

# Fairness at Work Policy

**Division: Trust-Wide Corporate, People**  
**Document No: PEO-33**

Specific staff groups to whom this policy <u>directly</u> applies	Likely frequency of use	Other staff who may need to be familiar with policy
All NBT staff	Likely use	All NBT staff

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<b>Consultation:</b>	People Team, People Partners, Equalities Network, EDI, FTSU, Cultural ambassadors, Trade Unions.
<b>Approval Authority (Committee/ Group/ Lead Clinician):</b>	NBT Joint Consultative Negotiation Committee (JCNC)
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<b>Date of Approval:</b>	October 2023
<b>Next Review Due:</b>	October 2026
<b>Version:</b>	Version 5
<b>KEYWORDS:</b>	Complaint, grievance, harassment, bullying, victimisation, unfair treatment, discrimination, appeal, investigation, resolution, mediation, restorative just culture, freedom to speak up.
<b>Summary of changes since the previous version</b>	Grievance Policy and Harassment & Bullying policy combined as 1 policy with processes outlined. Emphasis on Early resolution and restorative learning.

# COMMITTEE DECISION FORM

*To be completed as appropriate and returned to author after the Committee meeting*

Committee:	NBT Joint Consultative Negotiation Committee
Committee Chair and title:	Jacqui Marshall, Chief People Officer
Document name:	Fairness at Work Policy
Lead Author/ Clinician:	Nasrin Akther, People Consultant
Specialty/ Division/ Trust-wide:	Trust wide
Committee meeting date at which the document was discussed:	October 2023

**DECISION** (please tick appropriate box)

**Approved**

**Approved** subject to following minor amendments being made:

**Not approved**, Amendments required by the author – Chair to be sent amended document – approval will be given when changes are made

**Not approved**, Amendments or rewrite required by the author before resubmission to the next Committee meeting

The Committee made the following comments and required these amendments:

For further discussion please contact:

## 1. Executive summary

- 1.1. Sometimes our staff members might not feel that they have been fairly or reasonably treated at work. This may be because of the behavior of colleagues or because of actions taken by the Trust or our current processes. As such, NBT have a set of procedures in places where colleagues can be heard without any fear of recrimination and ensure people are treated with dignity and respect. We work together to call out discrimination in all aspects of our employment practices and provision of services. Bullying, harassment and victimisation in any form will not be accepted or condoned, including inappropriate, unwanted, and or harmful sexual behavior.
- 1.2. NBT strives to be a restorative and learning culture (Restorative Just Culture) to encourage a safe space (psychological safety) for staff members to speak up (FTSU, Trade Union, or CEO hotline) as well as our leaders practicing compassionate leadership.
- 1.3. We are an organisation, that recognises everyone has the right and freedom to express concerns, but also giving a chance for yourself and others to listen, learn, reflect, take appropriate action and accountability to improve things and come to a resolution. We treat each other with Civility and Respect also passionately upholding our Trust values that is Caring, Ambitious, REspectful, Supportive (CARES) and an expectation everyone in the organisation commit to these values and practice these behaviours.
- 1.4. The Fairness at work policy is a way for staff members to effectively raise 'complaints' which combines both the Grievance and Harassment and Bullying (H&B) processes into one policy for staff members to access. The term grievance/complaints will be used throughout this policy to explain the overall process (*see the Annex section 9 of this policy for further clarification on terms*).
  - Please note anything underlined is hyperlinked.
  - Access the Fairness at Work framework here.

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## 2. Definition of terms

- 2.1. **Grievance** is a phrase we use to describe complaints from an individual member of staff (or a group) about issues of where someone believed they received unfair or wrong treatment.
- 2.2. **Bullying** is offensive intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.
- 2.3. **Harassment** is linked to discrimination, that is unwanted behaviour related to a protected characteristic that violates someone's dignity or creates an offensive environment for them.
- 2.4. **Victimisation** is treating someone unfairly because they've complained about discrimination or harassment.

