

Policy on Bullying and Harassment

1 Introduction

1.1 A commitment to tackling bullying and harassment

1.2 The London Ambulance Service has a duty of care to all staff. We are committed to providing a safe working environment that is free from all forms of bullying and harassment and in which everyone is treated with respect.

1.3 All staff are subject to the Trust's Values with the expectation that their behaviour reflects these Values. Values that are particularly relevant to this Policy include:

- Respect and courtesy 'We will value diversity and will treat everyone as they would wish to be treated, with respect and courtesy'.
- Integrity – 'We will observe high standards of behaviour and conduct, making sure that we are honest, open and genuine at all times and ready to stand up for what is right.'
- Accept responsibility – 'We will be responsible for our own actions and decisions as we strive to constantly improve'

1.4 Behaviour that constitutes bullying and harassment will be taken seriously and may result in Disciplinary action up to and including dismissal.

2 What is bullying and harassment?

2.1 There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious, or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

2.2 Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, gender, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed by the recipient as demeaning and unacceptable.

2.3 The Trust considers the following types of behaviour to be unacceptable:

- Making unwelcome sexual advances

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 1 of 9

- Displaying or distributing material which is offensive or degrading (this includes material on websites or in email format)
- Making offensive jokes, remarks, derogatory or lewd comments or name-calling
- Copying or spreading confidential information about someone
- Spreading malicious rumours or insulting someone (particularly on the basis of age, gender, race, sexual orientation, disability or religion or belief.)
- Ridiculing or humiliating someone, including picking on someone or setting them up to fail.
- Overbearing supervision or misusing power or position, including displaying contempt
- Making threats about job security without foundation
- Deliberately undermining a competent employee by overloading or by constant criticism
- Preventing someone from making progress by deliberately blocking promotion or development opportunities
- Inappropriate remarks about physical appearance, or other personal remarks.

2.4 The above list should not be regarded as being exhaustive.

2.5 Bullying and harassment by whatever means, whether face to face over the phone or radio, or by e-mail etc. is covered by this Policy.

3 Legitimate management action

3.1 Managers have a responsibility to oversee, guide, and if necessary, intervene regarding the conduct and performance of their staff. This may involve formal measures such as the application of the Disciplinary Policy. The above list (in section 2.3) is not intended to preclude legitimate and reasonable management action.

4 Biased incidents

4.1 A biased incident is any incident perceived by the complainant or another person to be aggravated by her or his race (including colour, ethnicity, nationality or citizenship), gender, religion or belief, disability and/or sexual orientation*. See paragraph 10.8.

5 Legal

5.1 This Policy is drafted in line with employment legislation and good practice guidance including that relating to gender, race, disability, sexualorientation, religion and belief and age. It also reflects ACAS

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 2 of 9

guidance. It is in line with the Trust's Equality and Diversity Policy and Dignity at Work – Section 32 of the Agenda for Change Handbook.

6 The effect of bullying and harassment

- 6.1 Bullying and harassment can affect physical and psychological health as well as job performance. Other effects may include:
- Poor morale and damaged employee relations
 - Loss of respect for colleagues, managers and supervisors
 - Increased absence
 - Resignation and possible subsequent claims to Employment Tribunal.

7 Managers' general responsibilities

- 7.1 All managers are responsible for ensuring that the working environment is free from bullying and harassment and that all employees are treated fairly and with respect. They should examine their own and others' behaviour to ensure that bullying and harassment is not taking place. Managers should be aware that circumstances can arise where staff may feel bullied or harassed even if no such abuse is intended.
- 7.2 Managers should also be aware of work situations where there is a potential for bullying and harassment to take place and guard against it. This may be particularly relevant where someone is in a minority in a workgroup or is working in an isolated place where there is little support on site.
- 7.3 Managers who become aware of possible or actual bullying and harassment have a responsibility to investigate and to deal with anyone exhibiting this behaviour. Managers should not wait for complaints of bullying or harassment before acting.

8 Employees' general responsibilities

- 8.1 All employees, whether managers or staff, have a responsibility to ensure that they do not incite, perpetrate or condone any form of bullying and harassment in the course of their work.
- 8.2 Anyone who witnesses bullying or harassment in the course of their work has a responsibility to challenge or report those who are responsible.

