type of behaviour that can be experienced as bullying or harassment, but they could be understood to be the following:

- bullying – persistent offensive, intimidating, malicious or insulting behaviour, or an abuse of power that makes an employee feel upset, undermined, humiliated or threatened
- harassment – unsolicited or unwelcome remarks or actions by an individual or group, which causes an employee to feel upset, threatened, humiliated, patronised or otherwise distressed or which interferes with their job performance, undermines their job security or creates an intimidating or otherwise unpleasant working environment.

Under the Equality Act (2010) bullying behaviour can be harassment if it relates to any of the following 'protected characteristics' identified by the legislation:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Examples of inappropriate behaviour could include:

- verbal or physical threatening behaviour, including microaggressions
- unwelcome sexual advances or unwanted physical contact
- making jokes or derogatory comments about a person, team or group
- spreading malicious rumours or making malicious allegations
- unfair treatment
- undervaluing a colleague's contribution or persistent criticism
- excluding a colleague
- placing unreasonable demands on and/or over-monitoring performance
- misuse of power or position.

Workplace conflict
There are many potential sources of workplace conflict between colleagues, ranging from issues that might be consider minor to major, it might originate from a work-related or from a personality clash, it can be obvious like an argument or less visible.

Sources of conflict at work include:

- poor performance, attendance and / or time-keeping which cause resent amongst other colleagues
- swearing or using language a colleague finds inappropriate or unacceptable
- behaviour viewed as disrespectful, such as not replying to an email or failing to include people in round-robin emails or talking over people in meetings
- differences in personality or working style
- ignoring people or being uncivil
- not valuing other people's views, background or experiences
- witnessing a colleague behave inappropriately towards another colleague, service user or carer.

Understanding the process
The Trust is committed to treating everyone involved fairly and to focus on resolving the situation in a fair way, through discussion with everyone involved and only using a formal process when appropriate.

There are three potential stages of the process:

- informal
- formal
- appeal.

Staff are expected to try to resolve the matter informally in the first instance, either by speaking to the colleague or their manager about the inappropriate behaviour or concern they have experienced. Unless the matter is so serious that consideration should be given to using the formal process from the outset. If a formal concern is raised with you without the informal process having been used first you should seek advice from your HR manager to determine the how to proceed.

The focus of the informal stage is to resolve the conflict or address / change the inappropriate behaviour, it is not finding fault or blame.

Options that might be pursued at the informal stage include:

- the individual speaking to the colleague directly about the concern
- the individual raising the concern with their manager
- a facilitated/supported conversation
- mediation

The policy sets out more detail about each of these. At the informal stage the Organisational Development team and your HR manager can provide you with advice and support.

Know your team so you can spot potential issues early
As a line manager, it is important to intervene early and informally if you think there may be tensions or conflict between colleagues, otherwise the conflict is likely to develop and escalate. Dealing with it at an early stage can help you to:

- improve the team's morale
- retain valuable skills and talent
- reduce sickness absence.

It can help you to intervene early and informally if you:

- get to know the people in your team as individuals – this will help you understand what matters to them, know their strengths and weakness and be aware any personal or health issues which might be affecting them at work
- are aware of relationships within the team and are alert to spotting any changes in them
- ensure everyone has a thorough induction when they join the team and/or start in a new role within the team – including being clear about the expectations and duties of the role
- are clear about your expectations and address any hint of inappropriate behaviour
- have regular one-to-ones or supervision sessions and try to create an environment in which people feel comfortable discussing their concerns and can disagree respectfully in team meetings
- make yourself personally available to talk to staff on an individual basis outside of the one-to-one / supervision arrangements – encourage them to be open and approach you if they have a problem

Handling a concern at any stage

The nature of every concern raised under the Respect and Dignity at Work Policy will be different, meaning the exact approach to addressing it may be different. But there are some general principles you should follow whenever considering a concern using this process at any stage.

During the process:

- do your best to understand the feelings of the person raising the concern – remember there can be a lot of emotions caught up in the situation which can sometimes lead to people reacting in unexpected ways and they may have been reluctant to raise the issue
- remain impartial
- consider the information or evidence from all sides
- consider what additional information you may need to help you resolve the issue and/or make an informed decision on any outcomes and actions
- avoid assuming anything about the matter or the people involved
- be sensitive to the circumstances and needs of the person the concern is about, as well as the person who raised the issue
- hold any conversations with employees private and where you are not likely to be interrupted
- remember you are in control of any meetings – this means you decide if/when to take a break, what approach is working and if you need to change style or tact during the conversation
- be clear about what you will and will not be able to do and do not guarantee a result, which will manage expectations – especially at the informal stage which is about resolution, not proof or punishment

- do not make promises about confidentiality – wherever possible confidentiality will be maintained, however sometimes this may not be possible due to the potential seriousness of the issue and/or the Trust's duty of care
- aim for agreement with all the employees involved, being open and honest about the potential consequences if the issue is not resolved
- confirm discussions and meetings in writing whenever the process requires you to.