*Please see the Annex section 9 of this policy for further clarification on terms*

## 3. Purpose of the policy

- 3.1. The purpose of this policy is to provide all staff members with ways of raising workplace concerns at the earliest opportunity that can be addressed informally or formally and within a timely manner.
- 3.2. You should always attempt to resolve workplace concerns informally in the first instance. However depending on the nature of the situation e.g. a harassment and or bullying complaint or a serious incident, can lead to a formal investigation or a disciplinary process.
- 3.3. There may be situations where you feel you want to raise a grievance/complaint such as:
  - Where you have concerns regarding, processes or local practices that you consider have not been appropriately managed.
  - Where you believe Trust policies or processes have not been applied reasonably or fairly.
  - Where the manager or department are changing terms of work and you believe you have not been consulted with, or there are unrealistic expectations, or the changes discriminate against you.
  - Where you feel bullied, harassed, badly treated, victimised or negatively impacted by another staff member(s) and or a manager or where you have witnessed this behaviour.

The above points are illustrative and are not an exhaustive list.

- 3.4. The Trust will monitor the number of formal grievance/complaints and appeals received to identify and analyse any patterns and themes to take appropriate action (see section 7). Therefore it is important that the line/commissioning manager and the Investigating Officer (IO) record information on the HR Case Management system to accurately monitor number of grievance/complaints and appeals within the Trust and what they are typically related to.
- 3.5. Other policies maybe more appropriate for recognition agreement and banding issues (please see the Banding Review policy and Disputes policy).

## 4. Policy in Practice

- 4.1. When the terms bullying, harassment or victimisation are used, this would be from the complainant's perspective of the behaviour or treatment and does not determine the other persons intention or motive. What may be acceptable to one person could be perceived as bullying by another. Therefore, opportunity must be given for both parties to work through concerns applying the informal process if appropriate in the first instance, to come to a

resolution and encourage learning. However, staff have the right to follow a formal process from the outset should they wish.

- 4.2. If the incident shared is to do with a patient, relative, or visitor then a Datix, should be completed, see The Prevention and Management of Violence and Aggression (V&A) Policy and Dealing with Violent or Abusive Individuals at NBT. Please remember to also notify your line manager.
- 4.3. NBT is a signatory to NHS England's Charter on sexual safety in healthcare and does not accept any unwanted, inappropriate and/or harmful sexual behaviours towards our workforce.
- 4.4. We endeavour to resolve complaints informally through our early resolution framework. However, it may be appropriate to consider serious complaints of discrimination, harassment, or victimisation (as defined on page 12-13) via the disciplinary policy. This includes holding a decision-making group (DMG) to consider formal investigation.
- 4.5. Once the grievance/complaint has been lodged the "status quo" (original position) where practicable will operate until the procedure is exhausted that is after the complaint has been filed, the original state of affairs, to the extent feasible, will remain in place until the end of the formal grievance/complaint process.

### **Informal Process – Staff Support & Early Resolution**

- 4.6. The Trust empowers all our staff members to raise general concerns that relate to poor treatment at the earliest opportunity. We want to support staff to talk through and rectify any issues without the fear of being penalised for doing so.
- 4.7. Staff members should raise concerns to their line manager in the first instance and if not appropriate then to the manager above them.
- 4.8. Concerns should usually be raised ideally **within 1 month** of an incident occurring to ensure every effort is made for issues to be communicated, explained, understood, coming to a resolution and for the matter to be ideally **addressed within 14 calendar days**. This can be extended if both parties agree but will still need to be resolved in a timely manner.
- 4.9. If you wish to speak to someone outside your department then you can contact the following:
  - Freedom to Speak Up Guardians & Champions within NBT that offer confidential, impartial advice. Guardians can escalate matters sensitively to address issues through appropriate routes when needed.
  - Trade Unions can provide confidential advice or representation on all workplace matters.
  - CEO hotline where if you have exhausted all speaking up routes or need your concern immediately escalated.
- 4.10. Concerns shared or complaints received by the manager verbally or in writing must be considered and addressed. Line/appropriate managers should remain objective with a view to resolving the issues and not dismissing matters raised. This will be treated in the strictest confidence and only released to people who are authorised to receive this information and noted on the HR Case Management System.
- 4.11. The line (or appropriate) manager will initially obtain facts and gather information (this is called

