

Staff Support Policy

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Staff Support Policy

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0.1	Draft	Aug 09	HR Managers	Review & Comment
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REFERENCES

Health & Safety at work Act
Race Relations (Amendment) Act 2000
Disability Discrimination Act 2005
Equality Act 2010
Human Rights Act 1998

The Health and Safety Executive (HSE) website provides further information and resources in relation to stress: www.hse.gov.uk.

- 'Line Manager Competency Indicator Tool'. <u>HSE online tool</u>
- PSP/Stress Programme 2006-07: Health Care. (2006)
- How to tackle work-related stress: A guide for employers on making the Management Standards work.
 (2009)
- <u>Stress Competency Indicator Tools How Effective Are You at Preventing and Reducing Stress in Your Staff</u>? (2009)

The National Patient Safety Agency (NPSA) website provides further information and resources in relation to managing patient safety incidents: www.npsa.nhs.uk.

- Being open: Saying sorry when things go wrong. (2009)
- Being open: Supporting information. (2009)
- Patient Safety Alert. Being Open: Communicating with patients, their families and carers following a patient safety incident. (2009)

Department of Health. (2005). <u>The management of health, safety and welfare issues for NHS staff</u>. London: Department of Health. Available at: www.dh.gov.uk

Department of Health. (2010). <u>The NHS Constitution: The NHS belongs to us all.</u> London: Department of Health. Available at: <u>www.dh.gov.uk</u>

NHS Employers. (2010). 'Health and safety essential guide'. <u>NHS Employers website pages</u>. NHS Employers. Available at: <u>www.nhsemployers.org</u>

Royal College Nursing (RCN). (2005). <u>Managing Your Stress: A guide for nurses</u>. London: RCN. Available at: <u>www.rcn.org.uk</u>

RELATED POLICIES / PROCEDURES / PROTOCOLS / FORMS / LEAFLETS

	Reference
Stress Management Policy	KMPT.HR.17
Claims Policy	KMPT.CorG.14
Duty of Candour - Being open Policy	KMPT.CorG.18
Complaints & Concerns Handling policy	KMPT.CorG.19
Clinical Supervision policy	KMPT.CliG.045
Promoting Safer and Therapeutic Services Policy and Guidance	KMPT.CorG.013
Investigation of Serious Untoward Incidents, Incidents, Complaints and Claims	KMPT.CorG.020
Policy	
Management of Incidents Policy Including the Management of Serious Untoward	KMPT.CorG.017
Incidents	
Disciplinary Policy	KMPT.HR.007
Dignity at Work (Harassment & Bullying) Policy	KMPT.HR.001
Freedom to Speak Up (Whistleblowing) Policy	KMPT.HR.002

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1 INTRODUCTION

- 1.1 Kent and Medway NHS and Social Care Partnership Trust (KMPT) values its staff and as such wants to support them following traumatic or stressful incidents and also following complaints or claims having been made against them.
- 1.2 It is KMPT's aim to reduce untoward incidents to staff and to minimize these through risk assessment and appropriate actions.
- 1.3 KMPT provides support to staff through counselling provided by Staff Support Services, Park House, 110 112 Mill Street, East Malling, Kent. ME19 6BU Tel: 03000 411411.
- 1.4 This policy includes support for staff that suffer harassment. Harassment is not confined to physical attacks on people. Verbal abuse and other forms of behaviour are also included.
 - 1.4.1 Race
 - 1.4.2 Disability
 - 1.4.3 Age
 - 1.4.4 Sexual Orientation
 - 1.4.5 Gender
 - 1.4.6 Religion and belief.
 - 1.4.7 Gender Reassignment.

2 DUTIES & RESPONSIBILITIES

- 2.1 The **Chief Executive and Board of Directors** are responsible for the health and well-being of KMPT staff. They must ensure effective support systems are in place to support staff following traumatic or stressful incidents.
- 2.2 The **Director of Workforce and Organisational Development** is responsible for ensuring that adequate staff support services and external counselling services are available to staff.
- 2.3 Managers are responsible for promoting these services and encouraging referrals to the Occupational Health Service.
- 2.4 The HR Department should monitor the effectiveness of staff support
 - 2.4.1 Occupational Health
 - 2.4.2 External Counselling Service.
- 2.5 Deputy Director of Workforce & Organisation Development, via Service Level Agreement to ensure appropriate levels of referral and resources are maintained. To ensure the Workforce and OD Committee review the effectiveness of the support services available to staff.
- 2.6 **Line Managers** should support staff involved in litigation investigations and seek appropriate advice / liaise with Head of Legal Services. Managers must undertake the following action:
 - 2.6.1 undertake risk assessments

