



# Dignity at Work (Bullying and Harassment) Policy

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POL086 – Dignity at Work (Bullying and Harassment) Policy

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<b>Linked procedural documents</b>	<ul style="list-style-type: none"> <li>• Disciplinary Policy (Managing Conduct and Performance)</li> <li>• Freedom to Speak Up Policy</li> <li>• Equal Opportunities, Equality, Diversity and Human Rights Policy</li> <li>• PDR Policy</li> <li>• Violence at Work Policy</li> <li>• Collective Grievance Policy</li> <li>• Grievance Policy</li> <li>• Lone Worker Policy</li> <li>• Pre-Action Review Meeting Standard Operating Procedure</li> <li>• Mediation Standard Operating Procedure</li> <li>• Disability Policy</li> </ul>
<b>Dissemination Requirements</b>	All Trust employees by intranet

The East of England Ambulance Service NHS Trust (the Trust) has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and fostering good relations between; people from different groups and people with protected characteristics.

This policy applies to all employees (whether permanent, fixed term or temporary) working at all levels and grades for the Trust, including senior managers, directors, non-executive directors, and on secondment, honorary contracts and volunteers. All Trust policies can be provided in alternative formats if required.

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## 1. Policy Statement

- 1.1 The Trust) recognises that all of its employees have the right to a working environment free from any form of harassment and to be treated with dignity and respect. Bullying and / or harassment are not acceptable. Furthermore, the Trust expects its managers to support the policy by dealing with concerns and complaints relating to harassment in a timely and sensitive manner.
- 1.2 The Trust fully supports the rights and opportunities of all people to seek, obtain and hold employment without discrimination, as described in the Equality, Diversity and Human Rights Policy.
- 1.3 The Trust will ensure that all reports of such conduct will be dealt with in a timely and sensitive manner.
- 1.4 The Trust also recognises that our working environment and relationships are characterised by camaraderie and humour and does not seek to harm the beneficial effects of mutual friendly behaviour. The essential characteristic of discrimination and harassment is that they are unwanted, or perceived to be unwanted, by the recipient, and it is such unwanted behaviour that will not be tolerated by the Trust.
- 1.5 In circumstances where a complaint is raised against an Agency Worker, please refer to section 6, of the Agency Worker Policy.

## 2. Scope

- 2.1 This applies to:
  - all employees and workers of the Trust,
  - apprentices,
  - volunteers,
  - consultants,

- contractors and employees of other organisations who are on site, and
- 2.2 The procedure contained within this policy will be applied to address all cases where there has been an allegation of harassment, bullying or victimisation, or any unacceptable behaviour which would seem to undermine the efforts and values of the Trust in striving to promote dignity at work. Individuals should also consider what constitutes inappropriate behaviour in relation to those with protected characteristics, in line with the Trust’s Equality, Diversity and Inclusion Policy
- 2.3 Employees should be reminded that personal relationships in work or otherwise should not impact upon their professional delivery of service, others’ ability to do so, and/or the day to day running of the Trust. Individuals should ensure that they remain professional and behave with integrity at all times.
- 2.4 This procedure does not apply to:
- complaints by employees against patients, visitors or employees of other organisations for which a separate Violence and Aggression Policy exists.
- 2.5 This Dignity at work policy is NOT to be used by any member of staff who has a grievance, about their own work; working environment; or their terms and conditions of employment. In such cases, please refer to the Trust’s Grievance policy. The Dignity at Work Policy is for resolving matters relating to behaviours between staff, not decisions, processes or actions the Trust may have that affect an individual.

- 2.6 This Dignity at Work policy and procedure does not apply where another Trust policy is more appropriate to the resolution of concerns.

### 3. Access to the Procedure

All employees are entitled to access this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. However, if you require this policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.

### 4. Sources of Support and Advice

- 4.1 The Trust appreciates that it may take a great deal of courage for employees to come forward if they are being, or have witnessed, bullying, harassment or victimisation. The Trust encourages employees to come forward in such instances as it is only by raising concerns about inappropriate or unwanted behaviour that matters can be addressed. In many cases people are not aware that their behaviour or conduct is unwelcome. Open dialogue can lead to greater understanding of others and an agreement that the unwelcome behaviour or conduct will cease. However you choose to raise your concerns, we will have an initial scoping conversation with you to explain the various processes open to you. We will ensure that you understand the differences between the processes and are given sufficient time and information to make an informed decision about which process to follow

- 4.2 In this respect any one or more of the following may be contacted:

- Line or senior manager
- Member of the human resources department

- Trade union, staff organisation or professional association representative
- Wellbeing Champions or Mental Health First Aiders can be allocated by the Trust
- Freedom To Speak Up Guardian

4.3 The Trust has in place the following support mechanisms available to both the complainant and those accused of harassment:

- Mediation (not appropriate for sexual harassment complaints)
- Conciliation
- Counselling /Employee Assistance Programme (EAP)
- Employee Welfare Officers can be allocated by the Trust

4.4 In addition, there are external organisations that can give confidential advice for example the Equality and Human Rights Commission and ACAS. Further examples are included in Appendix1

4.5 Measures will be taken to ensure that any person bringing a complaint of bullying, harassment or victimisation to the Trust's attention is protected from further incidents/victimisation, as a result of doing so.

4.6 Deliberate non-action or failure to act appropriately over reported incidents of harassment may in itself result in disciplinary action.

4.7 Disciplinary action may be taken against any employee who knowingly makes a false complaint in relation to an employee's conduct or behaviour. Malicious and vexatious reporting is not tolerated by the Trust.

## 5. Confidentiality

5.1 The aim of the Trust will be to maintain confidentiality, for all parties. An employee can choose to raise their concern anonymously, without giving their name, but that may make it more difficult for us to investigate thoroughly and give feedback on the outcome. By remaining anonymous it can also be difficult for the Trust to provide the support and protection available to people who raise concerns. We hope that by demonstrating our commitment to a just and learning culture that employees will feel able to speak up openly, or confidentially, about issues that concern them.

5.2 The Trust will aim to act in a manner consistent with the wellbeing of all parties

5.3 All information at any stage of this procedure, whether it is written or verbal information, must be treated as confidential information by all parties. Failure to do so may result in disciplinary action being taken.

5.4 All records should be kept by all parties in accordance with the current Data protection regulations to give individuals the right to request and have access to certain personal data.