The formal process

The initial meeting

You should arrange an initial meeting with the employee who has raised the concern. This meeting is the chance for the employee to:

- fully explore their concern
- review any documentation or evidence they have
- review the outcome of informal meetings and stages, and any subsequent developments.

It is also the chance for you to ask questions, check your understanding of the matters and determine what steps to take next.

The meeting could be held in person or via Microsoft Teams. If possible, it is best to ask the employee if they have a preference as to how the meeting is conducted.

At the meeting you should:

- explain the purpose of the meeting is to explore the employee's concern with them to ensure you clearly understand the issues they are raising and any resolution(s) they are seeking before you look into the matter further
- explain you will not be making any decisions or providing any outcomes at this meeting
- outline the format the meeting will follow
- give the employee the opportunity to explain their concerns and provide any additional information
- check any resolutions they might be seeking
- ask any questions you have for them
- advise them how to contact you if they think of any further they want to make you aware of and the timescales for sending this to you this information
- explain if there is additional information you need to seek before you can come to any conclusions
- sum up the main points you have heard during the meeting
- set out the timescales you plan to follow in considering the matter so they have a rough idea of how long the process will be
- establish if they would like another meeting at which you will explain the outcome or if they would prefer to receive the outcome in writing only
- signpost to support mechanisms as appropriate.

Meetings with the other employee(s)

As part of considering the matter you will need to speak to other members of staff involved in the matter. Many of the principles outlined above will apply when speaking to them.

At the meeting you should:

- outline the format the meeting will follow

- explain the purpose of the meeting – e.g. you are considering a formal concern raised under the Respect and Dignity at Work Policy and you want to understand the matter from their perspective
- ask any questions you have
- advise them how to contact you if they think of any further they want to make you aware of and the timescales for sending this to you this information
- sum up what they have said
- remind them of the need for confidentiality in relation to the matter
- explain you will only be able to share the details of the outcome with them that relate specifically to them
- signpost to support mechanisms as appropriate.

Deciding the outcome

You should decide on the outcome based on:

- the findings from meetings and your investigations
- what is fair and reasonable
- outcomes in any previous similar cases (the HR manager supporting you can advise you about this).

As set out in the policy, possible outcomes of the formal process could include:

- further steps to improve working relationships, such as formal mediation
- temporary or permanent redeployment of those involved
- for the case to be considered further under another relevant procedure
- treating the case as a potential disciplinary matter in line with the process set out in the Disciplinary Policy.

Holding an outcome meeting

You will need to hold outcome meetings with all the employees involved in the concern. At an outcome meeting you should:

- outline the format the meeting will follow
- explain the purpose of the meeting – e.g. to go through your findings, as far as possible, and the conclusions and the outcomes in relation to the employee
- outline the steps you have taken to consider the concern
- go through your findings and any resolutions / actions identified
- advise you will confirm the outcome in writing
- signpost to support mechanisms as appropriate
- if it is the employee who raised the concern, advise them of their right to appeal.

Whilst you may give the employee the opportunity to ask questions at the outcome meeting, it is not an opportunity for them to debate or challenge the decisions you have reached.

The outcome and details must remain confidential to the employee to whom they apply.

Timescales, time limits and delays

There are very few timescales set out in policy for the process because the nature of the concerns and the processes involved will vary on a case-by-case basis. However the intention should always be to carry out the process and reach an outcome / resolution as quickly as you can.

In terms of meetings and communications, timescales within the formal process include:

- acknowledging receipt of the formal concern within seven calendar days
- confirming the outcome in writing within seven calendar days of the outcome meeting.

Going through this process at either the informal or formal stage can be stressful and challenging, so it is important to consider the wellbeing and mental health of the employees involved. You should outline the timescales you intend to work to when considering their grievance. Where additional information needs to be gathered, or for more complex cases, it can be a good idea to provide progress updates every two weeks – you should agree with the employee how these will be provided (by email, letter, etc). If there are delays, you should explain how long the delays will be.

Right to be accompanied

During the formal process the employee who has raised the concern and the colleague who it is alleged was involved in the inappropriate behaviour are entitled to be supported by a union representative or workplace colleague in the formal stages of the process.

There is no right to be accompanied to informal meetings.