a fact-finding exercise; it is not a formal investigation) to inform their understanding of the

concern shared so they are able to support members of staff with resolving the issue. Depending on the nature of the case, the Trust disciplinary policy maybe followed.

- 4.12. Staff members including managers should access appropriate Trust resources to resolve matters straight away and to prevent issues from further prevailing. This could include complaints relating to bullying, harassment and victimisation:
- Early Resolution toolkit – an approach to resolving workplace issues, emphasis on early intervention and learning including a framework and some practical tips.
  - Supporting our Staff - A toolkit to promote cultures of Civility and Respect by NHS England & NHS Improvement.
  - 4 Step model - part of the Restorative Just Culture (RJC) practice to resolving issues related to an incident that has caused psychological harm and feeling of hurt by observing the matter with greater focus and learning from it to prevent future issues.
  - Mediation – a structured process in which an independent third party, a mediator, helps people in a disagreement to create a positive way forward to come to a mutually agreed solution.
  - Staff Psychology Team – offer confidential psychological support for individuals and teams in relation to work-related distress.
  - Learning & Development – Courses available via LEARN and HELM to support with restorative learning and practice and conflict management.
- 4.13. Where complaints involves in any way a Black, Asian and Minority Ethnic (B.A.ME) staff members, Cultural Ambassadors (CA) are included at the informal stage and must be included in the formal process. CA's do not provide support to staff but are impartial in the process offering perspective and advice to the Trust on cultural differences that may have been overlooked or potential unconscious or unknown bias.
- 4.14. Once the line or appropriate manager have consulted with the staff member (and anyone involved), the manager will decide and note the outcome on the resolution form (hyperlink link page).
- 4.15. If you feel the issue is significant and you want to raise the matter formally, then staff members have the right to do so. If you have tried to resolve the matter informally but are still experiencing poor behaviour or unfair treatment from the same individual, then you can follow the formal process.

## Formal Process Grievance / Complaints

### Stage 1

- 4.16. Staff member can raise a formal grievance/complaint filling in the notification of grievance/complaint form and send this to the appropriate manager ideally **within 1 month** of the incident(s).
- 4.17. If your line manager has already been involved in the informal stage or the grievance/complaint is against your manager; you should send the form to your manager's manager or your senior manager (if in doubt).
- 4.18. The appropriate (commissioning) manager will acknowledge receipt of your grievance/complaint and log the case on the HR Case Management System. The response to your grievance/complaint will **aim to be within 1 month** of receipt of the form. This will include meeting you and your representative (if any and available) to discuss the issue. The timescale



for response (if it is anticipated to take longer than one month) can be discussed and agreed at the Stage 1 meeting taking account of the extent of further investigation needed.

- 4.19. If further investigation is needed, or if the complaint relates to bullying and harassment, an investigating officer who has had no prior involvement will be commissioned to investigate the issues raised.
- 4.20. Staff members involved in the complaint must be notified before an investigation proceeds to understand what will be happening and the approximate timescales. Contact between the staff members in concern should be minimised.
- 4.21. If there is intimidation, retaliation or victimisation by any staff member to the complainant, or to the staff members providing evidence or information, then this will be regarded as a disciplinary offence.
- 4.22. The Investigating Officer will conclude their investigation findings and provide their recommendation to the Commissioning manager, who will chair the Stage 1 meeting following up with a decision in writing. For some cases such as bullying, harassment and victimisation, meeting with the staff members separately may be appropriate.
- 4.23. If after the formal investigation there is a reasonable belief that the complaint has been malicious in nature, then disciplinary action may be taken against the complainant.
- 4.24. Where the complainant is dissatisfied with the Stage 1 outcome, they may appeal using the Stage 2 Appeal process.

