

### Employee Policy Equality & Diversity

#### 1. Policy Statement

NHSBT strives to ensure we have an engaged, caring workforce where valuing difference is in all that we do. Our commitment to inclusion across race, gender, age, religion, identity, and experience drives us forward every day. To achieve this and make NHSBT a great place to work, it must address all forms of harassment, bullying, abuse, discrimination and inappropriate behaviour. We are clear that any such behaviour is unacceptable and will be met with a 'zero tolerance' response.

When using this policy, you should also refer to the supporting FAQ's.

Other helpful information relating to Equality and Diversity can be found under the 'Equality, Diversity and Inclusion' section on People First.

We will achieve this by:

- Living our Values on a daily basis
- Respecting each other and valuing the diversity of our organisation
- Dealing with any reports seriously in a timely manner
- Ensuring that each directorate takes appropriate action following survey results
- Supporting each other by ensuring our Dignity at Work and Raising a Matter of Concern policies are followed

We are committed to an inclusive and supportive environment, treating people solely on the basis of their abilities and potential, respecting difference and adhering to relevant employment legislation.

We seek to recruit, develop and retain an expert workforce based on the values of the organisation to ensure we are able to deliver high quality services that are fair, accessible, appropriate and responsive to the diverse needs of different groups and individuals.

#### Our Expectations

##### Behaviours and values

We all have a responsibility to promote a positive and open environment and behave in a professional manner; according to our Values, Behaviours and policies including:

- Recognising our own behaviour and the impact we have on others
- Encouraging open, honest discussions where there are problems to seek solutions
- Commitment to resolving inappropriate behaviour
- Where resolution cannot be reached, seeking help and guidance, including the reporting of behaviour using this policy
- Adjusting our own behaviour accordingly.
- Being aware of conscious/unconscious bias

## Working environment and Communication

Leadership is key to ensure we achieve this by:

- Demonstrating the expected behaviours of managers through 'THE NHSBT Way'.
  - ✓ C – Caring
  - ✓ L – Listening
  - ✓ E – Enthusing
  - ✓ A – Asking
  - ✓ R - Responding
- promoting a positive and genuine open working environment where any issues can be raised and resolved early ('nipped in the bud'), before they escalate.
- being open and honest with no hidden agendas
- encouraging regular, constructive dialogue between colleagues, managers, senior managers etc.

## Work Performance

As employees, we are all required to carry out the duties we are employed to do, including any reasonable instruction from our managers.

Your manager, from time to time, will discuss your work performance, and provide you with feedback. They may also, at times, need to speak to you about elements that they think might need developing or improvement. This is usual and expected discussion between you both, and is encouraged to ensure you receive regular feedback on your work performance.

Sometimes, you may feel unhappy or you may be disappointed with the discussion. If this is the case, then you should explain to them how this has made you feel, so that a further explanation can be given etc or to identify a resolution.

Incidents of this nature, however, will not be classed as 'bullying'. Bullying is something that is repeated time and time again, singling you out on a regular basis and not a 'one off' episode.

## Early resolution

Early communication with the other person/s can often help to resolve the difference or concern and therefore we encourage all to:

- speak to one another allowing each of you to any concerns or impact of the identified behaviour
- consider involving a 3<sup>rd</sup> party or neutral person to support both parties in having a discussion
- consider asking for a formal mediation to seek a resolution if it remains unresolved

Formal action of any kind can be difficult and often upsetting for all involved. Before any formal action, including any investigation, you will be expected to demonstrate the following:

- demonstrate that you have engaged fully in the early intervention/mediation processes (below)
- taken reasonable steps to resolve any difference with the other person, by speaking with them in person and/or taking part in a facilitated meeting or mediation, as soon as a potential issue has been identified.

If it is agreed that a formal process is necessary, then all involved will be expected to co-operate fully with the investigation managers, ensuring you attend meetings, return notes and organise representation where necessary as quickly as possible, to ensure that any investigation is swift, as delays can cause further upset and anxiety for those involved. Any concern, issue, and approach to

resolution, including any investigation, must be kept confidential by all parties involved. You must take care to ensure personal views or issues are not shared on social media.

