East of England Ambulance Service NHS Trust

Independent Bullying and Harassment Review

Alison Twist, Director
Release 23rd February 2017
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Executive Summary

Introduction

This report documents the findings of an Independent review into bullying, harassment and discrimination at East of England Ambulance Service NHS Trust (EEAST). The review was commissioned by UNISON and was conducted by Alison Twist of the Andrea Adams Consultancy (AAC).

Review Period

The review took place during the period 16th November 2016 to 6th January 2017.

Engagement mechanisms and scope of review

The engagement mechanisms were online survey and also the opportunity to access the consultant on a 1-2-1 basis. We were also asked to report on information on casework.

Participation rates

518 staff completed the online survey. 322 of those reported that they had experienced workplace bullying or harassment. 166 said that they had experienced discrimination. The latter figure contains some perceptions of different treatment unrelated to a protected characteristic and thus may not be discrimination in the legal sense, but could be bullying behaviours.

16 staff accessed the consultant either face to face or via the phone.

Summary of findings

From the data provided to us we would summarise the findings as follows:

- There are significant delays in dealing with Grievances and Dignity at Work complaints which contributes to the mistrust in the processes which are designed to keep individuals safe at work.
- A ‘Speak Out’ culture is not promoted. Rather concerns are mainly ignored, dismissed or are dealt with in an unnecessarily protracted way. This results in risks to the organisation and individuals prevailing, where concerns are not fully tested and results in failure to report as the system for resolution is not trusted.
- There is a perception that delays in handling concerns is a deliberate action and that if an individual raises concerns there will be some retaliatory action. We consider those perceptions to be credible based on reports from survey respondents and those who had 1-2-1 access to the consultant.
• The Trust is not following its own policies and procedures. As such there are legal exposures but also risks of different treatment.
• Investigation processes are not secure and cannot be relied upon to robustly test allegations made. This places both the Trust and individuals in a vulnerable position.
• Datix’s are not followed through with regularity. These should be high priority and where safety concerns of patients or staff are raised there should be risk containment and learning. This is not happening.
• Perpetrators of bullying and harassment are not addressed with full sanctions available under the policy. The Trust appears to tolerate a bullying culture and managers adopt, in the main, a bullish approach to people management.
• There is a strong perception that many issues that should be dealt with are swept under the carpet.
• There is a culture of ‘face fits’ and nepotism so ‘friends’ are put into positions of power rather than those who may be better suited to management.
• There is a tense relationship between UNISON and the Trust which needs to be urgently repaired. Whilst there will be cynicism as UNISON commissioned this report, we assess the main drivers of the adversarial relationship to be the Trust.
• The Trust is not perceived to be a listening and learning organisation and this presents high levels of risk to patient and staff safety.

We have made some strong recommendations for action in the final section of this report which include putting in place processes to support the rebuilding of trust in the systems that should afford protection. Other recommendations are around training and dealing with these behaviours in a robust and consistent way. We cannot stress enough our belief that these matters should be urgently attended to and seen as an organisational priority.

I would like to thank on a personal basis, those who took the time to complete the survey and reached out to share their experiences on a 1-2-1 basis.

Alison Twist
19.2.17
1. Introduction and Background

1.1 In August 2015, Fraer Stevenson, Branch Secretary of UNISON for East of England Ambulance Service NHS Trust (EEAST) contacted the Andrea Adams Consultancy. UNISON wanted to explore the possibility of undertaking a similar Bullying and Harassment Review for EEAST to the one the consultancy had undertaken for London Ambulance Service in 2014. UNISON had concerns about Bullying and Harassment within the Trust.

1.2 UNISON approached the new CEO, Robert Moreton, who was appointed during the same month in 2015, to discuss undertaking a joint review with the Trust. The Trust decided that it was not the right time to engage in such a review.

1.3 In October 2016 Fraer Stevenson approached the Andrea Adams Consultancy again as UNISON concerns about bullying, harassment and discrimination were prevailing. Both UNISON and the Andrea Adams Consultancy were hopeful that the Trust would work in partnership on the review but despite many attempts by UNISON to engage with the Trust these attempts were met with refusal.

1.4 The Trust based its refusal on the fact that a separate culture review was ongoing with Zeal Solutions. We have seen evidence to show that bullying and harassment was not in the scope of this culture review and despite UNISON explicitly asking for it to be included, again this was met with refusal.

1.5 UNISON therefore decided to proceed with the Bullying and Harassment review and commissioned Andrea Adams Consultancy to undertake the work.

1.6 Not only did the Trust refuse to engage with UNISON in a partnership approach to the review, they arguably made staff participation more difficult by explicitly stating to UNISON that Trust emails could not be used to send out any communications about the review and that Trust premises could not be used.

1.7 On the 2\textsuperscript{nd} February 2017 Robert Moreton sent out a communication to all staff in which he stated:

- Members of the Cultural Audit Steering Group also gave an excellent ‘state of play’ presentation on the work that the Trust commissioned a year ago. It was pleasing to hear that the final report is expected in February. Unlike traditional surveys, this piece of work is much more evidence based and has gone further in that it has also analysed the health impact, or not as the case may be, of workplace experience, and which interventions are likely to have the most benefit for all of us. It was great to hear from the steering group on what they felt were the ‘quick wins’ to support positive cultural change.
• The company (Zeal Solutions) that is undertaking the work told us that the 1,771 staff who participated was the highest level of engagement seen across the many ambulance trusts they have worked or are working with. It was therefore great to hear that only 2% of respondents reported any experience of bullying and harassment. We were informed that many of these comments related more to examples of poor behaviour rather than actual examples of bullying.

1.8 We would raise some concerns with this communication. Firstly, the reported numbers according to the Zeal Solutions who had experienced bullying and harassment in EEAST was 35 members of staff (2% of 1771). This is significantly adrift of the numbers who reported that they had experienced bullying and harassment in this specific review. The numbers reporting experiencing bullying and harassment in this review over the last 12 months was 332, a differential of 297 staff.

1.9 We were further concerned with the statement that it was ‘great to hear’ that only 2% of staff according to Zeal Solutions were experiencing bullying and harassment. It is never ‘great to hear’ that anyone in any workplace is experiencing such behaviour.

1.10 We would further highlight a concern relating to how this 2% figure from Zeal Solutions was arrived at given that no questions were asked in the EEAST culture review on bullying and harassment despite requests for it to be included in scope.

1.11 We would also question how it has been determined that ‘these comments were more examples of poor behaviour rather than examples of bullying.’ This implies that some judgements are being made based on information received which are not possible without assessing the exact nature of the behaviour and the context in which it was demonstrated. This is a much longer process requiring investigation of all relevant facts so we question how this assertion has been arrived at.

1.12 We were also interested in the timing of this communication as the Trust knew that this specific review was due to report in February 2017.

1.13 The Trust agreed to a meeting on the 20th February 2017 for an overview of findings to be presented by the consultant.

2. **Methodology**

2.1 In order to gather information about staff perceptions of bullying, harassment and discrimination several options for participation were offered. These were:

• Online survey
• Focus Groups
• 1-2-1 opportunities to talk personally to the consultant.
2.2 Unison also asked the consultancy to look at information on casework.