- 2.6.2 promote good practice and refer their staff on to Occupational Health Services as necessary
- 2.6.3 arrange for de-briefing of staff following traumatic incidents and deal with any consequent absence in a compassionate manner
- 2.6.4 ascertain the support required where staff have complaints or claims made against them and either provide that support or refer the matter to Occupational Health, the Head of Legal Services or to their own Senior Manager, and also liaise with the HR department. Copies of referral records should be kept.
- 2.7 Staff members are expected to be supportive of colleagues and to report any untoward incident or concern, using the Freedom to Speak Up (Whistleblowing) policy.

3 ACTION FOR MANAGERS - IMMEDIATE SUPPORT: TRAUMATIC / STRESSFUL INCIDENTS

- 3.1 Where a traumatic or stressful incident occurs managers should report this through Datix.
- 3.2 Where the incident involves violence to staff then consideration needs to be given to reporting the matter to the police.
- 3.3 Examples of traumatic incidents may include assaults, suicide of patients, dealing with a major incident or other situations which a member of staff considers to be of a traumatic nature.
- 3.4 The **Line Manager** or their nominated deputy should offer immediate support and will commence debrief and reassurance to the affected staff. Staff should be offered the opportunity to access Counselling Services.
- 3.5 **Senior Managers** should meet with staff in departments that are affected by such incidents at the request of the staff or their immediate line manager.
- 3.6 Where bullying or harassment is alleged, the Trust Dignity at Work Policy should be applied.
- 3.7 If staff are absent from work following a traumatic or stressful incident, then this needs to be reported as a Datix injury (Riddor reportable).

4 ONGOING SUPPORT OFFERED TO STAFF

- 4.1 KMPT recognises that not only immediate support may be required but there may well be the need for ongoing support which will be provided by the Manager and / or Human Resources, Staff Care Services (counselling), Occupational Health, external support, whichever is appropriate for the circumstances.
- 4.2 Managers should also be aware that staff may not wish to access support at the time of the event. However, it may become apparent at a later date that the member of staff has been affected; at this point the Manager in conjunction with HR should refer them to Occupational Health, and provide contact details for Staff Care Services (counselling).

- 4.3 It is also recognised that staff may have other support mechanisms that they choose to access and also that some staff may require time away from the workplace following such an incident. Managers are expected to deal with such absences in a compassionate manner following a traumatic and stressful incident, and advise staff how they can access support services through KMPT.
- 4.4 Ongoing support is available to staff via the following routes:
 - 4.4.1 Staff can contact their own trade unions / staff side representative or staff support groups for external advice.
 - 4.4.2 **Staff Care Services (Counselling)** will provide immediate support to staff if required e.g. in the event of a traumatic and stressful incident. They will provide responsive and confidential support interventions to staff. In addition, they will provide advice to staff on matters such as:
 - stress related issues
 - difficulties in personal work or family relationships
 - problems arising from re-organisation or redundancy at work
 - loss or bereavement
 - depression or anxiety
 - team or group problems
 - drink or drug issues
 - **problems with money or debt** Information is also provided on the intranet regarding financial support available to staff through their union.
 - 4.4.3 The Occupational Health team will provide help and support whether the referral is made by the Line Manager or HR Manager. The team will offer both direct support and, where appropriate, signpost the employee to alternative sources of support. Occupational Health will advise managers on 'fitness to work' of individual referred.
 - 4.4.4 Health and Safety Team will support and assist managers in the assessment of work-related stress within their areas of responsibility.
 - 4.4.5 The KMPT **Chaplaincy Service** is able to provide or facilitate pastoral care and spiritual support for all staff irrespective of their beliefs.
 - 4.4.6 The **Legal Services Department** is responsible for ensuring that staff who are required to give evidence at any formal internal enquiry or court are appropriately briefed and supported.
 - 4.4.7 The **Patient Experience Team** will be available for advice and to support staff in the respect of a complaint made by them or about them.
 - 4.4.8 The Prevention and Management of Violence and Aggression (PMVA) Team are available for advice on situations involving incidents with staff and service users.
 - 4.4.9 **Security Management Services** should be contacted for all incidents of a criminal nature (including violent attacks, incidents of racial, homophobic or disability related abuse). The Security Management Services will work in conjunction with the police to investigate and prosecute.
 - 4.4.10 The Health and Wellbeing Group aim to provide support to staff on an ongoing basis, with information on the intranet and at staff event days regarding