## 6. Definitions

### 6.1 Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex.

- **Harassment related to protected characteristics (includes harassment by association and perception):** unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The following can be unwanted conduct: spoken words, banter, written words, posts or contact on social media, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes or pranks, acts affecting a person's surroundings, aggression, physical behaviour towards a person or their property. For example, in front of her male colleagues, a female electrician is told by her supervisor that her work is below standard and that, as a woman, she will never be competent to carry it out. The supervisor goes on to suggest that she should instead stay at home to cook and clean for her husband. This could amount to harassment related to sex as such a statement would be self-evidently unwanted, and the electrician would not have to object to it before it was deemed to be unlawful harassment.
- **Sexual Harassment:** unwanted conduct of a sexual nature, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. For example, male members of staff download pornographic images on to their computers in an office where a woman works. She may make a claim for harassment if she is aware that the images are being downloaded and the effect of this is to create a hostile and humiliating environment for her. In this situation, it is irrelevant that the male members of staff did not have the purpose of upsetting the woman, and that they merely considered the downloading of images as 'having a laugh',
- **Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex:** It is unlawful to treat a student less favourably because they either submit to, or reject, sexual harassment or harassment related to sex or gender reassignment. For example, following a tutorial, a tutor walks up to a female student who has stayed behind to speak to him, puts his hands on her waist and tells her she is 'very attractive'. The student pushes the tutor away and tells him he is behaving in an inappropriate manner. As a result, the tutor subsequently

marks down her exam paper. This is less favourable treatment of the pupil because she has rejected sexual harassment. In the same example, although the pupil is offended by the tutor's behaviour, she freezes and doesn't push him away. Another tutor passes by and sees this. The second tutor, who is normally friendly to the pupil, subsequently tells her he has lost respect for her and does not let her contribute to discussions during tutorials because she submitted to the first tutor's conduct. This is less favourable of the pupil because she submitted to sexual harassment.

## 6.2 Bullying / Intimidation

Bullying, or intimidation, is defined as “the unwanted behaviour, one to another, which is based upon the unwarranted use of authority or power”. (Agenda For Change National Terms and Conditions Section 32.9 )

Examples of bullying:

- Uncalled for, or unjustifiable criticism, particularly in front of others;
- Repeated humiliation or ridicule;
- Refusing to speak to someone, or using a third party to communicate:
- Excessive supervision or monitoring;
- Undermining an individual's decision;
- Removing responsibility and constantly giving individuals trivial or menial tasks;
- Repeatedly taking the credit for other people's work;
- Knowingly withholding information which an individual requires in order to do their job effectively;
- Setting individuals up to fail with impossible deadlines;
- Repeatedly refusing reasonable requests for time off;
- Deliberate exclusion from social events
- Singling an individual out to become the object of distasteful jokes;
- Subjecting individuals to personal insults;

- Threatening an individual(s);
- Knowingly invading an individual’s space in order to intimidate them.

This is not an exhaustive list.

It should be noted that legitimate, reasonable and constructive criticism of an individual’s performance or behaviour, or reasonable instructions given to the individual in the course of their employment, will not amount to bullying on their own.

### 6.3 Victimisation

Victimisation occurs when a person is treated unfavourably because they have :

- Brought proceedings under the Equality Act 2010.
- Given evidence or information in connection with proceedings under the Equality Act 2010, regardless of who brought those proceedings.
- Done any other thing for the purposes of or in connection with the Equality Act 2010
- Alleging (whether expressly or otherwise) that the Trust or another person has contravened the Equality Act 2010

**N.B Hereinafter when the policy refers to harassment\* (supported by an “\*”), the use of the definition shall refer to harassment, bullying / intimidation or victimisation.**

The Trust will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The organisation will also not tolerate victimisation of a person for making allegations of bullying or harassment or supporting someone to make such a complaint.

## 7. Responsibilities

7.1 This Policy requires the commitment and understanding of all employees at every level within the Trust, and all have a responsibility to understand the standards of behaviour expected of them.

7.2 The Human Resources Department has day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance.

7.3 Managers, HR and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure. Managers particularly have a responsibility to:

- set the standards of acceptable behaviour expected of employees;
- uphold and promote the Trust's values;
- first assess whether an initial informal approach is appropriate, having regard to the circumstances, seriousness of the complaints raised and also the individual complainant's wishes about how the matter is resolved;
- ensure that their own behaviour could not be construed as harassment by acting with fairness and equity;
- ensure that the processes contained within this policy are adhered to;
- use their judgement to correct standards of conduct or behaviour which could be seen as harassment; and to
- promote the Dignity at Work Policy and remind employees of the standards required.

7.4 Employees have a responsibility to:

- treat others with dignity and respect at all times;
- uphold and promote the Trust's value of respect for others;
- take the necessary steps to prevent future occurrences of unacceptable behaviour if they experience or witness such

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behaviour by taking informal action or by reporting the incident to their line manager and/or the Human Resources Department;

- accept their personal involvement in the practical application of this policy;
- not bring or support malicious claims.

7.5 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.

7.6 In cases where the person accused of harassment manages the complainant, complaints or issues should be raised with the next manager in their reporting line or a member of the People Services team.

## 8. Managers

Managers are reminded that they should demonstrate exemplary behaviour and commitment to the prevention and elimination of harassment in the workplace.

Managers will be responsible for ensuring that they apply this policy fairly and consistently. They must work with their staff to identify required support to facilitate resolution of complaints as early as possible, and to establish a culture within their departments whereby a lack of dignity and respect at work (e.g. bullying and harassing behaviour) is unacceptable.

Managers must attend the relevant training required as a result of this policy.

Within any organisation it is necessary for managers to be able to manage their staff in a fair and consistent manner and be able to carry out their duties without threat of vexation or malicious complaints.