## Appeal process against formal stage 1 outcome

### Stage 2

- 4.25. To invoke this stage, you must write to your Divisional Director (DD) for your line of service (e.g., operational, nursing, clinical) or equivalent **within 14 calendar days** of receiving the response at stage 1 stating and summarising the grounds of appeal (below) submitting any additional relevant documents or information.
- 4.26. The grounds of appeal to your Stage 1 grievance/complaint outcome are as follows:
  - Not all relevant information was gathered / taken into account.
  - Analysis of that information and / or conclusions drawn from it is flawed.
  - You have new information that is material and needs to be considered.
  - There are procedural errors, unfairness or bias, in how the policy has been applied.
- 4.27. The appeal **must** be based one or more of the above. The appeal will not involve a re-investigation of the matter.
- 4.28. The appeal will be heard by the DD or another appropriate senior manager to hear for example if there is potential conflict of interest.
- 4.29. The DD or equivalent will respond to the appeal within **1 month** of its receipt including meeting with you, your rep (if any and available), Investigating Officer and Cultural Ambassador (if applicable).
- 4.30. You will receive a written response including the reason of the decision, which will be final.

## 5. Roles and Responsibilities

- 5.1. As a Trust, we believe that everyone has the responsibility to be kind and compassionate towards one another applying our CARES, (Caring, Ambitious, REspectful, Supportive) values and hold others to account through active listening, learning, raise self-awareness and come to a resolution to improve matters (Restorative Just Culture). However, we also have a duty of care towards our staff and patients and will not condone poor behaviour and ensure steps are taken in a timely manner to follow the appropriate process.

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### **Complainant (Staff member who is raising the grievance/complaint):**

- 5.2. Will be responsible for raising issues at the earliest opportunity but ideally **within 1 month** of the incident to the appropriate manager with detailed information such as time, date of incident, being honest and truthful.
- 5.3. You will have the role of cooperating in the informal and formal process, actively listen, be open minded, reflect with the outlook of coming to a resolution, and be open to being accountable for any relevant improvement in your own behaviour.
- 5.4. You will need to provide clarity on what you would like the desired outcome to be.
- 5.5. If sufficient evidence is found that your complaint has been malicious in nature, then this could lead to a disciplinary action.

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### **Alleged staff member (grievance/complaint concerning against the staff member(s)):**

- 5.6. Will be responsible for cooperating with the informal and formal process providing your account of what happened with full details, being honest and truthful throughout.
- 5.7. Your role is to actively listen, be open minded, reflect with the outlook of coming to a resolution and possibly improve your own behaviors, also provide what the outcome could look like.
- 5.8. You must not, intimidate, retaliate or victimise the complainant or anyone who may provide information relating to the complaint. If there is, sufficient evidence to suggest this has happened, then it may result in disciplinary action.

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### **Line Manager (or appropriate commissioning manager):**

- 5.9. Will be responsible for taking colleague(s) concerns seriously when provided verbally or in writing and addressing this within **14 calendar days** if informal and **1 month** if formal.
- 5.10. Your role will be to act with compassion, sensitivity remembering confidentially.
- 5.11. Complete the initial fact finding, collating detailed information (not formally investigating) and act immediately to get the issue resolved through the informal process.
- 5.12. Based on the initial facts that you find; you may decide to put measures in place to minimise contact of the colleagues involved in the complaint and/or decide the Trust Disciplinary process may be appropriate to follow.
- 5.13. If the nature of the complaint relates to discrimination, harassment and or victimisation this will be considered under a formal disciplinary process.
- 5.14. Your role will be to remain unbiased and communicate with staff members involved advising what the next steps are and possibly acting as a facilitator supporting them to resolve matters.
- 5.15. You may access support from the following:
- Your line manager (if appropriate)



- Manager Advise Session (MAS) through the People Team
- Request for Cultural Ambassador (involving B.A.ME staff)

- 5.16. You will be responsible for holding the formal Stage 1 meeting with the staff members and decide on the recommendation provided to you by the IO following this up in writing. You may hold separate meetings for the complainant and alleged staff member, if the complaint was to do with bullying, harassment or victimisation.
- 5.17. You must log cases on the HR Case Management System uploading and noting any documents or information as well as adding relevant individuals to the case to access such as the Investigating Officer, People Team link and Cultural Ambassador (if supporting the case).