- healthy eating initiatives, exercising and information on drinking sensibly and giving up smoking.
- 4.4.11 The Freedom to Speak Up Guardian is available to provide support for you should you have concerns about anything relating to patient care or clinical practice in the workplace. Our Freedom to Speak Up Guardian is Sandra Goatley, Director of Workforce and Organisational Development, and contact details are 01622 724156 or 07500 975487.

5 ADVICE AVAILABLE FOR STAFF IN THE EVENT OF THEIR BEING CALLED AS A WITNESS

- 5.1 Where a member of staff is required to attend an Inquest, Court, Hearing or Tribunal as a witness for KMPT, then KMPT will ensure time off without loss of earnings and the payment of travel expenses. Such staff will be supported as appropriate to the case by the Legal Services Department.
- 5.2 Staff will be accompanied to the appropriate court, hearing or tribunal and debriefed following the conclusion of the case. Such staff will be supported as appropriate to the claim.
- 5.3 Staff will be advised and supported in preparing to be a witness with assistance from the Trust's Legal Department where this is deemed appropriate.
- 5.4 The Human Resources department will ensure that staff having to attend Employment Tribunals as witness for the Trust are supported in preparation for any hearing, involving the Legal Services Team or KMPT solicitors as necessary.

6 IMPLEMENTATION INCLUDING TRAINING AND AWARENESS

6.1 All Staff should be made aware of this policy at corporate and local induction, including the mechanisms for accessing the support via leaflets at each work place and via the staff intranet. Staff support and the contents of this policy will also form part of KMPT SI/RCA.

7 EQUALITY IMPACT ASSESSMENT SUMMARY

7.1 The Equality Act 2010 places a statutory duty on public bodies to have due regard in the exercise of their functions. The duty also requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share equality protected characteristics and those who do not. In KMPT the culture of Equality Impact Assessment will be pursued in order to provide assurance that it has carefully considered any potential negative outcomes that can occur before implementation. KMPT will monitor the implementation of the various functions/policies and refresh them in a timely manner in order to incorporate any positive changes. The Equality Impact Assessment screening for this document can be found on the Equality and Diversity pages of the Trust intranet.

8 HUMAN RIGHTS

8.1 The Human Rights Act 1998 sets out fundamental provisions with respect to the protection of individual human rights. These include maintaining dignity, ensuring confidentiality and protecting individuals from abuse of various kinds. Staff and volunteers of the Trust must ensure that KMPT does not breach the human rights of any individual the Trust comes into contact with.

9 MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THIS DOCUMENT

What will be monitored	How will it be monitored	Who will monitor	Frequency	Evidence to demonstrate monitoring	Action to be taken in event of non compliance
Duties Managers Director WF&OD HR Committee	 Occupational Health referrals and reports. Reports from external counseling service. 	Director WF&OD WF & OD Committee	Quarterly	 Reports from Occupational Health, External counseling service. Minutes of WF & OD Committee 	Action plans following review of reports.
Immediate support	 Referrals to SMS or police statistics. Records of debrief sessions. 	WF & OD Committee	6 months	Reports to WF & OD Committee Minutes of WF & OD Committee	Improved performance management at WF & OD Committee
Ongoing support	 Referrals to Occupational Health. Staff Care Services National Staff survey PULSE survey 	HR Committee Executive Team	Quarterly Annual Quarterly	Reports to WF & OD Committee. Minutes of WF & OD Committee Survey results and ODG minutes	Remind managers of services available to support staff. Red rated results are then investigated and actions plans created.
Advice on attendance at Court and Tribunals as a witness	Legal Services team to keep statistics and produce report	Service Director / WF & OD Committee	6 months	Reports to WF & OD Committee Minutes of WF & OD Committee	Additional training if required
Action for Managers when staff member experiencing difficulties	 Referrals to Occupational Health and Legal Services team. Debrief session notes Risk assessment 	Service Director / WF & OD Committee	6 months	Reports to WF & OD Committee Minutes of WF & OD Committee	Action plans to implement any recommendations