2.3 The online survey was launched on the 16th November 2016 and closed on the 6th January 2017.

2.4 There was no interest in the Focus Group’s although the 1-2-1 option proved popular.

2.5 Alison Twist from the Andrea Adams Consultancy was the consultant who undertook the review.

2.6 The consultancy gave absolute assurances to participants of confidentiality, that no one would be identifiable through name or incident. In order to honour this commitment to confidentiality we are reporting patterns and trends and have endeavoured to give an indication of the scale of the reported behaviour without revealing specific incidents.

2.7 When answering questions about bullying, harassment and discrimination, participants were asked to focus their responses on their experience at EEAST in the last 12 months.

2.8 In the launch communication that was issued to UNISON members it was made clear that the consultancy was interested in hearing from all members of staff. Membership of UNISON was not a prerequisite for participation.

3. Participation rates

3.1 518 members of staff completed the online survey. 322 said that they had experienced workplace bullying and harassment.

3.2 366 staff in A and E Ops responded to the survey. 65 responses came from EOC. The remaining 87 responses came from other operational and other support services.

3.3 16 staff requested 1-2-1 access to the consultant. Of these 10 were via phone and 6 were face to face meetings. The 1-2-1’s ranged in duration from 45 minutes to 3 hours.

4. Detailed Results – Online Survey

Participation

4.1 518 members of staff completed the online survey. 322 of those (62%) said they had experienced workplace bullying or harassment. 190 said that they had not and 6 were unsure.

4.2 345 members of staff classed themselves as clinical, non-management (including Patient Facing roles).
4.3 The below table shows management responses to the survey.

<table>
<thead>
<tr>
<th></th>
<th>Up to band 5</th>
<th>Band 6</th>
<th>Band 7</th>
<th>Band 8 and above</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>19</td>
<td>18</td>
<td>30</td>
<td>8</td>
</tr>
</tbody>
</table>

4.4 35 respondents preferred not to say their grade.

4.5 303 responses were from men, 200 from women, another 15 did not identify with any gender or preferred not to say.

**Question responses**

4.6 We asked ‘who was the bully or harasser’. 60% (192) of the 322 respondents answered it was their immediate line manager who had perpetrated the behaviour.

4.7 The next most popular response was another colleague followed by a senior manager in their line management structure.
<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>My immediate line manager (in A&amp;E Operations this could be a DLO, Supervisor or HALO. In EOC this could be a team leader or DEC)</td>
<td>68.72% 102</td>
</tr>
<tr>
<td>A senior manager who is in my line management structure (SLM / SEM / Non-Executive Head of Directorate)</td>
<td>26.75% 94</td>
</tr>
<tr>
<td>A colleague in my Locality</td>
<td>39.45% 129</td>
</tr>
<tr>
<td>A senior manager who is not in my line management structure (SLM / SEM / Non-Executive Head of Directorate)</td>
<td>11.62% 38</td>
</tr>
<tr>
<td>A Director in my Locality</td>
<td>3.06% 10</td>
</tr>
<tr>
<td>A colleague outside my Locality</td>
<td>6.12% 20</td>
</tr>
<tr>
<td>A Director outside my Locality</td>
<td>2.75% 9</td>
</tr>
<tr>
<td>The person I manage</td>
<td>3.98% 13</td>
</tr>
<tr>
<td>A supplier or contractor</td>
<td>0.31% 1</td>
</tr>
<tr>
<td>A patient or someone associated with them</td>
<td>9.75% 32</td>
</tr>
<tr>
<td>Someone else who does not work/volunteer for the Trust</td>
<td>1.22% 4</td>
</tr>
</tbody>
</table>

**Total Respondents: 327**
Q6 Type of bullying or harassment (multiple options permitted)

- 243 said verbal – called names, threatened or made to feel bad.
- 18 said physical e.g. Hit, punched, pushed
- 146 said social – being excluded/ left out / isolated
- 21 said sexual
- 27 said cyber
- 100 said it took some other form.
- Other forms included active prevention of career progression, gossip and rumour, intimidation, malicious allegations and Dafix, abuse of power by all members of management and HR Department, favouritism, incorrect use of Trust policies, sending emails copying in unnecessary recipients.
- Some have said discrimination, (Approximately 10%)

The response options used in this question were as follows: (Multiple options permitted)

- **Verbal**: (i.e. called names, threatened, and made to feel bad)
- **Physical**: (i.e. hit, punched and any other kind of physical, aggressive contact)
- **Social**: (being left out/ isolated/ ignored)
- **Sexual**: (including unwanted sexual advances, harassment, and innuendo)
- **Cyber**: (Misuse of the internet, mobiles, or other devices to send or post text or images to hurt or embarrass)
- **Other form**: (Please specify)

4.8 ‘Other’ types of bullying and harassment were reported by 100 respondents. From an analysis of the responses concerns in this category included:

<table>
<thead>
<tr>
<th>Behaviour</th>
<th>% who raised in this category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spreading rumours, gossiping</td>
<td>20%</td>
</tr>
<tr>
<td>Intimidation, active prevention of career progression</td>
<td>50%</td>
</tr>
<tr>
<td>Raising of false and malicious allegations</td>
<td>40%</td>
</tr>
<tr>
<td>Manipulation of policies and procedures – misuse of power, threats of disciplinary action</td>
<td>60%</td>
</tr>
<tr>
<td>Favouritism</td>
<td>20%</td>
</tr>
</tbody>
</table>
4.9 Of the four respondents (1%) raised issues with UNISON representatives around perceived lack of availability, responsiveness and suggested EOC members were treated differently.

4.10 Some respondents raised discrimination in this question, around age discrimination, sex discrimination (from both genders) and disability discrimination. Not to dismiss these responses as discrimination is absolutely an inappropriate behaviour, it shows some gaps in knowledge in terms of what technically constitutes discrimination as opposed to bullying and harassment.

4.11 The reference period for the review was behaviour that had been experienced in the last 12 months at EEAST. Therefore, it is concerning that the duration of reported behaviour has been tolerated for more than a year by some 157 respondents so this is not perceived to be a new or emerging issue.

4.12 The total of responses to this question is 323. 322 individuals recognised they had experienced these behaviours in Q6 and 6 were unsure.
Q8 How did it effect wellbeing/productivity

- 286 respondents reported negative impacts.

- Not sleeping, anxiety, depression, had to go on medication, felt frightened, demotivated, worthless, not valued, unable to relax at home, lost confidence, felt stressed, ended up in counselling.
- 3 reported they had experienced suicidal thoughts as a result of behaviour at work.
- Many reported that it had made them want to leave and they are still considering this as an option.
- Many said they had reported it but nothing was done.

4.13 The impacts reported ranged from feeling that they didn’t want to come into work, were thinking of leaving because of the work environment right through to health impacts and suicidal thoughts.

<table>
<thead>
<tr>
<th>Impact</th>
<th>% who raised in this question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not wanting to come to work</td>
<td>70%</td>
</tr>
<tr>
<td>Thinking of leaving</td>
<td>60%</td>
</tr>
<tr>
<td>Impacts on health including anxiety and depression and breakdown</td>
<td>80%</td>
</tr>
<tr>
<td>Suicidal thoughts</td>
<td>1%</td>
</tr>
</tbody>
</table>
4.14 332 respondents answered this question. 105 of those said they had been absent from work as a direct result of workplace bullying/harassment.