## 9. Procedure for Resolving Issues and Complaints

### 9.1 Informal Resolution:

- In many cases people are not aware that their behaviour or conduct is unwelcome and an informal discussion can lead to greater understanding and an agreement that the unwelcome behaviour or conduct will cease.
- Any individual(s) who feels that they or others have been harassed, victimised, bullied or treated in a way that breaches this policy should, if they feel able to so, immediately tell the individual(s) doing it that the behaviour in question is offensive, unwanted and that they want it to stop.
- Alternatively, they may prefer to communicate in writing to the individual (s) doing it, keeping a dated copy of the letter or email, or to ask a work colleague or trade union representative to speak to the individual on their behalf.
- A note should be kept of the date(s) and what was said by all involved.
- Alternatively, or in addition to the above, an employee may wish to ask a member of the human resources department, their line manager, trade union representative, Freedom to Speak-Up Guardian or a colleague for their assistance in handling the matter informally.
- It is expected that the informal process should be complete within 7 calendar days. This may extend to enable meetings/mediations/agreed actions to take place.
- Prior to moving to the formal procedure, and subject to agreement from both parties, early intervention e.g a mediation meeting may be considered, making reference to the Mediation SOP.

## 9.2 Formal Procedure

- As a general principle, the decision whether to progress a complaint is up to the complainant. However, the Trust have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.
- If a complainant wishes to take a formal approach, they should raise the issue with their line manager, a member of the HR department or a trade union representative. The complainant will be required to put their complaint in using the pro-forma in Appendix 2 Where the submitted form does not provide all of the required information, the manager must inform the complainant as early as possible what they have omitted and ask them to resubmit the form when it is complete. The complainant must also be informed that this request will be unable to be considered until it is complete and re-submitted.
- Upon receipt of the pro-forma, the Line Manager should consider a Dignity at Work Pre-Action Review Meeting (P-ARM).
- Following a formal allegation, the receiving manager will contact the HR department to discuss the suitability of mediation with all parties concerned. The expectation is this will happen within 7 calendar days following the notification from the receiving manager. Details regarding mediation can be found in the Trust's Mediation Standard Operating Procedure on East24 or via the Mediation Service. Mediation is not appropriate in complaints of sexual harassment.
- If mediation does not occur for any reason, the P-ARM process should be initiated by the line manager by completing section 1 of the P-ARM form (Appendix 3). An investigation will be conducted to establish whether there is a case to answer. The line manager and/or a member of the HR department will appoint an Investigating Manager. If the

appointed Investigating Manager is aware there could be a conflict of interest, they should discuss this with the Commissioning Manager with advice from the Human Resources department.

- If the matter concerns the employee's line manager, they should submit it to the Human Resources Department.
- Consideration should also be given to offering specialist counselling support from the Occupational Health Department, or other suitable provider to any individuals involved.

### **9.3 Investigation**

- In all instances where a formal complaint has been made, the person accused of harassment will be informed in writing of the allegations and who is making the complaint (subject to Section 5), so that they can respond to the complaint raised. The investigator will also meet with the person accused of harassment (who may also be accompanied by a colleague or trade union representative of their choice) to hear their account of events.
- It is likely that witnesses will need to be interviewed regarding any of the incidents mentioned in the complaint. If so, the importance of confidentiality of the process will be emphasised.
- Both the complainant and the person accused of harassment will have access to the support mechanisms as mentioned above.
- Changes may be necessary to Rota commitments or work location while the investigation is underway. If necessary, the person accused of harassment and not the complainant should be temporarily transferred or suspended (on full pay). However, the wishes of the complainant should be taken into consideration, e.g. temporary redeployment may be requested by the complainant. Such actions should not be seen as

pre-judging the outcome of the investigation, but rather as a common-sense interim arrangement pending the outcome of the investigation. This decision must rest with the Joint Chairs of SPF.

- At the end of the investigation, the investigator will submit a report to the commissioning manager.

#### 9.4 Outcome

- The Commissioning Manager will review the investigation report and decide on the appropriate course of action which may include seeking further clarification or investigation by the Investigating Officer if that is deemed necessary.
- The outcome of the investigation can be one or a combination of the following as decided by the Commissioning Manager:
  - No evidence found to support complaint
  - There is insufficient evidence (with reasons) to progress complaint further
  - Evidence and/or nature of complaint justifies counselling, advice or mediation
  - A decision that there is a case to answer and that the matter should proceed to disciplinary hearing (for external contractors this should be dealt with under their own policies and procedures).
  - Mediation by trained mediators. All parties must agree to participate for mediation to proceed
  - A decision to manage any competency/training issues under the appropriate the Trust's performance management policy
  - If the complaint is malicious, the complainant may be subject to Disciplinary Proceedings depending on the individual circumstances.

## 9.5 Feedback and/or action planning

This will include:

- An appropriate de-brief for both parties (and any relevant witnesses if the manager feels it to be appropriate) on the outcome of the investigation. No unauthorised confidential information will be shared and all individuals will have full respect for the confidentiality of any feedback provided.
  - **This feedback will not include details of any decision(s) made at a disciplinary hearing if that is the course of action taken.**
- The identification and agreement of any training issues (as necessary).
- The Commissioning Manager will agree an action plan for the implementation of any recommendations made at any point during this process, including details of appropriate timescales and who will be responsible for implementing the actions.
- Whether or not the complaint is upheld, consideration as to how best to manage any ongoing working relationship between the parties.
- Any other remaining issues.
- The feedback discussion should be undertaken as soon as is reasonably practicable. If this cannot be achieved within 7 days, both parties must be kept informed of progress.

## 10. Right of appeal and procedure

- 10.1 The complainant may appeal the outcome in writing or via email to the Director of Human Resources within 7 calendar days of receipt of the decision of the Commissioning Manager.
- 10.2 Any appeal will normally be heard within 28 calendar days of receipt of the appeal, unless exceptional circumstances arise in relation to the availability of the relevant parties.