## **2. The Process**

### **Subjected to inappropriate behaviour?**

#### **Step 1 - Share Concerns**

If someone has upset you in some way, it is best to find a way to talk to the person concerned about their behaviour, explaining that you are unhappy and their behaviour is unwelcome, unacceptable and/or embarrassing. You may also think about talking to or getting the support of a fellow employee or friend. It is advisable to keep a log and to make a note of the date and details of the conversation you had, asking them to stop, as it may be necessary to refer to this later if their behaviour continues to cause you concern. Additional support options may be available to you, so you may wish to refer to the Employee Assistance Programme and Health & Wellbeing Policy. (See Health and Wellbeing in People First)

#### **Step 2 - Talk to your manager**

It is strongly advised that you ask your manager to support you with any conflicts in the working environment, as they can arrange a facilitated meeting with you and the other person, to help to resolve the matter. This does not have to be with your manager, but may be a person that you trust to help you. It is important that such behaviour is raised with your manager or manager's manager to ensure that the appropriate action is taken as soon as possible. We would always encourage you to have in mind the resolution you are seeking, to ensure everyone involved can remain focused on a way forward.

Should the above not resolve the matter, your manager, or other manager supporting you, will need to talk to the individual about your concerns. Depending on the details of the situation, and in consultation with you, the manager will need to deal with it through regular communication and the documentation of any informal discussions they have had, including informing the person about expected behaviours in the workplace and what may happen if the situation continues. Your manager should also have detailed conversations with them about any issues that may be contributing to their behaviour, to ensure that they fully understand any underlying factors. You and the person causing you concern, will both be advised of the appropriate support you are able to access through the Employee Assistance programme and/or Occupational Health.

We will ask all parties to participate in an appropriate intervention e.g. in a facilitated meeting or in Mediation to attempt to resolve your issue at any stage. Should you decide not to take part, your reasons will be considered at Stage 5.

#### **Step 3 - Contact HR Direct**

Should you feel that you are unable to speak to the person, your manager, or manager's manager, you should contact HR Direct, where they will listen to the situation confidentially and advise you of the options you have to take this matter forward positively, for example asking an independent person to speak with you to explore your options, and they will also ensure you are receiving the appropriate support.

#### **Step 4 -Raising a formal complaint**

If you have attempted informal methods and these have not resolved the issue, using the Complaint form, you need to provide the details of your complaint in writing to your manager or manager's managers for further investigation. This must include where possible:

- the time, date and place of the incident referred to
- details of the action and/or what was said
- who said what,
- any potential witnesses
- Detail on the informal attempts to resolve the concern, including date, time etc.

- and you must state your desired outcome.

You must ensure that any complaint is made in a timely manner, as the longer you leave it; the more difficult it is to act upon. Therefore, we would expect an issue to be raised no more than 3 months after the last incident occurring unless there is a reasonable cause for not doing so.

The person receiving your written complaint will carry out an initial 'fact finding' process to establish the key facts and issues about the case, which may include taking statements from you and the other person, or any identified witnesses.

### **Step 5 - Case conference and investigation**

The details of fact finding will be provided by the operational manager to a member of HR Consult.

HR Consult will follow reporting procedures to a joint panel of senior HR management and a National Senior staff side representative to recommend an alternative way of resolution or to commission a detailed investigation.

Where a full investigation is recommended this will be conducted by an independent manager who will need to speak to you, the other party and where relevant, witnesses.

Both parties will be advised that they can be represented by a Trade Union representative of a Trade Union they belong to, not acting in a legal capacity, or to be accompanied by an NHSBT employee.

The investigation manager will also establish whether any additional support is appropriate during the investigation.

Following the formal Dignity at Work investigation the manager will have a conversation separately with both parties, to advise them of the outcome. Should they find that there may be a misconduct case to answer then the Disciplinary Policy will be instigated at the recommended sanction or panel stage, so that any necessary appropriate action can be followed. Only when additional details come to light during this process, will further investigation take place.