4.15 Stress was the major reason quoted for absence in around 20% of responses.

4.16 25% of respondents said they had been off for between one month and 6 months.

4.17 Some responses to this question included:

- ‘I couldn’t afford to. He had me by the balls and made it clear.’
- ‘Initially a lot then none as too fearful to take any sick absence. Always work when sick and injured.’
- ‘Hard to tell. I was off sick and being threatened to return to work and probably would have returned to work sooner without the threats.’
- ‘Not wanting to go to work, wondering each shift if I was going to be pulled into the office and given another warning or another disciplinary.’
- ‘I have an extremely high work ethic. I am a strong person so I desperately tried to soldier on even though I felt at the point of mental collapse.’
- ‘My return to work was hindered due to the stress element caused by SLM.’
- ‘I am afraid of the possible stigma attached to going off with stress.’
- ‘I didn’t have any absence because I was afraid of the consequences.’
When bullying and harassment occur in the workplace it is not only the targets who are affected. 176 respondents to this question answered that what they were experiencing in the workplace affected their relationships with those closest to them. Some ‘soundbites’ from responses:

- ‘Made me withdraw from everyone I loved’
- ‘Put strain on my relationship due to the way I was treated and how I felt I couldn’t speak up’
- ‘Made me have mood swings on a regular basis and made me very difficult to live with’
- ‘It affects the quality of the time I spend with my family. I spend more time worrying and depressed at work’
- ‘I was angry and argued with family and friends’
- ‘I feel like I have failed my family’
- ‘My partner bears the brunt of my frustration and decline in mental health’
- ‘Divorce and low self-esteem’
4.19 A large number of respondents to this question did not access support when needed. The majority indicated that they accessed support outside of the Trust through their GP, private counselling or CBT. Some indicated they relied on friends and family. Around 30% of respondents accessed support through the Trust for example via Occupational Health, EAP, Trust funded counselling/ CBT. There were some reports that the Trust ignored Occupational Health reports which were clear about the issue of workplace bullying.

4.20 Some examples of responses to this question include:

- ‘EAP counselling is very different and VERY unhelpful/ difficult to access. Would NOT recommend to anyone.’
- ‘My GP has supported me.’
- ‘Employee Assistance Programme – helped somewhat’.
- ‘The Trust merely ignored reports from Occupational Health and my GP.’
- ‘CBT definitely helped’
- ‘Occupational Health knew about the bully but there was nothing they could do’
- ‘Medication’
Q 12 Did you take or are you about to take any action

- 153 said yes.
- 177 said no.

Q 13 What type of action did you / are you about to take

- 73 said they were putting up with it.
- 33 said they had discussed it with the perpetrator.
- 25 said they got someone to speak to the perpetrator on their behalf.
- 79 said they had discussed things with colleagues.
- 83 said they had sought advice from union, HR, Line Manager
- 33 said they had taken out a grievance or Dignity at Work complaint.
- 43 said they were thinking of taking out a grievance or Dignity at Work complaint.
- 59 said they had done something else.
4.21 73 of the 213 respondents to this question said that they were putting up with things at the moment.

4.22 33 said that they had taken out a Grievance or Dignity at Work complaint and another 43 said that they were thinking about taking this action.

4.23 ‘Other’ actions noted included police involvement, legal advice although many comments (70%) in narrative form indicated a lack of trust in both the informal and formal process and that limited or no action had been taken.

4.24 Some comments included to this question included:

- ‘I don’t want to say anything – how do you go about reporting a manager when the Datix’s go to them. I’m not the only person that feels this way.’
- ‘I was advised by University Tutor to ignore it as that’s what happens in workplaces.’
- ‘Put in formal grievance. Nothing done as usual. If you put in a grievance in there will be hell to play – (x) has lots of friends in management.’
- ‘What’s the point – It’ll all be hushed up. Boys club mentality.’
- ‘I was frightened that if I complained or put in a formal grievance I would be bullied out of my job’.
- ‘I put in a complaint but then stopped it as I care about my job and don’t want anything bad against me’.
- ‘I mentioned it to my SLM and it got ignored’
- ‘I reported it to the locality manager who told me he would deal with it. The complaint was never mentioned again.’
- ‘I spoke to management. Initially I felt that my complaint was brushed under the carpet. I then emailed the AGM and that is when my complaint was suddenly listened to.’
- ‘I have discussed with staff informally and with line managers of individuals who carried out abuse multiple times yet nothing has changed so I have given up now.’
- ‘I don’t feel the Trust will listen and make changes to make things better due to service demand.’

4.25 53 respondents to this question indicated that the situation was resolved namely because the behaviour stopped. This was 17.5% of respondents to this question indicating that 250 staff still had not achieved an acceptable resolution.

4.26 72 said they were thinking of leaving their job as a direct result of bullying and harassment they were experiencing at EEAST.

4.27 70 said they did nothing.

4.28 17 said the perpetrator moved on which could be seen as a resolution but not one which has addressed the issue directly.

4.29 102 said that the matter was not resolved and the behaviour continued. 78 said there was some other outcome. Comments from these respondents included:

- ‘I was transferred to another locality within EEAST.’
- ‘I was transferred to another division.’
- ‘It was hushed up. I don’t have to work with the person anymore but they were not reprimanded for their actions so they are free to do the same to others.’
- ‘I was subjected to disciplinary proceedings.’
- ‘I changed teams.’
- ‘The grievance/ DAW investigation lasted over a year.’
- ‘I was transferred out of area and moved house. It was either that or leave the job.’
• ‘Although senior management were supported I was telling the truth. No further action was taken by the Trust.’
• ‘If anything it’s got worse since the introduction of the new interim management structure.’
• ‘I left the area and now work in a different area of the Trust.’
• ‘Grievance still not concluded’.
• ‘It still hasn’t been resolved and I don’t see it ever being resolved.’
• ‘I may ask for a change of team. I don’t feel confident with the formal route as confidences are not retained. This has become evident hearing some DEO’s talking openly about people they are ‘gunning’ for.’
• ‘The perpetrators had no action taken against them. The investigation was management biased and only dealt with the manager’s allegations and did not address mine or take into account my comments.’
• ‘I dropped the complaint after 8 months. Nothing has been done. The Trust didn’t help me and the complaint led to further victimisation by the SLM.’
• ‘Concerns are not acted upon by management unless you are prepared to put pen to paper.’
• ‘I have handed in my notice.’

Q15 Why was it not resolved

- Fear of repercussions if formal action taken.
- Felt vulnerable.
- Nothing gets done.
- Swept under the carpet.
- Delays of months into years to resolve grievances and DAW complaints deters.
- Perpetrators don’t consider their behaviour wrong.
- EEAST do nothing in the hope that it will go away.