- 10.3 On receipt of this the Human Resources Department will liaise with the Joint Chairs to agree the panel and then make arrangements for the Formal Appeal to be heard at Stage 3. Where mutual agreement cannot be reached the final decision will rest with the Director of Human Resources.
- 10.4 The complainant should provide management with a written statement of case at least 14 calendar days prior to the appeal hearing including copies of any witness statements upon which they intend to rely. Management will provide a written statement of their case at least 7 calendar days prior to the appeal hearing, together with any witness statement upon which they intend to rely. Both parties should identify in their statement of case any witnesses they intend to call.
- 10.5 An adjournment may be taken for the panel hearing the appeal to consider the facts and make a decision. The appeal decision, together with reasoning, will be confirmed in writing to the employee within 7 calendar days of the appeal meeting. This may be given verbally in the first instance but will always be confirmed in writing.
- 10.6 Notes will be taken during the meeting, including any agreed actions and reasons for these, and will be circulated to all parties.
- 10.7 It should be noted that the decision taken by the panel hearing the formal dignity at work appeal is final. There is no further right of appeal.
- 10.8 Should an appeal panel be concerned as to the way an investigation has been undertaken, may require that some or all of the case be re-investigated/reviewed to enable them to make an appropriate decision, the hearing will be adjourned to enable the investigation to be undertaken. Consideration will be given to whether a new investigation officer should be appointed or whether the same investigation officer

will be appropriate. The outcome of the investigation will be submitted to the appeal panel and the appeal hearing will be reconvened

## **11. Representation**

- 11.1 All employees will have the right, if they wish, to be represented by a work colleague, Trade Union representative, or an official employed by a trade union at all stages of the policy/procedure. This right must be brought to the attention of the employee by the manager. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.
- 11.2 Employees will not be entitled to bring a person acting in a legal capacity.
- 11.3 Involving representatives in mediation is not generally encouraged. The central principle of mediation is to provide an opportunity for those in conflict to find their own solution to the situation and for the individuals to remain central to the process. Restricting mediation to the individuals can allow more open and honest discussion. Representatives could however play an important supportive role behind the scenes without being directly involved in the mediation.

Exceptionally, there may be situations where assistance is unavoidable for example, on grounds of access, hearing or language difficulties. In these cases the Mediator(s) will need to ensure that the representative clearly understands their role and that they, like the Mediator(s), have established practice standards that guarantee their independence, impartiality and commitment to confidentiality. The Trust recognises there may be cases where individuals feel more at ease with a staff side mediator, and this will be accommodated where possible.

## **12. Communication, Monitoring & Training**

- 12.1 The Policy will be monitored through a report issued to the Director of

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People Services will inform the Staff Partnership Forum on harassment and bullying cases. This will include a quantitative report, and a qualitative report detailing shared learning from the experiences of the cases, and what actions have been taken. Commissioning Managers should forward any points of note or concern to the Director of People Services.

12.2 Any training needs will be identified through the Staff Partnership Forum.

### **13. Policy Review**

This policy will be reviewed on a three yearly basis or more frequently if significant changes to its effective operation are necessary.

## Appendix 1

### **External support and guidance**

Whilst staff are encouraged to seek help and assistance from within the organisation, there are also a number of external agencies that may be of further assistance. These include:

- ACAS : [www.acas.org.uk](http://www.acas.org.uk)
- Bully Online: [www.bullyonline.org](http://www.bullyonline.org)
- Disability Right UK: <https://www.disabilityrightsuk.org>
- Equality and Human Rights Commission:  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- National Bullying Helpline -  
<http://www.nationalbullyinghelpline.co.uk/> Tel Helpline 0845  
22 55 787 – line open from Monday – Friday , 9am – 5pm
- Stonewall: [www.stonewall.org.uk](http://www.stonewall.org.uk)
- MIND: <http://www.mind.org.uk/news-campaigns/campaigns/bluelight/>

**THE FORMAL STAGE DIGNITY AT WORK  
REGISTRATION FORM**

Part A and B of this form should be completed by employees wishing to submit their dignity at work complaint formally under the Trust’s Dignity at Work Policy (subject to compliance with Section 2 which outlines the ‘Scope’ of this policy).

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**PART A – PERSONAL DETAILS**

Name:.....Job Title: .....

Department: ..... Workplace: .....

Contact Telephone No. ....

Email Address: .....

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**PART B – THE DIGNITY AT WORK COMPLAINT**

Please set out below the details of your complaint, including information relating to the following (attach a separate sheet if necessary):

- What the complaint is about, outlining any relevant dates, witnesses, locations and background information.

What action have you already taken to try and resolve your complaint informally? Why do you feel that these have failed?

What outcome are you looking for? (i.e. how, in your view, can your complaint be resolved?)

Signature: ..... Date: .....

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Name of receiving manager: ..... Date: .....

Signed (manager): .....

Name of nominated representative (if appropriate).....

Date copy sent to the Human Resources Department: .....

## Appendix 3

# Pre-Action Review Meeting (P-ARM) – Pro-forma

## V0.11

Instructions:

**[To be used in Formal ER cases (Disciplinary and Dignity at Work cases)]**

Only complete this form if allegations may potentially lead to a **Safeguarding, Suspension or Formal process.**

- At least one Executive Director must be present for all 3 potential scenarios above.
- The Line Manager commences this process by completing **section 1** and **section 4** if suspension is being considered.  
The Line Manager should also indicate the case type and indicate whether allegations relate to safeguarding concerns.
- If there are safeguarding concerns, a Safeguarding Representative should complete **sections 2 and 3.**
- If there are no safeguarding/suspension implications, please follow the rest of the P-ARM process, for all Formal ER cases.
- If a decision has been made to suspend and the employee is on Section 2 Enhancements, a HR2a needs to be raised to ensure these continue to be paid
- All TOR for investigation to include consideration of patterns of behaviour and arising concerns
- Email to [ERCaseRegistration@eastamb.nhs.uk](mailto:ERCaseRegistration@eastamb.nhs.uk) at least 48 hours before P-ARM call is to be held. Subject title in email to include ER Tracker number & employee initials

## Section 1 – Case Details

(To be completed by the Line Manager)

Requested date of P-ARM meeting:	
ER Tracker no:	
Name and job title of manager completing this form:	
HR Support:	
Case Type:	Disciplinary <input type="checkbox"/> Dignity at Work <input type="checkbox"/>
Are there <b>Safeguarding</b> concerns in this case? (If YES, Safeguarding rep to complete section 2)	YES <input type="checkbox"/> NO <input type="checkbox"/>
Is a <b>LADO</b> investigation required in this case? (If YES, Safeguarding rep to complete section 3)	YES <input type="checkbox"/> NO <input type="checkbox"/>
Is <b>Suspension</b> being considered as part of this case? (If YES, Line manager or Manager presenting at P-ARM also completes section 4)	YES <input type="checkbox"/> NO <input type="checkbox"/>

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Does this case need to be reported to the <b>police</b> ?	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
<b>Staff Member name:</b>		
Job Title:		
Department:		
Continuous service start date:		
Banding:		
Professional registration escalation:	<b>Yes/No</b>	<b>Please specify</b>
Welfare Officer name: Frequency of welfare contact:		
Manager:		
Reason for possible investigation: <i>(All TOR for investigation to include consideration of patterns of behaviour and arising concerns)</i>		
Date of incident/issue:		

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Question	Yes/No	Executive authorisation
Is the staff member from a BAME background	Yes/No	Executive authorisation
Does the staff member have a disability and require reasonable adjustments? If YES, please outline adjustments required ....	Yes/No	
Is Safeguarding an issue. If YES do the allegations include sexual inappropriateness (please state)	Yes/No	

Have you asked yourself the following questions before seeking?