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**Other colleagues involved and witnesses:**

- 5.18. Will be responsible for providing detailed accounts of the incident and maintaining confidentiality and professionalism.
- 5.19. Your role will be to engage with the process and be honest and truthful throughout ensuring you provide factual information without any bias.
- 5.20. If sufficient evidence is found that your statements are false and malicious in nature, then this could lead to a disciplinary action.

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**Investigating Officer (IO)**

- 5.21. Will be responsible for finding facts on the case in the **formal** Stage 1 of the process.
- 5.22. Your role will be to remain unbiased, investigate and provide an outcome within **1 month** from the receipt of the stage 1 formal grievance/complaint, unless these dates have been mutually extended.
- 5.23. You will also be responsible for linking in with the People Team and Cultural Ambassador (if any), updating the complainant and their representative of case progress and advising of any potential delays.
- 5.24. You will upload all documents and note information on the HR Case Management System that is relevant to the case.
- 5.25. You will be responsible for providing your investigation findings and recommendation to the commissioning manager and attend the Stage 1 meeting.

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**Divisional Director for your line of service / Senior Manager**

- 5.26. The staff member may appeal the decision for Stage 1. You must acknowledge receipt of the appeal and respond within **1 month**.
- 5.27. Your role will be hearing the appeal submitted by the staff member following the formal process.
- 5.28. You will be responsible for meeting with the member of staff and their representative as well as the Investigating Officer and Cultural Ambassador (if applicable).
- 5.29. You will provide a written response (Stage 2 Appeal Outcome) with the reason of your decision, and this will be final.

## 6. Swim Lanes of Responsibilities

Member of Staff (MoS)	Appropriate Manager	Alleged staff member(s)	Investigating Officer - Stage	Divisional Director - Appeal
<p>Raise concerns at the earliest convenience ideally within <b>1 month</b> of the incident to your line manager or appropriate manager if verbally or in writing.</p> <p>↓</p> <p>Have detailed notes on the incident so your manager can understand the situation and support you best.</p> <p>↓</p> <p>Depending on the situation, some matters may be appropriate to follow the Trust Disciplinary process.</p> <p>↓</p> <p>Be open to early resolution and working through problems in a collaborative way to encourage learning from both parties.</p> <p>↓</p> <p>If issues still persist after the early intervention for resolution (informal) then follow the Stage 1 process. If still not happy with the outcome, then follow the appeal process.</p>	<p>Address the concerns raised in <b>14 days</b> and think about what early interventions can help colleagues come to a resolution.</p> <p>↓</p> <p>Base on the issues shared, you will need to decide whether Disciplinary action would be appropriate process to follow.</p> <p>↓</p> <p>Complaints concerning discrimination will be escalated to the Decision Making Group.</p> <p>↓</p> <p>Ensure information is logged on the HR case management system and is up to date. Seek support from HR and assess if a CA is required.</p> <p>↓</p> <p>Ensure there is regular communication to prevent matters from escalating and staff members are both supported with the view to learning and improving behaviours or work practice.</p> <p>↓</p> <p>Follow the stage 1 process if the staff member has put in a formal complaint, address this in <b>1 month</b> and chair the stage 1 meeting, considering IO findings and recommendation.</p>	<p>Have the opportunity to share your thoughts regarding any incidents.</p> <p>↓</p> <p>Be open to early resolution and working through problems in a collaborative way to encourage learning from both parties.</p>	<p>Obtain facts and information regarding the complaint and provide outcome <b>within 1 month</b> of when the complaint has been received.</p> <p>↓</p> <p>Have a notetaker ready for meetings with the relevant staff members involved in the case.</p> <p>↓</p> <p>Liaise with the people team and CA (if applicable to the case).</p> <p>↓</p> <p>Provide your investigation findings and recommendation to the commissioning manager and attend the Stage 1 meeting.</p> <p><b>Trade Union</b></p> <p>Trade Unions provide advice and support to a member of staff on workplace matters as well as acting as a representative.</p>	<p>Divisional Director for your line of service/ Senior Manager to hear the appeal.</p> <p>↓</p> <p>Acknowledge receipt of the appeal and provide a decision <b>within 1 month</b> in writing.</p> <p>↓</p> <p>Liaise with the staff members, IO and CA (if applicable) and then come to a decision.</p> <p>↓</p> <p>Consult with the People Team or people partner for support.</p>