4.30 125 respondents answered this question. This was a narrative free form response question with patterns and trends arising noted above. A major theme in the responses (around 80%) was that nothing was done and things were ‘swept under the carpet’. Also, case work delays were mentioned frequently.
4.31 Responses to this question included:

- ‘Didn’t want to talk about it as it was my first three months on the road.’
- ‘Taking action only makes things worse.’
- ‘Adversarial management ethos.’
- ‘Because the person concerned does not consider it unacceptable behaviour.’
- ‘Nothing will get done. It’s happening to many people and nothing is getting done about it.’
- ‘The Trust has swept it under the carpet a number of times.’
- ‘I’m relatively new to the Trust and I don’t want to cause upset.’
- ‘I filed a Dignity at Work complaint but nothing was done for months.’
- ‘I know that I am not the only one in the same position and feel that if I speak up it will be to my detriment.’
- ‘I haven’t done anything in the fear that it will happen again or I will be talked about in a bad way.’
- ‘Senior Manager did not do anything, the behaviour continues to this day’.
- ‘No support and no belief in the system to resolve the matter.’
- ‘Because Senior Management do not want to know.’
- ‘I was embarrassed and worried about repercussions or progression in the service.’
- ‘Because those in authority were the ones who were doing the bullying which resulted in further bullying and victimisation as I had made complaints. Nepotism. Those in high authority have absolute power to do whatever they please.’
- ‘Senior Management played down my complaint. Lost complete faith in my Senior Management in regards to bullying and doing the right thing.’
- ‘Got worse since the introduction of the interim management structure.’
- ‘Because problems are raised and nothing ever gets done about it. I am disgusted in some of the behaviour that I see which goes unnoticed.’
- ‘It was ignored and I was basically blamed.’
- ‘The behaviour is deemed acceptable from the staff because it’s just how they are and they are too important to EEAST to be able to discipline or lose them from a business point of view.’
- ‘Because nothing is ever done’.
- ‘Nobody listens.’
- ‘What’s the point? Nothing happens. The same management team remain.’
- ‘Because the bullies are in a group and the Senior Management let them get away with their behaviour and I think they are scared of them.’
- ‘I became the target for other colleagues who knew of the incident and supported the other persons involved.’
- ‘EEAST do nothing in the hope that the problem will go away.’
- ‘I was told to ‘back down or there will be a witch hunt.’
- ‘The Trust feel they can do whatever they like regardless of Policy or Employment Law.’
Q16 Have you witnessed someone being bullied or harassed.

- 297 said yes.
- 221 said no.

4.32 297 respondents of 518 said that they had witnessed someone being bullied or harassed.

Q17 Who was the perpetrator of witnessed bullying/ harassment

- 141 said their immediate manager.
- 72 said a senior manager in their line management structure.
- 147 said a colleague in their locality.
- 31 said a senior manager not in their line management structure.
- 13 said a Director in my locality.
- 20 said a colleague outside locality.
- 7 said a Director outside their locality.
- 7 said a person they manage.
- 22 said a patient or someone associated with them.
<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>My immediate line manager (in A&amp;E Operations this could be a DLO. Supervisor or HALO. In EOC this could be a team leader or DEO)</td>
<td>43.12%</td>
</tr>
<tr>
<td>A senior manager who is in my line management structure (SLM / SEM / Non-Executive Head of Directorate)</td>
<td>24.57%</td>
</tr>
<tr>
<td>A colleague in my Locality</td>
<td>50.17%</td>
</tr>
<tr>
<td>A senior manager who is not in my line management structure (SLM / SEM / Non-Executive Head of Directorate)</td>
<td>10.58%</td>
</tr>
<tr>
<td>A Director in my Locality</td>
<td>4.44%</td>
</tr>
<tr>
<td>A colleague outside my Locality</td>
<td>6.83%</td>
</tr>
<tr>
<td>A Director outside my Locality</td>
<td>2.35%</td>
</tr>
<tr>
<td>The person I manage</td>
<td>2.35%</td>
</tr>
<tr>
<td>A supplier or contractor</td>
<td>0.66%</td>
</tr>
<tr>
<td>A patient or someone associated with them</td>
<td>7.51%</td>
</tr>
<tr>
<td>Someone else who does not work/volunteer for the Trust</td>
<td>2.45%</td>
</tr>
</tbody>
</table>

**Total Respondents: 203**

4.33 The table above shows the breakdown of reported witnessed incidents and the alleged perpetrators.
4.34 42 of the 301 respondents to this question said they had ignored what they had witnessed. 194 said that they had spoken to the person experiencing the behaviour. 55 said that they had challenged the behaviour themselves. 57 said that they sought advice and 56 said they took other action. (Multiple responses were allowed to this question.)

4.35 Some of the narrative responses to this question included:

- ‘I didn’t feel I could do anything because of the reputation of the people. Known to be hard nosed.’
- ‘I didn’t see the point of reporting as nothing was done when I reported my bullying.’
- ‘I have challenged the person responsible and nothing has changed.’
- ‘Shamefully I didn’t act as I was seriously concerned for my own welfare and ability to provide for my family.’
- ‘I’m hiding and hoping it will go away.’
- ‘Staff are too scared to say report this to the manager. I reported it once and nothing happened.’
- ‘They were too scared to report it.’
- ‘Despite serious allegations against the perpetrator of multiple incidents they were promoted several times by the Trust.’
- ‘I challenged and was subjected to the same behaviour’.
- ‘Nothing can be done – our management have a very large carpet. Also, if you do report the issue your career pathway gets halted.’
Q19 What behaviour did you witness

- 246 said verbal bullying/harassment, being threatened, made to feel bad, called names
- 13 said they had witnessed physical bullying/harassment
- 114 said they had witnessed social bullying/harassment
- 22 said they had witnessed sexual harassment/bullying
- 31 said they had witnessed cyber bullying
- 48 said they had witnessed some other form of bullying/harassment.

The response options used in this question were as follows: (Multiple options permitted)

- **Verbal**: (i.e. called names, threatened, and made to feel bad)
- **Physical**: (i.e. hit, punched and any other kind of physical, aggressive contact)
- **Social**: (being left out/isolated/ignored)
- **Sexual**: (including unwanted sexual advances, harassment, and innuendo)
- **Cyber**: (Misuse of the internet, mobiles, or other devices to send or post text or images to hurt or embarrass)
- **Other form**: (Please specify)

4.36 The main theme in ‘other’ forms reported were regarding threats to career progression, aggressive and intimidating behaviour, misuse of managerial power through operating outside policy, ganging up on individuals, false allegations, homophobic comments and hiding equipment.
336 respondents to the survey said that they did not feel that bullying and harassment was dealt with adequately in their Directorate or SLM area.

To put the 247 narrative comments to this question in context only 18 said they were ‘unsure’ in response or said they had not experienced it. The other 229 responses identified multiple failings in dealing with bullying and harassment and expressed negative views about the Directorate’s or SLM area’s handling of these issues.