P-ARM call?

Question	Answer
a. Did the employee intend to cause harm?	Yes/No/Unsure
b. Are there indications of substance misuse including alcohol?	Yes/No/Unsure
c. Are there indications of physical ill health?	Yes/No/Unsure
d. Are there indications of mental ill health?	Yes/No/Unsure
e. Is the employee aware of the relevant safe operating procedures (where applicable)?	Yes/No/Unsure
f. Were the protocols/accepted practice workable and in routine use?	Yes/No/Unsure
g. Has the employee had the relevant training to perform their roles and responsibilities?	Yes/No/Unsure

Question	Answer
h. Would another similar trained and skilled employee in the same situation act in a similar manner?	Yes/No/Unsure
i. Any cultural points to consider? <i>(be prepared to expand)</i>	Yes/No/Unsure
j. Informal discussions with the employee about this issue/incident under review?	Yes/No/Unsure
k. Similar issues discussed in the past, formally or informally which add to the consideration of a formal disciplinary investigation?	Yes/No/Unsure
Comments:	

## Section 2 – Risk Matrix for allegations against staff/volunteers

**(To be completed by the Safeguarding representative)**

Question	Unlikely to meet the criteria	Likely to meet the criteria
Has the individual: <ul style="list-style-type: none"> <li>• behaved in a way that has harmed or may have harmed an adult;</li> </ul>	No	Yes

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Question	Unlikely to meet the criteria	Likely to meet the criteria
<ul style="list-style-type: none"> <li>possibly committed a criminal offence against, or related to, an adult;</li> <li>behaved towards an adult in a way that indicates they may pose a risk of harm to adults with care and support needs.</li> </ul> <p>This can be in work or in their personal lives</p>		
<p>Has the individual:</p> <ul style="list-style-type: none"> <li>behaved in a way that has harmed, or may have harmed, a child</li> <li>possibly committed a criminal offence against, or related to a child; or</li> <li>behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.</li> </ul> <p>This can be in work or in their personal lives</p>	<p>No Child protection issues but does not work in a regulated activity with adults with care and support,</p>	<p>Child protection issues suggesting suitability to work with adults with care and support must be considered</p>
<p>Who is the information coming from – are they credible? Is there any incident/tension/friction between the parties?</p>	<p>After information gathering source of information is questionable (e.g. malicious). Or is an anonymous concern with insufficient information to warrant procedures.</p>	<p>Source of information is credible and reliable. E.g. police, several consistent witnesses.</p>
<p>What is the severity of the allegation?</p>	<p>Insignificant</p>	<p>Severe</p>

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Question	Unlikely to meet the criteria	Likely to meet the criteria
What level of access to adults/children at risk does the individual have?	Supervised	Unsupervised
How frequently does the individual have access to adults/children at risk?	Never/Infrequent	Very frequent
Very frequent	None/Low	High
What position does this person hold in EEAST?	Non-Patient facing	Patient facing
Is this person affiliated to a regulatory body?	No	Yes
Does this have the potential to be a Serious Incident (SI)	No	Yes
Does the incident relate to them as a victim or person alleged to be the source of risk?	Victim	Person alleged to be the source of risk
What is the truth of the allegation? The greater the conviction that the allegation is true the more pressing the need to disclose.	Weak or no evidence Concern	Strong evidence Fact
Why does the third party need to know (proportionality)? The more intense the need (legally or operationally) the more pressing the need to disclose.	No legal remit to share No operational need to know	There is a legal right to be told Operational need to safeguarding persons at risk
What are the risks if the information is NOT shared? When answering this question	No or few risks	Risks are significant.

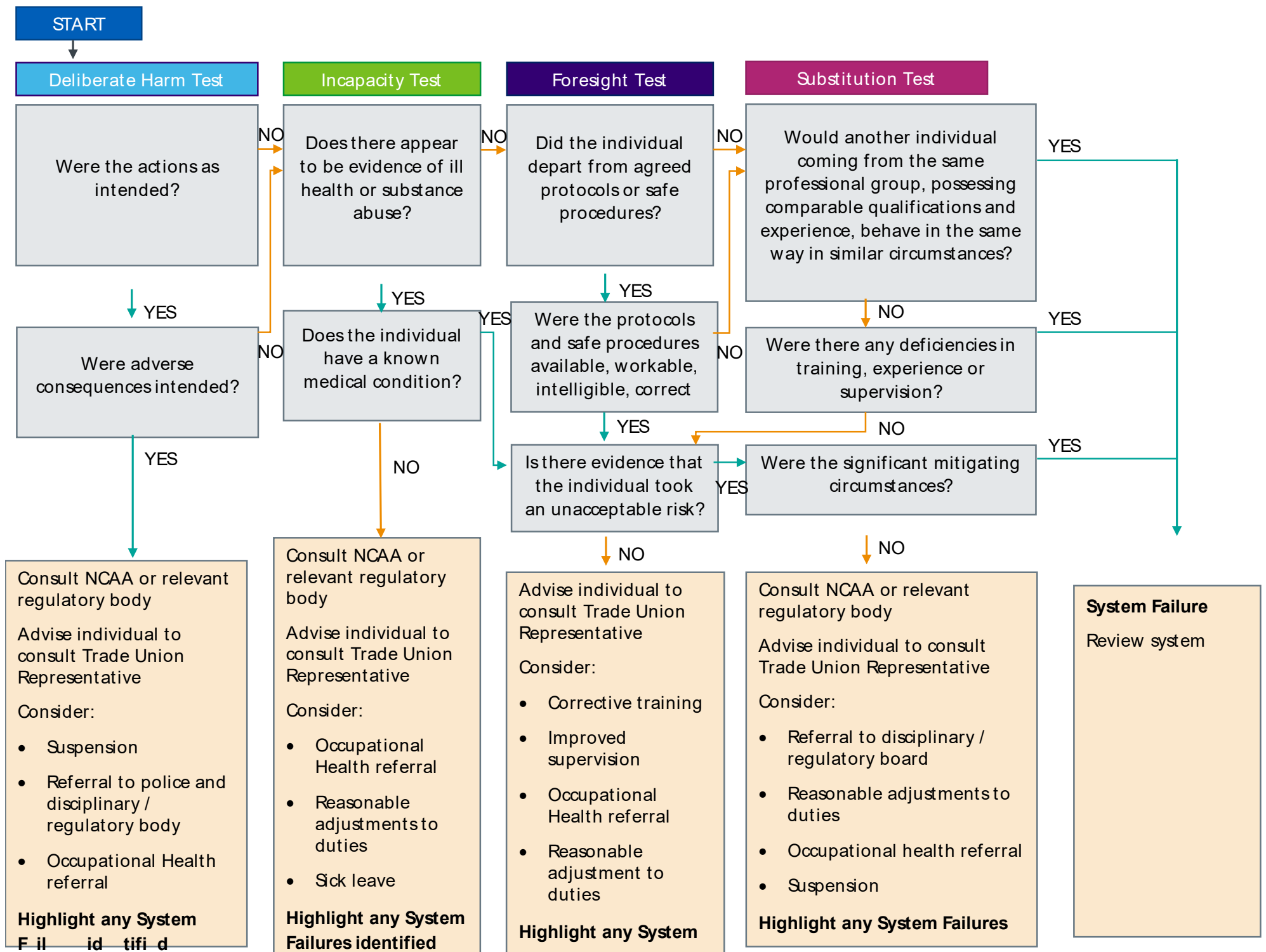
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Question	Unlikely to meet the criteria	Likely to meet the criteria
consider the persons previous history (if any) of involvement with children.		
How will the disclosure of information impact on the persons ARTICLE 8 – ECHR – Right to Private Life?	Whilst everyone has the right to a private life these situations will require a case by case consideration of the facts and a balancing exercise of the individuals rights against the wider public interest.	
Is there a qualified right to confidentiality or does the law enable or require the information to be shared.	No right to confidentiality and no public interest to share	Of public interest