## 7. Monitoring effectiveness

- 7.1. The below table details the monitoring procedures in order that NBT can be assured that compliance with a policy is being met. It identifies both the processes for monitoring compliance and the actions to be taken where deficiencies and non-compliance are identified.
- 7.2. This section describes how the implementation of the policy will be monitored. Audit activity should form part of all policy monitoring; therefore an audit tool/checklist must be appended (or reference made to a national audit the Trust participates in on a regular basis). The below table should be populated with the key areas currently being monitored in addition to any monitoring criteria as required by regulators such as the CQC. This table can be extended as required.

What will be monitored	Monitoring/ Audit method	Monitoring responsibility (individual/group/ committee)	Frequency of monitoring	Reporting arrangements (committee/group the monitoring results are presented to)	How will actions be taken to ensure improvements and learning where the monitoring has identified deficiencies
Staff issues/ incidences noted on Datix.	Datix	Respective Divisional management access <a href="#">Datix Report Guide</a>	Once a year	Involving staff incidents to report to respect divisional management team meeting.	Divisional management to observe any patterns or themes with datix reporting for example higher incidents of sexual assault or discrimination in a particular department.
Number of HR formal grievances/complaint cases	HR Case Management system	People Team	Every 4 months	Quarterly People Team to have data on number of HR formal complaint cases and any key themes/issues picked up shared with People Partners and board.	Potential workforce targeted work with the people partner if themes/patterns identified in divisions/departments.
Freedom to Speak up Data Bullying & Harassment Advice Line Data EDI Team Data All the above do not share personally identifiable information but nature of reported incidences and calls.	FTSU local record B&H local record  EDI local record	Freedom to speak up Guardians  EDI team members to share their most common issues highlighted via email or calls or equalities reports.	Every 4 months	Share local data with People Team of most common concerns raised to FTSU to understand for any key patterns or themes. No names or personally identifiable information to be shared.	FTSU, H&B and EDI data can be shared alongside people team HR data on the infographic to raise awareness amongst seniors of key issues highlighted in the Trust.
Staff Survey	Staff Survey data results	Staff Experience Strategy Team	Once a year	Staff Strategy team share divisional data to people partners and Divisional Directors which will highlight concerns raised by staff in their staff survey response.	Divisional Directors, people partner can start to identify any divisional wide problems highlighted in the survey and can have an action plan in place to make improvements.

## 8. Associated policies/documents

- 8.1. [Freedom to Speak Up Policy](#)
- 8.2. [Disciplinary Policy](#)
- 8.3. [Supporting Performance Policy](#)
- 8.4. [Equality Diversity and Inclusion Policy](#)
- 8.5. [The Prevention and Management of Violence and Aggression](#)

## 9. Annex

- 9.1. This section provides further clarification on terms (not limited to or exhaustive) to supplement the policy process discussed throughout this document to inform understanding.

Words underlined are hyperlinked to provide you with more information.