Some of the responses to this question were as follows:

- ‘Totally ignored and swept as usual under the carpet. EEASt quoting and preaching Equality and Diversity within its policies makes me laugh in this failing Trust.’
- ‘Because people fail to report it.’
- ‘Nobody seems to do anything even when its reported.’
- ‘There remains a culture of if your face fits, if it does very little will happen to you even if you bully. If it doesn’t then any complaint is unlikely to be handled seriously especially if the complaint goes against one of the management favourites.’
- ‘Tends to be brushed under the carpet in a hope it will just go away, no one wants to take responsibility and deal with the problem.’
- ‘Because it gets covered up.’
- ‘Most of the bullying is done by the managers or senior staff so who do you turn to? If anyone found out you said something you would be shunned. There is no way to anonymously share what you’ve witnessed and managers know this so they are a law unto themselves.’
• ‘Not taken seriously.’
• ‘There appears to be a cultural acceptance that I have not experienced in other workplaces.’
• ‘Managers wont challenge behaviour as its too much effort.’
• ‘Ignored’
• ‘A certain manager has been allowed to carry on this way for years.’
• ‘People scared to report it for fear of repercussions’.
• ‘As always the ‘old boy network’ covers up for the bullies.’
• ‘They lie and cover all acts that could create a bad image.’
• ‘They do not treat all cases the same. One member of staff is treated differently to another and when an issue is brought to their attention dependent on who is the complainant and abuser the treatment is different.’
• ‘Seen as the normality. People promoted above their skills or training. No real assessment or probationary period.’
• ‘Some of the management are bullies themselves.’
• ‘I personally don’t feel that it is recognised and therefore ignored.’
• ‘The culture of bullying is observed and allowed. Senior management promoted those who bullied and this bred within the management team. Incompetent management instigating denigration of team members and allowing fraudulent behaviour.’
• ‘I’m not sure why but no resolution comes from a Datix and so less and less situations are reported.’
• ‘The Trust do not follow their own policies and procedures. They have no training in dealing with bullying and harassment in the workplace. If managers try to deal with it they get bullied by their managers. Senior managers get away with bullying. It’s in the Trust’s culture. That won’t change until senior managers are replaced.’
• ‘I have seen people raise issues previously and it has made things worse.’
• ‘Nobody brave enough to challenge’.
• ‘Culture and fear.’
• ‘Nothing changes. Wrong people are promoted into posts with no interviews made for temporary secondments meaning that staff are not suited to temporary management roles.’
• ‘It’s never brought forward. If a person speaks out they will experience further bullying.’
• ‘The big stick is part of the culture. When call rates increase and resources decrease the trust blames the staff and the whips crack harder.’
• ‘No one listens. Certain people are reported many times and its always the blame of each individual not the perpetrator.’
• ‘There’s no consistency in the Trust.’
• ‘People are afraid to say anything’.
• ‘I think bullying in the form of management ‘abuse of position’ and lack of ability is the norm within my locality and has become accepted. Lower level management is a ‘boys club’ with no variation in management style or practice. They are untrained or inexperienced and have no idea about workplace relationships. Their style is
essentially 20th century and not appropriate for a modern-day organisation. There is no encouragement or teamwork. No engagement with staff.’

- ‘If you air it nothing will be done. ‘Boys club’ mentality.’
- The perpetrators are often the DLO’s’
- ‘Because managers from all areas stick together and higher management protect them also.’
- ‘Weak senior management not wanting to address any notion of a problem.’
- ‘The bullying and harassment culture has historically come from the top tiers of management and is firmly embedded in the management style at all managerial levels.’
- ‘Because it all just eventually seems as though they want to sweep it under the carpet.’
- ‘Unapproachable SLM’

Q21 Do you think that B & H is adequately dealt with in your organisation

- 150 said yes.
- 368 said no.

4.40 368 respondents to this question said that they did not feel that workplace bullying was dealt with adequately by the organisation.

4.41 Again, to add to context of the 368 respondents 349 raised concerns with how EEAST deal with bullying and harassment with only 19 indicating they were unsure or had no experience of it.

4.42 Some examples of responses to this question include:
• ‘People are too scared to name and shame.’
• ‘Managers get away with it because they are managers.’
• ‘Because it all gets covered up’.
• ‘Management close ranks.’
• ‘Staff are afraid to raise issues.’
• ‘Senior management stick together, look after their own, get moved sideways.’
• ‘Victims are not supported and the perpetrators are not punished as this would mean admitting that there has been a problem and that management have failed to recognise how to deal with it.’
• ‘It’s been raised to senior management and again it is swept under the carpet.’
• ‘ senior managers ‘investigate’ other senior managers… if at all.’
• Culture of fear and lack of support or caring for staff from management.
• ‘It’s perpetrated by managers. How do you change that?’
• ‘I’m aware from other colleagues who feel that their cases were nothing like adequately dealt with.’
• ‘The only people who support this are union reps. Local management sweep it under the carpet.’
• ‘People seem to get away without any sanction.’
• ‘I’ve heard that there is a bullying culture in Essex. I have heard that there is a manager group that refer to themselves as the Essex Mafia.’
• ‘Very slow process for things to be resolved.’
• ‘Its common knowledge that in Essex the managers get referred to as the Essex Mafia. If you don’t fit with their club rules, then your life is made very difficult. This culture is now spreading across the service.’
• ‘All managers do not have the appropriate training to manage situations which often results in bullying.’
• ‘It seems that if you want to get on you have to be an aggressive manager.’
• ‘The problem is the ‘mates’ culture. The managers do not want to hear/ be bothered about the complaint that needs to be stamped out as we are supposed to be a professional organisation.’
• ‘Many of the managers are close friends of their managers. Feels like nothing will be done and your card will be marked.’
• ‘In my experience over the years there is always ‘fall out’ for the bullied and not the perpetrators. It is ALWAYS the victim who has to move station NOT the bully. It’s almost as if the ‘problem’ is easier swept under the carpet and moved away.’
• ‘Bullying and harassment is endemic in EEAST. The Trust is working so beyond its capacity that it seems unwilling to commit resources to anything other than meeting times. They know the majority of their staff are easily replaced or covered with PAS staff so just ignore the problem and I guess hope it will go away.’
• ‘The Trust tolerates and allows management bullying.’
• ‘People are too afraid to speak out – afraid of being labelled troublemakers – afraid of work being made more difficult.’
• ‘We have a bullying culture from the top down which makes managers think it’s ok. I have witnessed various types of bullying in the organisation including discrimination
and harassment’ ‘There are many newer staff who tolerate bullying and harassment and dare not speak out as there is little confidence that any action will be taken.’

‘Based on my experience within my area and speaking to colleagues in other areas there are countless conversations that take place stating bullying being the main reason that staff are looking for a different job.’

4.43 305 respondents said that they knew how to raise a concern about bullying, harassment or discrimination. However, 121 said no and 92 were unsure.
4.44 190 respondents to this question said they felt the EEAST policies were adequate but a larger number responded ‘no’ or were unsure.