Existing controls ( <i>precautions in place</i> )		Gaps in control		
<b>Risk rating</b> (Risk rating with existing controls / precautions in place) – Refer to EEAST risk matrix				
<b>Consequence score of incident (actual and potential)</b>				
(5) Catastrophic	(4) Major	(3) Moderate	(2) Minor	(1) Insignificant
<b>Likelihood score of incident</b>				
(5)	(4) Likely	(3) Possible	(2) Unlikely	(1) Rare

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Almost certain										
Detail reasons for giving this score										
<b>Risk rating score</b>										
Risk rating score (To attain risk rating multiply scores of consequence and likelihood)						Colour coded rating				
<b>Are the current controls adequate?</b>										



START

**Deliberate Harm Test**

**Incapacity Test**

**Foresight Test**

**Substitution Test**

Were the actions as intended?

Does there appear to be evidence of ill health or substance abuse?

Did the individual depart from agreed protocols or safe procedures?

Would another individual coming from the same professional group, possessing comparable qualifications and experience, behave in the same way in similar circumstances?

Were adverse consequences intended?

Does the individual have a known medical condition?

Were the protocols and safe procedures available, workable, intelligible, correct?

Were there any deficiencies in training, experience or supervision?

Is there evidence that the individual took an unacceptable risk?

Were the significant mitigating circumstances?

Consult NCAA or relevant regulatory body  
Advise individual to consult Trade Union Representative  
Consider:  
• Suspension  
• Referral to police and disciplinary / regulatory body  
• Occupational Health referral  
**Highlight any System Failures identified**

Consult NCAA or relevant regulatory body  
Advise individual to consult Trade Union Representative  
Consider:  
• Occupational Health referral  
• Reasonable adjustments to duties  
• Sick leave  
**Highlight any System Failures identified**

Advise individual to consult Trade Union Representative  
Consider:  
• Corrective training  
• Improved supervision  
• Occupational Health referral  
• Reasonable adjustment to duties  
**Highlight any System Failures identified**

Consult NCAA or relevant regulatory body  
Advise individual to consult Trade Union Representative  
Consider:  
• Referral to disciplinary / regulatory board  
• Reasonable adjustments to duties  
• Occupational health referral  
• Suspension  
**Highlight any System Failures identified**

**System Failure**  
Review system

## Section 3 – Complete if a LADO investigation is required

**(To be completed by the Safeguarding representative)**

This document will section out the responsibilities when an allegation has been received to ensure the procedures are adhered to and we have a full and transparent audit trail. Once the process is completed this document will be peer reviewed and signed off by the Head of Safeguarding. If the LADO/DASM investigation is completed by the Head of Safeguarding this will be signed off by the Deputy Clinical Director.

Task	Comments	Person completing
Date of allegation		
Date of referral		
Time of referral		
LADO name		
LADO contact number		
LADO area		
Name of person alerting the LADO (it is EEAST responsibility to inform the LADO within 24 hours of the allegation being made)		
Area of work for the member of staff		

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<b>Task</b>	<b>Comments</b>	<b>Person completing</b>
Position held within the Trust		
Brief description of allegation (keep factual)		
CAD reference if applicable		
HR contact name		
HR contact number		
Date and time of contact to HR		
Police involved?		
Name, collar number and contact details		
<b>Task</b>	<b>Comments</b>	<b>Person completing</b>
Date, and time that the staff members Senior Locality Manager or Silver on call was informed and by whom?		

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Task	Comments	Person completing
(please also put the name and contact details of this person)		
Date and time that a Senior Member of Human Resources was informed and by whom? (please also put the name and contact details of this person)		
Does this incident have the potential to be an SI? If yes has this been placed on Datix?		
Has the member of staff been removed from duties? If yes by whom, date and time?		
Has a welfare officer been appointed? If yes by whom? Name and contact details of the WO		
Do the Media team need to be informed? If yes name and contact details		
Referral to regulatory body required?		

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<b>Task</b>	<b>Comments</b>	<b>Person completing</b>
Referral to Disclosure & Barring services?		
Date of last DBS		
Reference number		
Clear/not clear?		
Upon completion of this LADO case final sign off.		