For any questions or further information, contact the [REDACTED]

Section	Other terms used	Further clarification with examples
9.2	Concern Issues	<p>You may hear the terms concern or issues which are normally a negative experience felt by a colleague who might want to share <b>without</b> formally writing a grievance/complaint and seek to simply express and resolve the matter.</p> <p>An example could be where a staff member would like to express their experience with taking annual leave but often told to cancel due to short staffing despite booking and getting agreement in advance.</p>
9.3	Informally Resolve	<p>You may hear the word 'informal', in this context it means where staff members can still raise their concerns but <b>without</b> necessarily writing a formal grievance/complaint but want to have a chat to feel reassured that the matter will be heard and dealt with.</p> <p>An example could be where you feel a colleague makes inappropriate comments which they feel is 'banter' but makes you feel uncomfortable, so you decide to speak to your manager. Your manager may have a conversation with the colleague who didn't realise it was offensive or made the other colleague feel that way and have now stopped making the inappropriate comment. This was 'resolved 'informally' as the colleague didn't have to make a written complaint, nor did it have to go through a formal investigation.</p>
9.4	Formal	<p>This term is used when the staff member has decided to write a formal complaint (which is also known as a Grievance) about a workplace issue, practice, terms and conditions, the way things are done which they perceive maybe as unfair or unreasonable.</p> <p>This could also be a written complaint where they feel bullied, harassed or victimised.</p>

Section	Other terms used	Further clarification with examples
9.5	<u>Investigating Officer</u>	In the 'formal' process, a trained investigating officer who is not involved in the grievance/complaint or with the people involved can also be appointed to investigate the matter and will then provide their report and recommendation to the manager who commissioned the investigation.
9.6	<u>Grievance Complaint</u>	<p>Grievance is a term used for staff members to raise a formal complaint which is often to do with workplace practice, terms and conditions, issues, the staff member maybe experiencing that they perceive as unfair or unreasonable, or problems they may have the way things are done or changes that are happening that they didn't know about, in their work arrangements. This type of complaint could be regarding other colleagues or management but <b>not</b> the patient, relatives or members of the public.</p> <p>The reason the term 'complaints' might be used interchangeably in this context is because the issues raised formally in writing could also be to do with bullying, harassment or victimisation. These issues are often negative experiences of discrimination and isn't necessarily always about the workload for example or the work practice. Therefore, you may see <i>Grievance/Complaints</i> in various places in this document to cover process explanations for both types.</p> <p>Employers should have a formal Grievance process which staff members can access, and this is what this policy outlines.</p> <p>The difference with Grievance and Harassment &amp; Bullying (H&amp;B) complaints is the <b>grievance complaints may not always need a formal investigation whereas H&amp;B do</b>, and the nature of H&amp;B complaints are connected to discrimination under the legal definition.</p>

Section	Other terms used	Further clarification with examples
9.7	<u>Harassment and Bullying (H&amp;B)</u> <u>Victimisation</u>	<p>The terms bullying is different to harassment and victimisation.</p> <p>There is no legal definition of bullying but is described as unwanted behavior, which is offensive, intimidating, malicious or insulting. It can also be an abuse of misuse of power that undermines and humiliates someone or can cause physical or emotional harm. This could happen once or regularly, face to face or online, at work or in work related situations and can be subtle. In some scenarios, the person may not realise that they are showing bullying behavior and is causing offense to someone. The person receiving the treatment, may not realise that its quite bad until upon reflection or expressed by others.</p> <p>Harassment is unwanted behavior but one that links to discrimination under the Equality Act 2010, so related to someone's 'protected characteristic', sexually harassing someone, or treating them worse because how they responded to the harassment.</p> <p>The term victimisation under the Equality Act is when someone is treated negatively because they raised a complaint about how they were discriminated and harassed.</p>