4.45 From the narrative comments (163) a major pattern was that individuals felt whilst the policies might be in place they were not followed. Some examples follow:

- ‘But they aren’t always followed. Things are heard and said to managers and they don’t address them all of the time from what I have seen anyway.’
- ‘The policy might be in place but I have no confidence that it would be followed properly if the complaint was against certain individuals.’
- ‘Not published well enough. Most people don’t know what policy there is.’
- ‘They are in place but people tend not to stick to them. If your problem is with a DLO they all look at you like you tell tales and are making life hard for them.’
- ‘I believe we have the policies in place for the issues to be raised but the lack of expertise/support and ‘power’ to get an appropriate outcome. People have lost faith that anything will ever be done, and therefore much goes unreported.’
- ‘Heard of cases which have been disregarded.’
- ‘It’s one thing having policies but it’s how they are used and implemented.’
- ‘Yes, but they don’t stick to them so pointless’.
- ‘It’s one rule for one and another rule for the other. It is also dependent on what manager you get to deal with things as some are more amenable and knowledgeable than others.’
- ‘The policies themselves are adequate but not followed by management and HR pay too little or no regard and merely act with impunity.’
• ‘It’s not something that seems important or a priority. The only thing of interest to managers (all levels) and control room staff are performance figures.’
• ‘They break all the policies unless to benefit them.’
• ‘I feel confident that the policies are in place. I do not believe they are effectively actioned. Too much is just left to slip by and hopefully not noticed.’
• ‘I don’t thing enough is done to discourage malicious claims as set out in the policy. If this was done I think a lot of claims would not get anywhere due to the fragility of the claim.’
• ‘No one takes any action and it seems that all managers have been on the same “how to ignore bullying” course.’
• ‘Corruption!’
• ‘Although policies are in place there is a reluctance for staff to use them. I believe that this is due to a feeling that such an action will not be taken seriously and may leave staff exposed to further actions.’
• ‘Policies are not enforced.’
• ‘People are too scared to come forward as either nothing gets done or some of the perpetrators are senior management/ DLO’s and all involved in the clique so cover each other also ensuring their “friends” get the right jobs.’
• ‘The Trust do not follow their own policies on this issue and therefore policies are not fit for purpose.’
• ‘There is no protection for the person being bullied. There is a complete lack of confidentiality – once one manager knows, they all know and staff always find out. If a staff member complains about management it is the staff member who gets moved not the manager.’
• ‘No, because the Trust has a consistent record of defending senior managers and Directors when they have been accused of bullying.’
• ‘Policies are in place but grievances and Dignity at Work complaints are not dealt with in a timely manner. Some go on for several years.’
• ‘Whatever the policy, EEAST will never deal with the bully. They care only about bums on seats not about the numbers that are leaving because of the bullies.’
4.46 50 respondents to this question (multiple responses permitted) said they didn’t know they could. 95 said that they didn’t think there was anything the union could do.

4.47 150 of the narrative comments (95%) said there were other reasons why they did not approach the union. Responses included:

- ‘Spoken to union rep who is reluctant to push things.’
- ‘It would be made worse if I complained.’
- ‘I will be viewed as a trouble maker within the organisation for getting the union involved.’
- ‘If (named) knew I was talking to UNISON I would be removed from post! They would persecute me out of the organisation.’
- ‘The union tried to help me, but were unable to cut through the institutional bullying and victimisation. There is no way you could say HR were supportive to individual members of staff. They are more part of management.’
- ‘Fear of consequences as the bullying seems to be prolific from Director level down.’
- ‘I did seek advice and they supported me but nothing changed. The Trust ignored the issue.’
- ‘I knew UNISON could help but managers would use stalling tactics to delay dealing with complaints or grievances. In the end I feel that the process takes up a lot of my time chasing results only for issues not to be resolved. I don’t regard this as UNISON’s fault. They have always been supportive.’
• ‘Because I know that in the end nothing will happen and it will only perpetrate the bullying of staff. I have never experienced in my life the level of bullying and harassment as I have over the last 6 years.’

Q25 What else could be done to address B & H in EEAST

- Tougher stance on those who bully and harass – consequences.
- Be more consistent – open and transparent selection procedures – promotion on merit not because of who you know.
- Remove ‘face fits’ culture.
- EEAST to follow its own policies.
- Proper investigation, not investigating ‘mates’.
- Raise awareness of what is and is not acceptable in terms of behaviour.
- Stop sweeping issues under the carpet.
- Management Training.

Bullying & Harassment: Too costly to ignore

4.48 There were 518 responses to this narrative response question. Examples of the responses are included below.

Tougher stance on those who bully and harass – consequences

- ‘Punish staff who constantly bully.’
- ‘Dismiss senior bullying managers.’
- ‘More action taken against those that do it’.
- ‘Tougher stance.’
- ‘Action taken against the perpetrators not the victims.
- ‘Deal with it – not brush over it.’
- ‘Some individuals are well known for their attitudes and behaviour and it becomes all too acceptable. Act on it!’
- ‘Discipline the perpetrators and ensure that this is recorded and used towards promotion. Follow up the recommendations of the outcome regularly. Remove perpetrators from employment panels.’
- ‘Deal with the issues when raised and deal with the perpetrators.’
- ‘Prioritise correct management of offenders and appoint independent investigators.’
- ‘A more hard line approach towards individuals who display such behaviour.’
- ‘Person responsible should be dealt with – not promoted!’
Be more consistent – open and transparent procedures

- ‘Investigate before assuming someone is guilty.’
- Taking staff seriously and treating them like people and actually follow the Trust values.
- ‘All cases of harassment, bullying and discrimination should be dealt with the same with the abuser being immediately restricted on duty or suspended until the complaint has been dealt with.’

Remove ‘face fits’ culture

- ‘Employ good managers in the first place and not ineffective friends with poor past records of ‘management.’
- ‘Management overhaul. DLO’s and HALO’s to be appointed by external assessment. Stamping out the ‘face fits’ culture.’

EEAST to follow its own policies

- ‘EEAST must follow its own policies.’
- ‘Restore faith, and have guidelines that EEAST follow. Treat everyone the same.’
- ‘Actually, follow their policies. They are window dressing.’

Proper investigation not investigating ‘mates’

- ‘Taking investigations away from line managers.’
- ‘Independent body investigating the claims. Proper and full investigation with all facts issued.’

Raise awareness

- ‘Examples of what bullying is classed as and who to report it to when its someone higher up bullying you. Managers sticking up for people being victimised and not just agreeing or laughing about it or joining in the bitching session.’
- ‘Raise awareness of what constitutes bullying and harassing behaviour.’
- ‘More awareness of where to turn.’
- ‘Increased awareness of what constitutes bullying and harassment and who to go to for assistance.’
- ‘Making people aware of what constitutes bullying and harassment.’
- ‘Workshops for all managers and staff as to what is and is not acceptable.’

Stop sweeping issues under the carpet

- ‘Whistleblowing hotline’.
• **Quicker action to stop any harassment and discrimination before it reaches a critical level.**
• ‘Anonymous reporting of issues and addressed if pattern emerges.’
• A single point of contact to someone totally independent of EEAST.
• ‘An anonymous reporting line.’

**Management Training**

• ‘The system needs a complete overhaul with a proper structure. Correct training for management.’
• ‘Better management training.’
• ‘Training of managers. Trust wide. Including a workshop in PU and on inductions for new staff and TUPE’d staff.’
• Training for managers – particularly how to manage without resorting to bullying.’
• ‘Improve the training of managers and select a more varied range of managers rather than just from a ‘boys club’.
• ‘New management.’
• ‘Mandatory training for all.’
• ‘From the CEO down there needs to be actions not words on bullying.’