**Chronology**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Comments</u></b>	<b><u>Person completing</u></b>

## Section 4 - Risk Matrix for Considering Suspension

**(To be completed by the Line manager or Manager presenting at P-ARM)**

<p>Suspension should only be considered if one or more of the conditions outlined in section 11.4.</p> <p><i>(Policies this could apply to: Disciplinary, Safeguarding, Dignity at Work, Freedom to Speak Up and Grievance)</i></p>			
Date:			
Name of Individual:			
Criteria	No	Yes	Comments
<b>Suspension consideration</b>			
Is there an allegation of serious misconduct?			
Is there a requirement to work with a victim/complainant of an alleged sexual harassment?			
Is there a workplace risk to the employee, if you do not suspend?			
Is the employee subject of criminal proceedings which may affect whether they can do their job?			
Have working relationships severely broken down?			
Criteria	No	Yes	
<b>Suspension consideration</b>			
Is the individual able to continue doing their normal role while the matter is investigated.			
Could a temporary adjustment to the employee's working			

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arrangements remove the need to suspend?			
Could the employee hamper or affect an investigation?			
<b>Alternatives to Suspension</b>			
Is the individual able to move to a different area of the workplace?			
Can working from home be considered as an alternative?			
Can changing their working hours be considered as an alternative?			
Is the individual able to be placed on restricted duties?			
Could working under supervision be considered as an option?			
<b>Wellbeing Implications</b>			
Are there medical grounds to suspend?			
Are there risks to the employee's safety if they remain at work?			
Is there a risk to other employees, property, or patients if they remain at work?			
Are there external factors that may impact on the individual remaining in the workplace?			
Has the decision to suspend been satisfied? <i>(If a decision has been made to suspend and the employee is on</i>	<b>No</b>	<b>Yes</b>	<b>Comments</b>

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<i>Section 2 enhancements, a HR2a needs to be raised to ensure these continue to be paid)</i>			
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## Section 5 - Pre-Action Review Checklist

**(To be completed by the review panel)**

The panel should use Pro-Forma section 1 - submitted by the Line Manager.

Complete the following sections:

<b>P-ARM review date:</b>	
<b>Name:</b>	<b>Job role:</b>
	Executive Director
	SMG member
	Deputy Director/Head of Service
	ER Lead
	Safeguarding (If applicable)
	Cultural Ambassador (If applicable)
	Note taker (where possible)

Ensure conflict of interest and unconscious bias has been considered.

**Given that the Trust emphasises on improvement and learning and ‘no blame’, has there been:**

--	--

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Informal discussions with the employee about this issue/incident under review?	Yes/No
Similar issues discussed in the past, formally or informally which add to the consideration of a formal disciplinary investigation?	Yes/No

<b>Issues previously discussed:</b>	
-------------------------------------	--

**OUTCOME MEASURES:**

a. If, based on the above, it is clear that there is a training or learning deficiency, is a period of supervision or more training required rather than formal disciplinary action?	Yes/No
Comments:	
<b>Outcome agreed additional Training/Development (go to section 7)</b>	
b. Based on the above, Informal support to be looked at could include: <ul style="list-style-type: none"> <li>• Line management support/supervision</li> <li>• Coaching / development plan</li> <li>• Review of department practice</li> <li>• Health Issues</li> <li>• OH/Health Assured</li> <li>• Other (please specify)</li> </ul> Confirmed in a management letter/ file note/1:1.	Yes/No

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Question	
Comments:	
<b>Outcome agreed - Informal Management</b> (go to section 7)	
c. If based on the review, the issue has reached the threshold for a formal investigation what are the reasons for this?	
Comments:	
<b>Outcome agreed - Formal Investigation</b> (go to section 6)	

## Section 6 – Formal Investigation:

(To be completed by the review panel)

Question	Yes/No
Before commencing an investigation, consider if Fast Track (Agreed outcome) is an appropriate route to follow?	Yes/No
Comments:	
Does the above action require discussion/advice from the relevant professional body, safeguarding?	Yes/No
Comments:	
Does the information known at this time require discussion in regard to potential suspension?  <i>*Involve the Workforce Directorate</i>	Yes/No
Comments:	

Question	Yes/No
Discussion who maybe suitable as an Investigating Officer, ensuring conflict of interest and unconscious bias is considered	Yes/No
Comments:	

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Question	Yes/No
Ensure employee has support and contact details been shared for example, OH, Health Assured, Union etc.	
Comments:	

## Section 7 – Sign Off:

(To be completed by the review panel)

Executive Director (Name):	
Signed:	
Date:	
Comments/Action:	

If required:

Cultural Ambassador:	
Signed:	
Date:	
Comments/Action:	

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Action	
Outcome of pre-action tool review meeting and next steps communicated to relevant line manager.	
Outcome of pre-action review meeting and next steps communicated to member of staff who is the subject of the review.	

**(To be completed by the ER Lead)**

<b>FOR ADMIN USE ONLY:</b>	
Employee Relations representative to log and file	Actioned by:
Date case logged:	

## Appendix 4

### Mediation Referral Form

<b>Guidance for completion:</b>		
<b>Line Managers (Referring Manager):</b> Please complete section 1 to 4 in full and forward to HR.		
<b>HR:</b> Please complete section 5 and forward to the Mediation Service via: <a href="mailto:mediationserviceeast@eastamb.nhs.uk">mediationserviceeast@eastamb.nhs.uk</a>		
<b>Section 1: To be completed by the Referring Manager</b>		
<b>Employee Contact details</b>	<b>Party 1</b>	<b>Party 2</b>
<b>Name</b>		
<b>Job Title</b>		
<b>Department</b>		
<b>Function</b>		
<b>Sector</b>		
<b>AGM Area</b>		
<b>Employees Phone number* and Email</b>		
<b>*Please ensure employee contact number is added so initial calls can be made by the mediator</b>		
	<b>Party 1</b>	<b>Party 2</b>
<b>Line Manager Name</b>		

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<b>Line Manager Phone number and Email**</b>		
<b>** Line manager names provided are sent updates to case progression</b>		
<b>Section 2: To be completed by the Referring Manager</b>		
<b>Reasons for referring to mediation</b>	<b>Please tick</b>	<b>Briefly outline nature of the disagreement</b>
Disagreement relating to working practices		
Disagreement relating to personal styles / differences		
Perceived Bullying & Harassment: Victimisation/Intimidation		
Other (Please specify)		
<b>Section 3: To be completed by the Referring Manager</b>		
<b>Action (if any) taken to date:</b>		
<b>Briefly outline any steps taken by the individuals and/ or the Line Manager and dates of actions to resolve prior to the mediation referral.</b>		