9 Dealing with concerns of bullying and harassment

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 3 of 9

- 9.1 What employees should do if they think they are being bullied or harassed?
- 9.2 It is recommended that if employees believe that they are being bullied or harassed they should keep a note of the following:
- The time, date and place of any incidents
 - Who was involved, what happened and the nature of the incident
 - Their feelings and reactions at the time
 - The response of the bully/harasser
 - Any witnesses
- 9.3 The aim of recording this information is not to 'formalise' the issue but simply to ensure that the person alleging the harassment is able to maintain a clear recollection of any incidents.
- 9.4 If possible, and in the first instance, employees are encouraged to sort matters out informally with the person concerned. It is possible that the alleged harasser simply does not recognise the effect of the behaviour and will agree to change. Employees may wish to do this alone or with their manager, Human Resources Officer, colleague or Trade Union representative present.
- 9.5 If employees feel unable to have such a meeting because they perceive the matter to be too serious or if a meeting has taken place and the employees are dissatisfied with the result, then they should formally raise a complaint with their manager. If the manager is the alleged harasser then they should speak to the next in line manager or with a member of the Human Resources Department.

10 Managers' responsibilities on receiving a complaint

10.1 Initial consideration of complaint

- 10.2 Complaints regarding bullying and harassment may be of different kinds. Managers should exercise sensitivity and judgement in terms of how they address the issue.
- 10.3 It may be that the complainant may wish to just report the matter – 'I just want to tell you but I don't want anything done'. This could be the first such incident and the complainant, at this stage, may just wish to log the information. Every effort should be made to respect the individual's wishes. In such circumstances the manager may simply wish to monitor the situation.
- 10.4 The complaint may form a pattern with other, previously raised concerns. In these circumstances the manager should consider

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 4 of 9

whether to investigate further whilst ensuring that the complainant's wishes are respected.

- 10.5 Some employees may wish to raise a complaint but not face the alleged harasser. It may be possible to manage the process, up to and including any disciplinary hearing, whilst respecting this wish. The complainant should be informed, however, that it may be more difficult to take any formal action against the alleged harasser, if, for example, all parties in a disciplinary hearing are not given the opportunity to question every witness.
- 10.6 The manager should check with the employee as to whether any efforts have been made to resolve the situation with the alleged harasser. There is no obligation for the employee to have done this. Again the manager should carefully consider such factors as: the nature of the alleged bullying and harassment, how long it is said to have been taking place, and whether the alleged harasser has had previous warnings regarding behaviour; before suggesting that the employee meet with the alleged harasser. If it is agreed that such a meeting should take place, then the manager should offer to attend and moderate the meeting.
- 10.7 Coming forward with an allegation of bullying and harassment is a significant step, and one which most employees will not make lightly. It is essential that the manager deals with the matter seriously and with sensitivity. The manager's course of action should be to promptly investigate and, if necessary, address the matter, unless there are significant reasons not to do so.
- 10.8 Managers are urged to seek early advice from Human Resources regarding any matter of this kind. In cases of what may appear to be a biased incident then the manager should inform Human Resources immediately (see paragraph 4.1).
- 10.9 Managing the situation between the parties
- 10.10 Care should be taken to manage the situation between the parties. It may be appropriate to consider altering working arrangements, such as re-organising shifts, as appropriate.
- 10.11 In certain circumstances, for example in cases of alleged or suspected gross misconduct, a brief period of suspension with pay may be considered. Guidance regarding the circumstances when suspension may be considered, and the rules regarding who has the right to suspend, is included in the Disciplinary Policy.
- 10.12 Other support to the parties

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 5 of 9

10.13 The manager should highlight the other available support (See Section 12).

10.14 Investigation

10.15 Managers should avoid making judgements concerning the complaint until it has been fully investigated.

10.16 Managers should seek the advice of Human Resources, who may be able to provide direct practical support to the manager in any investigation.

10.17 The investigation should be completed within 28 days. If this timescale cannot be met, then all parties must be informed and every effort made to complete the investigation as soon as possible.

10.18 The Disciplinary Policy provides further information regarding the conduct of an investigation.

10.19 Post investigation

10.20 Following the investigation the manager should decide whether, on the balance of probability:

- That bullying or harassment has taken place and a disciplinary hearing should be arranged, or;
- That the matter does not constitute bullying or harassment but that there may be some issues between the individuals that could be resolved through other means, or;
- That there is no case to answer.

10.21 Whatever the outcome of the investigation the manager should explain the decision to the employee who made the complaint. In doing this, the manager should be sensitive to the serious nature of such a complaint and the perceptions of the complainant in regards to the matter.

10.22 The person against whom the allegation was made should also be advised of the outcome of the investigation. The detail and nature of such feedback will depend on what decision has been made as regards the matter.