APPENDIX A ABBREVIATIONS AND DEFINITIONS

Abbreviation	Meaning
SI	Serious Incident
RCA	Root Cause Analysis

APPENDIX B PERSONS/GROUPS INVOLVED IN THE DEVELOPMENT AND APPROVAL OF THIS DOCUMENT

Level of involvement:

HR Managers: Review and comment

Senior HR:

Deputy Director of WF & OD Review and comment
Director of WF & OD Review and comment

Other:

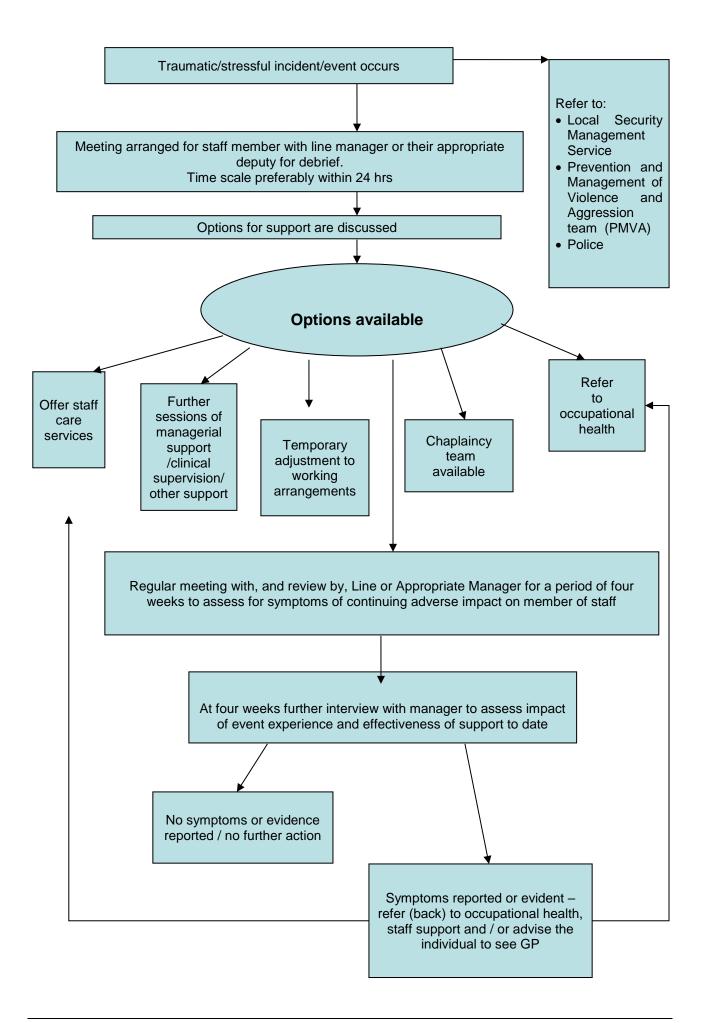
Quality Assurance, Risk Management, Complaints and Legal Advice

Joint Negotiating Forum (JNF) Review and approval/ratification

Policy Group

Workforce & OD Committee Review and approval/ratification







APPENDIX D TRUSTWIDE STATEMENT ON ZERO TOLERANCE

This statement refers to discriminatory behaviour that occurs between staff and service users, service users and staff, service users and service users and any visitors to KMPT e.g. carers, family, friends, contractors, agency staff. (For issues between staff please refer to the KMPT Dignity at Work policy)

KMPT maintains a zero tolerance environment and takes seriously any word or action that is discriminatory against either service users or staff.

- KMPT recognises the right of all service users and staff to be treated with respect, dignity and fairness.
- Any form of direct discrimination, indirect discrimination or harassment is unacceptable. KMPT is opposed to all forms of discrimination and harassment and will give support and assistance to all victims of such behaviour.
- Direct discrimination occurs when an individual or a group of people is treated less favourably than others on the basis of age, race, gender, disability, gender reassignment, sexual orientation or religion and belief.
- Indirect discrimination occurs when there are rules, regulations or procedures in place that have a discriminatory effect on certain groups of people.
- Harassment can be defined as 'unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, gender reassignment, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.'
- Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'
- The legal definition of harassment also requires the behaviour to have 'the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.'1
- For further examples of unwanted conduct -please refer to the KMPT Dignity at Work Policy and the Freedom to Speak Up: Raising Concerns (Whistle-Blowing) policy

Harassment and/or discrimination do not simply depend on the intention of the offender, but rather, the impact of that behaviour on others. What one individual may be able to accept may nevertheless cause distress to another. What is important therefore, are the perceptions and feelings of the injured person(s).