**Q26 Have you experienced discrimination in the last 12 months?**

- 166 said yes.
- 352 said no.

**4.49** 166 respondents said they had experienced discrimination. The majority of responses to this question raised further examples of different treatment which were not linked to a protected characteristic and therefore not discrimination in the legal sense. These
responses have been considered against other questions related to bullying and harassment.

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Q27 What are the positive aspects of working at EEAST

- Colleagues
- Camaraderie
- Patient facing
- Making a difference

- Nothing
- Struggling to see positives

4.50 Positive aspects of working at EEAST were reported in a number of categories. As examples:

- Patient contact.
- Team work.
- Love the work and colleague support.

4.51 25 respondents (7%) of 338 who responded to this question said that they could find nothing to say positively about working for EEAST.
5. Summary of issues raised – 1-2-1

5.1 16 members of staff had 1-2-1 discussions with the consultant. 10 of these were via phone and 6 were face to face. Durations of discussions ranged from 45 minutes to 3 hours. Face to face meetings were generally between 2 hours and 3 hours.

5.2 In view of confidentiality commitments, we can only raise broad issues raised in these 1-2-1 sessions. Issues raised were as follows.

5.3 Failure to respond to Datix’s. Three of the individuals we spoke to in private conversations raised lack of action on Datix concerns. Two of these related to faulty equipment. In one case the Datix was referred back to a manager who was implicated in the Datix and was therefore investigating himself. In two of the situations individuals had been asked to compromise their own duties under Health and Safety policies and legislation and put themselves at personal risk had they pursued the orders they were given by managers. In all three situations, no resolution was forthcoming.

5.4 Denial of training – in four of the situations reported in 1-2-1’s, individuals were denied access to training which limited their career progression as a direct result of raising concerns.

5.5 Protracted Dignity at Work / Grievance procedures were highlighted in ten of the 1-2-1’s. One participant referred to the approach used by EEAST as deny and defend. Some cases discussed had been ongoing for years before resolution.

5.6 Unfair recruitment and promotion processes were raised in two of the 1-2-1’s. One example showed clear disparity between the opportunities offered to demonstrate skills in interview between candidates.

5.7 Flawed investigation processes were raised in 12 of the 16 1-2-1’s. These included:

- Conflict of interest of investigating officer.
- Separation/suspension not enacted when there were extremely serious allegations which were gross misconduct under the policy but the complainant’s safety was not secured.
- Investigating officers overstepping their role.
- Inappropriate resolution being offered to ‘water down’ a situation/consequence.
- Investigations not reaching outcomes.
- Personal judgements being made about the outcome of the investigation prior to conducting full process – compromised neutrality.
- Ignoring relevant evidence.
- Respondents not being advised of the allegations.
- Breaches of confidentiality.
- Long delays in conducting investigations.
- Advising sanctions before report release.
• Third parties changing investigation reports.
• Excusing behaviour by saying it wasn’t intended.
• Destruction of evidence.
• No formal investigation interview.
• No allowance to be accompanied.
• Breaches of data protection.

5.8 **Consequences for complainants** – 13 of the 1-2-1’s described how they had found themselves suffering a consequence for raising a concern, Dignity at Work Complaint or Grievance. This was often a redeployment to a less convenient base, disciplinary action or denial of training/career progression stopped.

5.9 **No exit interviews** – we were told that when someone hands in their notice there is no attempt to discover why or thank staff for their service.

5.10 **Limited people management** – managers who have collaborative and motivating styles not valued.

5.11 **Inappropriate humour being used** which is not addressed, often sexist or homophobic.

5.12 **Perpetrators of bullying/harassing behaviour promoted.** This was raised in 6 of the 1-2-1’s.

5.13 **Remote management by email.** 2 of the participants in the 1-2-1’s raised the issue of management by email. The Executive Team is seen as remote.

5.14 **Threats about participation in this review.** In 2 of the 1-2-1 sessions we were told of ‘cautions’ that had been given about participation in this review.

6. **Summary of Findings – Case Work Review**

6.1 On the following pages are details which have been obtained following a Freedom of Information Request regarding how long some of the Dignity at Work / Grievances have been ongoing. This data was requested on the 3rd December 2016 by Fraer Stevenson so has taken well over the 20 days to reply as per statutory requirement. The information was provided on 17th February 2017, with the assistance of the Information Commissioner.
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6.2 As mentioned earlier in this report it is never acceptable to leave case work for the length of time shown in the tables above. These delays potentially render the organisation negligent in law and also leave the risk to the complainant’s health, safety and welfare if they concern bullying, harassment or discrimination at risk. It also has the net effect of undermining the processes and procedures on which staff should rely when they have concerns.

6.3 Examples were also viewed of where collective grievances have been delayed and National Terms and Conditions for student paramedics have been wrongly applied which resulted in pay detriment. Had partnership working been in place this could have been avoided.
6.4 Some individuals reported that they have been directly targeted and faced disciplinary action as a direct result of raising legitimate concerns.

6.5 Other case work viewed cannot be discussed in this report due to confidentiality commitments but we assess that the perceptions of retaliatory action when concerns are raised is a reasonable conclusion from the case files we have viewed.

7. **Patterns and themes**

**Not acting on concerns and delays in process**

7.1 It was very clear from the casework review and what individuals told us in both the 1-2-1’s and in the online survey that the overriding perception is that the Trust does not act quickly enough when concerns are raised or does not act at all. Grievances and Dignity at Work complaints take months to address if not years. This is a significant risk both to the individual and the organisation. When concerns are highlighted, they should be taken seriously, acted upon quickly and robustly. Not to do so potentially renders the organisation negligent in law and failing in its duty of care to keep individuals safe at work. The potential risk of damage to individual’s physical and mental wellbeing when they are left ‘at risk’ for lengthy periods increases daily.

7.2 The perception is that delays in process are deliberate. This perception was raised with significant frequency and our review of casework would support this being an understandable and credible perception.

7.3 The processes and procedures are not trusted which is a dangerous and significant risk for EEAST. Where faith in processes and systems is lost, individuals stop reporting and raising concerns. The behaviours do not stop, they are simply driven underground. Delays in process, perceived to be to deliberate, test even the most resilient of complainants, result in some individuals ‘withdrawing’ their complaints, continuing to suffer potential health impacts due to the unnecessarily protracted process or complaints not being tabled at all.

7.4 We were also told of there being consequences for individuals when they raised concerns. These reports occurred frequently within both the 1-2-1’s and were significantly reported in the survey. We also saw evidence in case work we viewed. The ‘consequence’ for the individual might be being moved away from the area, being subjected to disciplinary proceedings or being victimised in some other form for simply raising concerns. This pattern of retaliatory behaviour has no place in a ‘speak out’ culture. ‘Freedom to Speak out Guardians’ were introduced following the Francis Report to encourage reporting of concerns based on experiences at Mid Staffordshire hospital. Based on evidence provided to us there is significant work to do at EEAST to encourage trust in both the processes and in the cultural conditions which encourage safe working. We were told of situations where processes had been misused by managers to ‘get
back’ at those that complained. We read comments like ‘managers talk about gunning for staff’ and ‘there would be a ‘witch hunt’ if a complaint was not withdrawn’. This culture of fear must be urgently addressed. Raising concerns should not be seen as career limiting – however this is how it is currently perceived by a large number of respondents in this review.