10.23 Disciplinary Hearing

10.24 If a disciplinary hearing is decided upon then the next-in-line-manager should arrange and chair the hearing in accordance with the Trust's

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 6 of 9

Disciplinary Policy. If dismissal is a possible outcome then the hearing should be chaired by a Director or ACAO for CAC.

10.25 The manager who carried out the investigation should present the case. See the Disciplinary Policy for further guidance.

10.26 Bullying and harassment not identified but there are issues regarding working relationships

10.27 In cases where bullying or harassment has not been identified but where it is clear that there has been a breakdown in effective working relationships, and then other means may be applied to resolve disputes. Advice should be sought from the Human Resources Department in such cases and options such as counselling, formal advice or mediation may be considered.

10.28 No case to answer

10.29 If the investigating manager decides that there is no case to answer then he/she should take care to explain the reasons fully to the complainant. The decision should also be clearly communicated to the person against whom the allegation was made.

11 Other matters

11.1 Appeal

11.2 Any complainant who considers the investigation inadequate, whether due to it not taking account of all relevant factors or the matter being pre-judged, may appeal to the next-in-line manager. Any appeal should be made within 14 days of the complainant being informed of the investigating manager's decision.

11.3 Victimisation

11.4 The Trust will view any victimisation very seriously. Any employee who believes that he/she has subsequently been victimised for raising a complaint relating to bullying or harassment or for providing evidence relating to such a case should contact Human Resources. Depending on the circumstances, an investigation may be arranged and disciplinary action against the perpetrators may follow.

11.5 Confidentiality

11.6 All those involved in procedures relating to bullying and harassment should maintain confidentiality at all stages, including any investigation, hearing and once any decision has been made. Clearly there may be

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 7 of 9

circumstances where colleagues need to be briefed of a final decision e.g. in dismissal cases, but this should be done formally to ensure that employees do not hear through rumour.

- 11.7 Anyone breaching confidences may be subject to disciplinary action themselves.

12 Sources of help and support

- 12.1 The Trust has a number of staff support initiatives that may be of assistance in alleged cases of bullying and harassment.

12.2 LINC

- 12.3 The LINC (Listening, Informal, Non-judgemental, Confidential) peer support scheme is being introduced across the service. LINC workers are trained to help others with personal or job related difficulties.

- 12.4 LINC workers are work colleagues who have volunteered to do this work as part of their everyday duties. They are not professional counsellors but can provide direct support as well as direction towards the best specialist help and advice.

12.5 Occupational Health/Counselling

- 12.6 All staff have access to the Trust's Occupational Health Service who may be able to offer health and related lifestyle advice. A separate counselling service is available which can be accessed directly or via the Occupational Health Department. Contact details are on the Trust's intranet site 'The Pulse'.

12.7 Employee Assistance Programme (EAP)

- 12.8 The Employee Assistance Programme is a confidential Freephone service available to all staff. It is available on a 24 hour, seven days a week basis and allows staff to talk through and obtain help with personal or work related matters. The EAP may be contacted on 0800 5878116.

12.9 The Pulse

- 12.10 Further information on the above and other support services are included on the Trust's intranet site, the Pulse, under; Home>About Me>My Support.

12.11 Staff Support Networks

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 8 of 9

12.12 Employees may wish to contact one of the Trust's staff support networks. These are LABEL (London Ambulance Black and Minority Ethnic Liaison) and GLASS (Gay and Lesbian Ambulance Services Staff). Contacts within these groups will be acting in a personal capacity rather than in their everyday work role.

12.13 Human Resources

12.14 Human Resources Officers are available to provide advice and guidance at any stage.

12.15 Further information

Harassment at Work – V.Edmunds, M.Hopkins and A.Williams, Jordans Publishing Ltd, 1998

Sensitive Issues in the Workplace – S. Morris, Industrial Society, 1993

No Excuse: Beat Bullying at Work – pack includes video, facilitators guide, info for HR and TU reps. Industrial Society, 1999.

www.bullyonline.org

www.andreaadamstrust.org

13 Incidents involving members of the public

13.1 For incidents involving members of the public or employees from other agencies, staff should refer to the following Health and Safety policies:

- Incident Reporting Procedure
- Prevention of Violence Procedure
- Post Violence Support Procedure

13.2 Further advice is available from the Trust's Staff Support Officer.

14 Questions

14.1 Employees with any questions relating to the Policy on Bullying and Harassment should contact their Human Resources Officer.

* Note on paragraph 4.1 – This is based on the definition of a racist incident in the MacPherson Report into the death of Stephen Lawrence.

Date of issue: June '05	Review date: June '08
Approved by: Director of HR	Reviewer: HR Policy and Projects Manager
Index No: HR/05/002	Page 9 of 9