Section	Other terms used	Further clarification with examples
9.8	<u>Discrimination</u> Protected Characteristics	<p>Discrimination under the Equality Act 2010 protects people legally who may be treated less favorably at work because of a particular characteristic about that person.</p> <p>The below attributes of a person are covered by law which is called 'protected characteristic' that is, if you're treating them in a way that puts them at a disadvantage because of their:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• gender reassignment</li> <li>• marriage and civil partnership</li> <li>• pregnancy and maternity</li> <li>• race</li> <li>• religion or belief</li> <li>• sex</li> <li>• sexual orientation</li> </ul> <p>An example of discrimination could be:</p> <ul style="list-style-type: none"> <li>• excluding someone from opportunities or benefits</li> <li>• making it harder for someone to do their job</li> <li>• causing someone emotional distress</li> <li>• causing someone financial loss</li> </ul>

Section	Other terms used	Further clarification with examples
9.9	<u>Disciplinary</u>  <u>Decision Making Group</u>	<p>Disciplinary is a term used when talking about the disciplinary policy and what the process is when there is misconduct or gross misconduct, that is if someone were to break the rules or not follow the correct standards at work, what happens then.</p> <p>The decision-making group under the <u>4 step model</u> are part of the disciplinary process where they consider if a formal investigation is required and comprise of the following:</p> <ul style="list-style-type: none"> <li>• Senior Manager or equivalent</li> <li>• People Business Partner/People Team representative</li> <li>• Clinical/Professional Lead</li> <li>• Representative from another division/work area (TBA)</li> <li>• Cultural Ambassador (as required)</li> </ul>
9.10	Line Manager and Appropriate manager	<p>Your <i>line manager</i> is the person who you directly report to and often who you would share your concern or formal grievance/complaint with in the first instance. However, it may not always be appropriate to speak to them first as they might be the person you are sharing your grievance/complaint about which then you may speak to <i>another</i></p>
	Managers' manager or manager above  Senior Manager  Commissioning manager	<p><i>manager</i> regarding the matter as they're not involved in the complaint. Therefore, referring to them as the <i>appropriate manager</i> but who may not necessarily be your direct line manager, sometimes this could be the manager your line manager reports to which is <i>managers manager</i> or <i>manager above</i>.</p> <p>Every department may operate slightly differently but as an example to illustrate the above, a team of colleagues who has a ward manager (line manager) who report to the matron (manager above) who may report to the general manager (what could be considered as 'senior manager') and then the Divisional Directors for your line of service i.e., operations, nursing or clinical who are considered as the senior managers.</p> <p><i>Commissioning manager</i> is the term used to describe the manager who commissioned the investigating officer to carry out the investigation on the matter and provide their findings and recommendations. The commissioning manager isn't someone new or separate but whoever the <i>appropriate manager</i> is that is dealing with the grievance/complaint at the formal stage.</p>

Section	Other terms used	Further clarification with examples
9.11	<u>Hate Crime</u>	<p>Hate Crime is covered under the Crime and Disorder Act 1998 and section 66 of the Sentencing Act 2020.</p> <p>The term is used when people commit a criminal offence that could look like the following:</p> <ul style="list-style-type: none"> <li>• physical violence</li> <li>• sexual assault</li> <li>• verbal abuse, for example racist or homophobic abuse</li> <li>• threats of violence</li> <li>• online abuse</li> <li>• damage to someone's property</li> </ul> <p>And is targeted at someone because of their:</p> <ul style="list-style-type: none"> <li>• disability</li> <li>• race</li> <li>• religion</li> <li>• sexual orientation</li> <li>• transgender identity</li> </ul>
9.12	<u>Red Card to Racism</u>	<p>This term is used to describe a campaign at NBT that have 0 acceptance to racism abuse and discrimination.</p> <p>The campaign is to promote staff receiving the discriminatory abuse or staff who may witness this to challenge it and report it on Datix. This includes reporting against abusive behavior from patients or visitors following the policies below.</p> <p><u>The Prevention and Management of Violence and Aggression Policy</u> <u>Dealing with Violent or Abusive Individuals at NBT</u></p>