In addition, the person you have raised concerns about may need support. Their behaviour may have been unintended, so any fact finding or investigation will need to fully understand any personal and/or work related issues affecting their behaviour.

However, if the behaviour has caused personal offence to anyone on such grounds, it cannot be ignored. The investigator will meet with you to advise you of the outcome of the investigation in terms of their key findings and recommendations such as discussion, facilitation, or mediation, between you to ensure that you are both able to move on positively together. Any action, informal or formal taken against the person causing you concern will remain confidential and will not be shared with you.

### **Confidentiality**

All conversations, be it informal or formal, meetings, witness statements, investigations etc, must be kept confidential by all parties involved. We appreciate that this can sometimes be difficult when working in a small team or close environment; however, so that the issue raised can be brought to a swift conclusion and everyone feels able to move on, confidentiality must be maintained. Any breaches in confidentiality will be taken seriously.

### **Appeal**

Should you feel the process of investigation and its application has been unfairly carried out, you may appeal. You **may not** however appeal, against the severity or leniency of any disciplinary action taken, against other parties, as this is confidential.

This is a one stage appeal process which will consist of 3 panel members. The Appeal panel will be led by someone more senior than the investigator and not previously involved in the process. It will also be supported by a HR representative and a nominated National Senior Staff Side Representative.

- The appeal needs to be in writing, within 7 calendar days of you receiving the outcome of the investigation. The letter should be sent to the next level of management.
- Within 21 calendar days from the date of being given the outcome, you will be required to provide full details of your grounds for appeal, including any supporting documents
- It is important to note that if you do not provide full grounds of appeal that relate to the process of investigation, the policy application has been unfairly carried out, then your appeal may not be accepted. You will receive notification of this.
- If your appeal is accepted, this will then be provided to the investigator(s) for them to prepare their response to your grounds of appeal, which will be provided to you in writing a minimum of 7 calendar days before the appeal.

An appeal panel will be held without unreasonable delay. The letter notifying you of the panel will contain or confirm what documents and information have been provided to you and the panel.

### **Following any potential formal process**

Following any complaint, it is important that normal working relationships are restored as soon as possible. Your manager will ensure that both parties receive the appropriate support following any potential actions taken. Should a case be considered by a disciplinary panel and an outcome is to recommend that you and the other person should not work together; every effort will be made to relocate the person causing the concern and not you. Your manager must ensure and monitor that the unwanted behaviour has ceased completely. They must also check that there has been no intimidation, victimisation, discrimination or retaliation by the other person towards you or anyone who assisted with the investigation.

## **3. Monitoring and Evaluation**

### **Single Equality Scheme**

Our Single Equality Scheme is the document which outlines our commitment to promoting Equality Diversity and Inclusion embedding these aspects into our work. Legislation includes a duty to eliminate unlawful discrimination and promote equality across all protected characteristics. It sets out our overall vision for ensuring that equality and diversity becomes part of our organisational culture through service provision, decision making processes and workforce development. For details of our scheme see the Guidance and checklists in People First.

### **The Equality, Diversity and Inclusion Council**

Is a group made up of NHSBT Network Chairs, the Chief Diversity and Inclusion Officer, and other members of the Executive team.