<p>If this has not been explored and you would like to consider this action prior to referral to mediation and you would like some advice or guidance on this please contact HR or the Mediation Service Lead.</p>		
<p><b>Section 4: To be completed by the Referring Manager</b></p> <p><b>Employees consent to the mediation referral:</b></p>		
<p>Have both parties been advised of the mediation referral and agreed to undertake mediation voluntarily? <i>If answer is no this may impact the ability to proceed with the mediation referral</i></p>	<p>Yes</p>	<p>No</p>
<p>Has the Line Manager of each party been advised the employees will attend mediation during their working hours?</p>	<p>Yes</p>	<p>No</p>
<p>Mediation dates are limited and it take several weeks from referral to mediation. Assigning mediators and room bookings may be required for ½ or full days; it is very difficult to rearrange or book additional dates. Therefore please accept the date(s) offered to parties where possible.</p>		
<p>Does either party have any additional needs or requirements, such as access/visual/hearing?</p>	<p>Yes</p>	<p>No</p>
<p>If Yes please outline:</p>		
<p><b>Section 5: To be completed by the HR Department</b></p>		
<p>Date Mediation referral received in HR:</p>		
<p>Name of HR Contact/s during mediation referral:</p>		

**Appendix 5**

**Equality Impact Assessment**

<b>EIA Cover Sheet</b>	
Name of process/policy	Dignity at work (Bullying and Harassment) Policy
Is the process new or existing? If existing, state policy reference number	Existing V9.3
Person responsible for process/policy	Human Resources
Directorate and department/section	People Services Directorate
Name of assessment lead or EIA assessment team members	EQIA Panel Members
Has consultation taken place?  Was consultation internal or external? (please state below):	<b>INTERNAL CONSULTATION</b>  This policy has been written in partnership by management and staff side, and in accordance with current employment legislation.

### EIA Cover Sheet

The assessment is being made on:	Guidelines	
	Written policy involving staff and patients	x
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state)	

<b>Equality Analysis</b>					
<b>What is the aim of the policy/procedure/practice/event?</b>					
<p>This document outlines the for Dignity at work (Bullying and Harassment) Policy. The East of England Ambulance Service NHS Trust (the Trust). The Trust) recognises that all of its employees have the right to a working environment free from any form of harassment and to be treated with dignity and respect. Bullying and / or harassment are not acceptable. Furthermore, the Trust expects its managers to support this policy by dealing with concerns and complaints relating to harassment in a timely and sensitive manner.</p>					
<b>Who does the policy/procedure/practice/event impact on?</b>					
<b>Race</b>	<b>×</b>	<b>Religion/belief</b>	<b>×</b>	<b>Marriage/Civil Partnership</b>	<b>×</b>
<b>Sex</b>	<b>×</b>	<b>Disability</b>	<b>×</b>	<b>Sexual orientation</b>	<b>×</b>
<b>Age</b>	<b>×</b>	<b>Gender re-assignment</b>	<b>×</b>	<b>Pregnancy/maternity</b>	<b>×</b>
<b>Who is responsible for monitoring the policy/procedure/practice/event?</b>					
People Services					
<b>What information is currently available on the impact of this policy/procedure/practice/event?</b>					
<ul style="list-style-type: none"> <li>• Disciplinary Policy (Managing Conduct and Performance)</li> <li>• Freedom to Speak Up Policy</li> <li>• Equal Opportunities, Equality, Diversity and Human Rights Policy</li> </ul>					

<b>Equality Analysis</b>																			
<ul style="list-style-type: none"> <li>• PDR Policy</li> <li>• Violence at Work Policy</li> <li>• Collective Grievance Policy</li> <li>• Grievance Policy</li> <li>• Lone Worker Policy</li> <li>• Relationship Policy</li> <li>• Pre-Action Review Meeting Standard Operating Procedure</li> <li>• Mediation Standard Operating Procedure</li> <li>• Disability Policy</li> </ul>																			
<p><b>Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? Yes/No</b></p> <p>No</p>																			
<p><b>Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, If yes please provide evidence/examples:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Race</td> <td style="width: 10%; text-align: center;">×</td> <td style="width: 25%;">Religion/belief</td> <td style="width: 10%; text-align: center;">×</td> <td style="width: 25%;">Marriage/Civil Partnership</td> <td style="width: 15%; text-align: center;">×</td> </tr> <tr> <td>Sex</td> <td style="text-align: center;">×</td> <td>Disability</td> <td style="text-align: center;">×</td> <td>Sexual orientation</td> <td style="text-align: center;">×</td> </tr> <tr> <td>Age</td> <td style="text-align: center;">×</td> <td>Gender re-assignment</td> <td style="text-align: center;">×</td> <td>Pregnancy/maternity</td> <td style="text-align: center;">×</td> </tr> </table> <p>Please provide evidence:</p>		Race	×	Religion/belief	×	Marriage/Civil Partnership	×	Sex	×	Disability	×	Sexual orientation	×	Age	×	Gender re-assignment	×	Pregnancy/maternity	×
Race	×	Religion/belief	×	Marriage/Civil Partnership	×														
Sex	×	Disability	×	Sexual orientation	×														
Age	×	Gender re-assignment	×	Pregnancy/maternity	×														
<p><b>Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so please provide evidence/examples:</b></p>																			

Equality Analysis					
<b>Race</b>	<input type="checkbox"/>	<b>Religion/belief</b>	<input type="checkbox"/>	<b>Marriage/Civil Partnership</b>	<input type="checkbox"/>
<b>Sex</b>	<input type="checkbox"/>	<b>Disability</b>	<input type="checkbox"/>	<b>Sexual orientation</b>	<input type="checkbox"/>
<b>Age</b>	<input type="checkbox"/>	<b>Gender re-assignment</b>	<input type="checkbox"/>	<b>Pregnancy/maternity</b>	<input type="checkbox"/>
Please provide evidence:					
<b>Action Plan/Plans - SMART</b>					
Specific					
Measurable					
Achievable					
Relevant					
Time Limited					