9.1 Examples of discriminatory behaviour may include:

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¹ ACAS. (2009) Bullying and harassment at work: guidance for staff. London: Acas.

- Failure to report all incidents in accordance with Trust policies and relevant statutory legislation². Particularly cases constituting discrimination, harassment, violence, aggression and/or criminal damage,
- Clinical care decision, withholding treatment, care, or leave or using seclusion on the basis of race, gender, sexual orientation, religion or belief, age or disability. (Trust CPA Policy ref: KMPT.CliG.001.01)

Race Discrimination

- abuse or remarks / jokes of a racist nature.
- assaulting an employee on the grounds of their race
- unwelcome offensive remarks concerning a person's race
- display or circulation of racist literature or materials
- isolation or exclusion of a person because of their race

Sex Discrimination

- sexually explicit remarks/jokes or pornography.
- verbal or non-verbal sexual advances or demands.
- unnecessary touching or brushing against another employee's body
- unwelcome propositions or pressure for a sexual activity.
- behaviour which is offensive or lewd, suggestive or over familiar
- display or circulation of sexually suggestive material

Discrimination on the basis of Sexual Orientation

- deliberately 'outing' someone, whether staff or student, without their permission
- violence or threat of violence
- direct verbal abuse, including threats, derogatory name-calling, insults, ridicule or belittling of an individual
- spreading malicious lies or making insulting comments
- display or circulation of abusive or offensive materials, for example by email, on the internet or on posters
- sending offensive emails or text messages
- ostracism or exclusion from normal conversation in the work or study environment, or from social events
- intrusion by pestering, spying or stalking

Discrimination on the basis of Religion and Belief

- making jokes about someone's faith
- belittling beliefs or
- unreasonably promoting a faith.

Disability Discrimination:

- humiliating comments or action about a person's disability, such as insults
- comments or action which create a hostile environment

Discrimination on the basis of Gender Reassignment

- direct verbal abuse, including threats, derogatory name-calling, insults, ridicule or belittling of an individual
- spreading malicious lies or making insulting comments

² Sex Discrimination Act (1975), the Race Relations Act (1976), the Race Regulations 2003, the Disability Discrimination Act (1995), the Protection from Harassment Act (1997), the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006 and the Equality Act 2010

- display or circulation of abusive or offensive materials, for example by email, on the internet or on posters
- sending offensive emails or text messages
- ostracism or exclusion from normal conversation in the work or study environment, or from social events
- intrusion by pestering, spying or stalking

Wherever possible, service users and staff will be protected from discriminatory behaviour. However should any individual feel they have been subjected to discriminatory behaviour any ensuing complaint will be taken seriously and fully investigated. This procedure will be followed regardless of whom the complaint is from or has been made against. In the event of service users/staff demonstrating inappropriate and unacceptable behaviour:

- Local Security Management Services (LSMS) will be engaged in providing advice, guidance and preventative measures.
- Prevention and Management of Violence and (PMVA) will facilitate training, advice, guidance and preventative measures.
- Any incidents involving suspected criminal behaviour will be reported to the police and prosecution will be pursued.

ALL ALLEGATIONS REGARDING DISCRIMINATORY BEHAVIOUR WILL BE TREATED SERIOUSLY, REPORTED, INVESTIGATED AND IF NECESSARY APPROPRIATE ACTION WILL BE TAKEN INCLUDING, IN RELATION TO SERVICE USERS, THEIR CURRENT MENTAL CAPACITY TO UNDERSTAND THEIR ACTIONS REF: MENTAL HEALTH ACT POLICY REF: KMPT CLIG.052.01. ALLEGED DISCRIMINATORY BEHAVIOUR BY SERVICE USERS WILL BE EXPLAINED, INVESTIGATED RECORDED AND APPROPRIATE ACTIONS RECORDED IN THEIR INDIVIDUAL CARE PLAN AND RISK ASSESSMENT (CPA4).