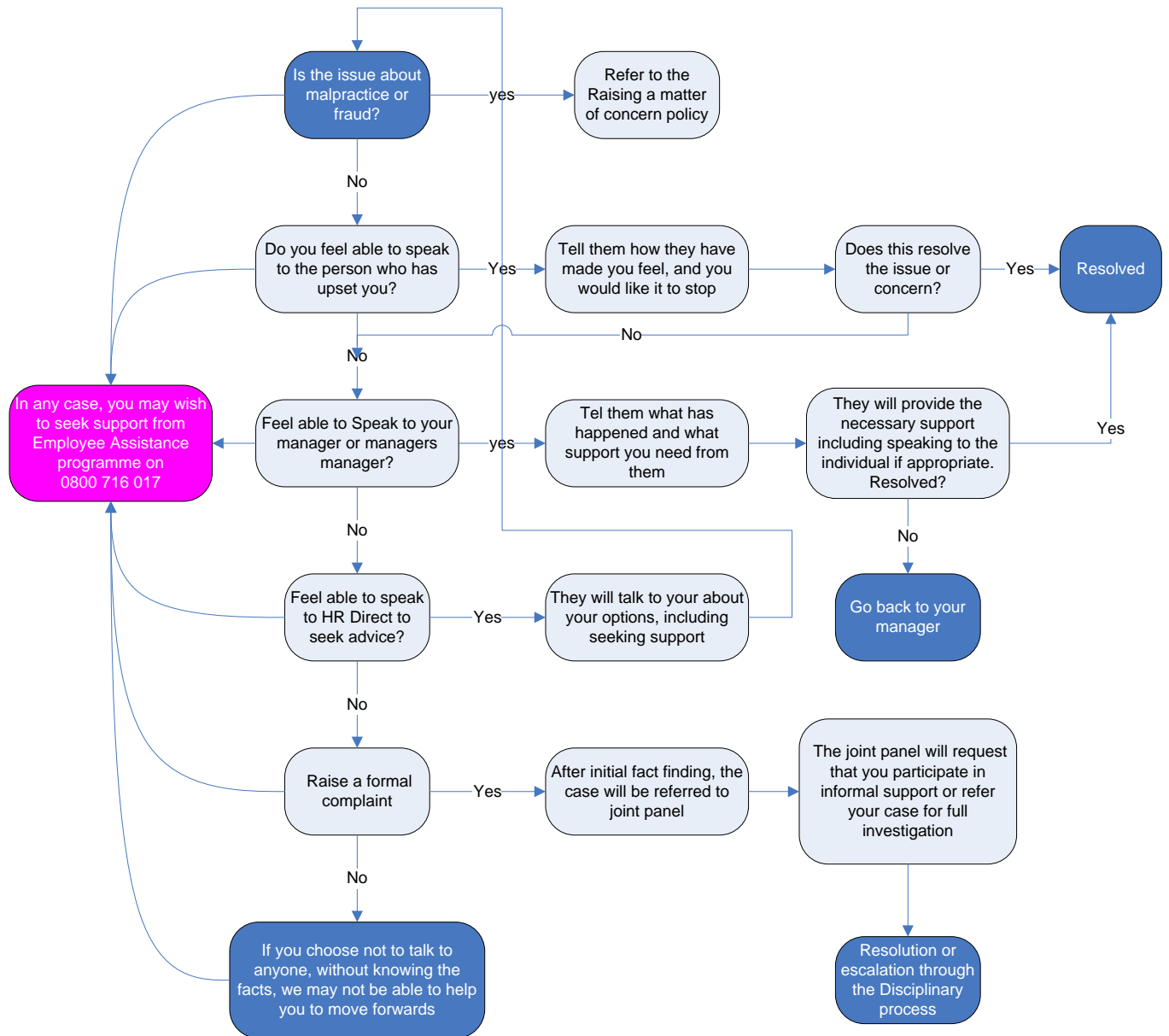
The group is in place to examine the culture of the organisation to ensure that we act in accordance with equality and diversity best practice both as an employer and as a provider of services to the public.

### **The Equality, Diversity and Inclusion Partnership Consultative Committee**

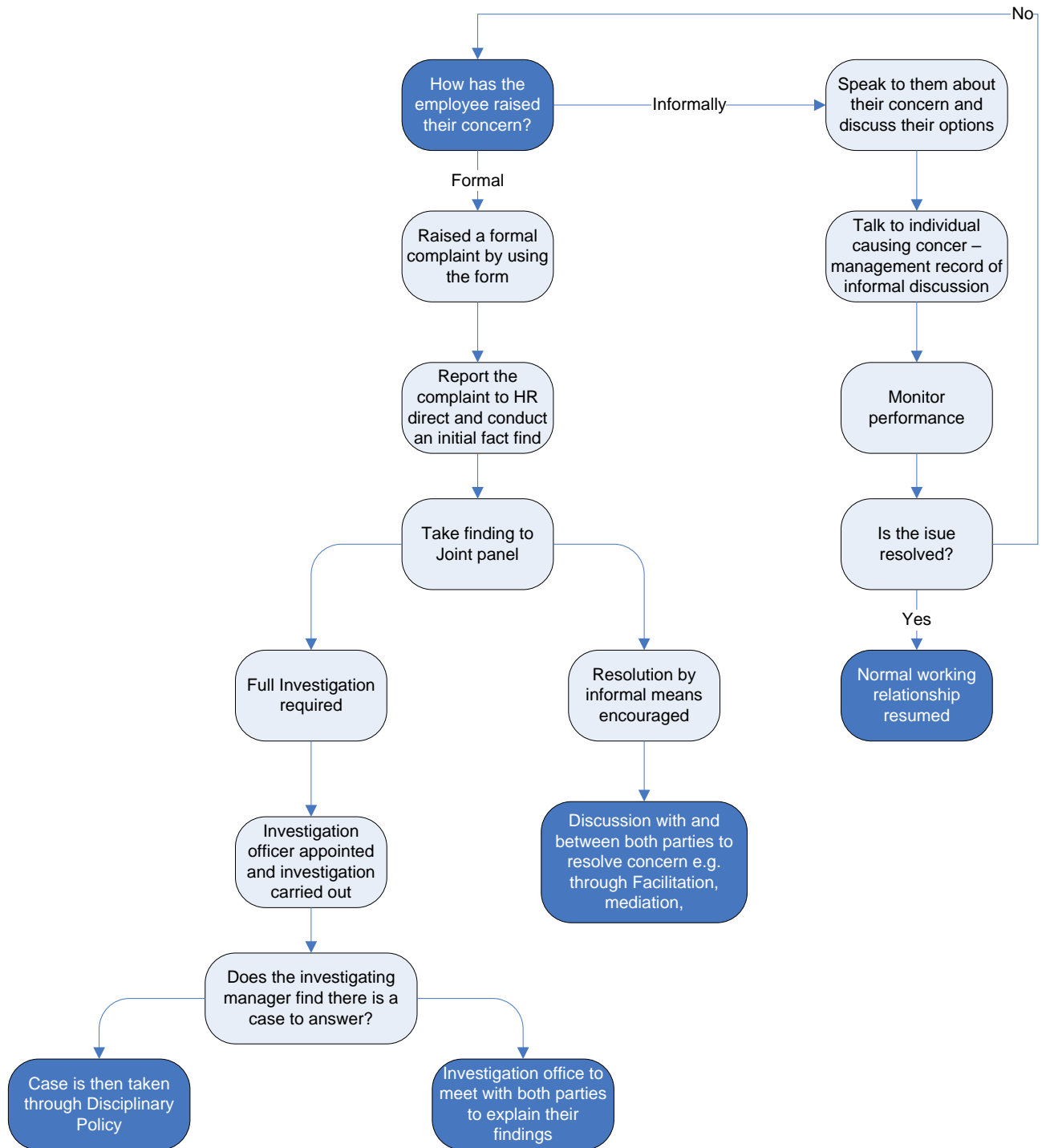
Is a joint partnership group made up of Trade Union staff side representatives and a cross representation of colleagues from senior management. The group is in place to provide details of Directorate EDI Action Plan and to respond to issues raised by Trade Union staff side representatives.

## 4. Flowchart

### Employee



# Manager



## 5. Policy Approval and Review

Policy version	UCD/People/Dignity/005v3.0
Title	Dignity at Work Policy
Approved by SPC	21 <sup>st</sup> October 2021
EIA completed	22 <sup>nd</sup> July 2022
Counter Fraud Check	18 <sup>th</sup> November 2021
This document replaces	UCD/People/Dignity/005v.3.0
Effective Release Date	July 2022
Review Date	October 2022
Author	Daryl Hall
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First