7.5 The Trust is not following its own procedures and policies. When we asked if respondents felt there were adequate policies – respondents said yes, but they were not effectively implemented. We were made aware of many examples of where timescales had been breached. A Dignity at Work complaint / Grievance should never take years or even months on bullying, harassment or discrimination complaints. The organisational and individual risk is such that these complaints should be high priority.

**Flawed investigation processes**

7.6 We were told that some managers in the Trust conduct investigations in line with best practice and in a fair and consistent way. However, this was not universal.

7.7 From the cases that we reviewed we could identify multiple flaws in investigation processes where in fact cases were actually investigated. The investigation process has to be conducted swiftly, in line with procedure and arrive at an accurate finding. Without this, the credibility of the investigation process will be comprised and will further deter reporting.

7.8 It was reported that managers investigated their ‘friends’ and closed rank. Datix’s were sent back to the manager to deal with even where concerns raised were about that particular manager. It was also reported that Datix’s are often left unresolved. Datix’s should be completed where:

- ‘There is any adverse incident which has the potential to produce unexpected or unwanted effects, or any incident which has a consequence or a learning point. i.e. An event that causes a loss, injury or a near miss to a patient, staff or others.’

7.9 The Datix process therefore is the system where risks are identified for the purposes of closing gaps in process, reducing risk and protecting patient and staff safety. We received numerous reports of where those learning opportunities are not being concluded and worse risks therefore prevail.

7.10 We were advised of several examples of where staff had been told to breach Health and Safety procedures in order to meet targets. Examples included being asked to use unsatisfactory equipment, vehicles or compromise their own safety or that of patients by methods of transportation. Where appropriate refusal occurred in these instances there was a ‘back lash’ and individuals found themselves being targeted as a result.

7.11 EEAST is not seen as a learning organisation. It was frequently reported that even where grievances were upheld that there was a failure to admit mistakes or put in place
rectifying action particularly if resolutions had wider implication than just personal redress for the complainant.

7.12 Flaws in investigation process were raised in 1-2-1 sessions. From reviewing paperwork / asking about process we can identify the following flaws:

- Conflict of interest of investigating officer.
- Separation / suspension not enacted when there were extremely serious allegations which were gross misconduct under the policy but the complainant’s safety was not secured.
- Investigating officers overstepping their role.
- Inappropriate resolution being offered to ‘water down’ a situation/ consequence.
- Investigations not reaching outcomes.
- Personal judgements being made about the outcome of the investigation prior to conducting full process – compromised neutrality.
- Ignoring relevant evidence.
- Respondents not being advised of the allegations.
- Breaches of confidentiality.
- Long delays in conducting investigations.
- Advising sanctions before report release.
- Third parties changing investigation reports.
- Excusing behaviour by saying it wasn’t intended.
- Destruction of evidence.
- No formal investigation interview.
- No allowance to be accompanied.
- Breaches of data protection.

**Lack of consequence and the ‘big carpet’**

7.13 When bullying, harassment and discrimination occur it is vital that there is a proportionate sanction applied. The purpose of this is to condition behaviour, to remove risk to the individual and organisation. There were multiple examples given of where behaviours which should have been robustly addressed have been tolerated. Names of individuals occurred time and time again. We are not including those names here as we can only report on what we have been told and were clear at the outset of this review that we were not ‘investigating’ those concerns. However, when the same names arise with such frequency, there is, at the very least, a need for feedback to those individuals so they have an opportunity to reflect on their perceived behaviour and consider if adaptation is required. We will share those names verbally with our commissioners. There were also a couple of managers mentioned who were seen as examples of excellent management and we will also share those names.

7.14 We understand that often addressing inappropriate behaviour has to be done confidentiality so it is possible that respondents to the review would be unaware of the consequences delivered. Given the frequency with which we were told that behaviours
did not change or individuals complained of were promoted it is unlikely that the consequence was either a) applied or b) proportionate enough. We were told of many occasions where individuals who demonstrated bullying or harassing behaviour were promoted. The test of whether action is proportionate is that it stops. If the inappropriate behaviour does not change then further escalated action should follow until it does change. Where change is not delivered, then under the policy bullying and harassment are gross misconduct offences and thus carry the ultimate sanction of dismissal.

7.15 The phrase ‘swept under the Trusts big carpet’ was used frequently. The perception is that anything the Trust did not want to hear or deal with was brushed aside.

Managerial bullying

7.16 When we asked, who was demonstrating the bullying and harassing behaviours, the majority of respondents indicated that this was their immediate manager. We did also talk to some managers who indicated that they had been targets of upwards bullying. We also had examples of peer to peer bullying or harassment.

7.17 We were told that in 2006 EEAST was formed from the merging of Bedfordshire and Hertfordshire Ambulance and Paramedic Service NHS Trust, the East Anglian Ambulance NHS Trust, and the Essex Ambulance Service NHS Trust. Each of the three Trusts had different cultures. There are ongoing disparities regarding terms and conditions which have not been harmonised. We were told that there were different cultures in each of the 3 Trusts. Repeatedly we were also told that there was now one dominant culture one which is perceived to be aggressive and does not value staff. We were repeatedly told of the ‘Essex Mafia’ who adopt the ‘big stick’ approach when managing staff. This management style was reported to be spreading across EEAST.

7.18 When we asked whether it was perceived that the managerial behaviour was borne out of lack of competence or capability or whether these were deliberate actions. Without exception, the response was ‘deliberate.’

7.19 It was reported that the behaviours are driven from the top of the organisation. The perception expressed by many was that the Chair and CEO are aware of the culture of bullying and harassment and, if this is the case, in this knowledge and lack of action they endorse it.

7.20 Confidential discussions are often taking place in open forum by managers. A number of overheard conversations were reported where managers had indicated they were ‘gunning’ for particular individuals.

7.21 Threats were reported frequently with managers discouraging reporting or accessing UNISON. In one reported conversation, a manager was overheard to ‘threaten a witch hunt’ if a concern was not dropped.
7.22 It was widely reported that managers both senior and other are not role modelling behaviours. The Trust has 5 values as listed below all of which should be embedded in managerial behaviour and the behaviour of staff. From the findings of this review respondents suggest that there is much more to do in all value aspects to arrive at a safe and positive working environment free from bullying, harassment and discrimination.

- **Care** We value warmth, empathy and compassion in all our relationships.
- **Teamwork** Together as one, we work with pride and commitment to achieve our vision.
- **Quality** We strive to consistently achieve high standards through continuous improvement.
- **Respect** We value individuals, including our patients, our staff and our partners in every interaction.
- **Honesty** We value a culture that has trust, integrity and transparency at the centre of everything we do.

**Nepotism**

7.23 It was widely reported that there is a ‘face fits’ culture within the Trust. That individuals are promoted not on merit but because of who their friends are. The terms ‘Nepotism’, ‘Essex Mafia’ and ‘Old Boys Club’ were regularly used to describe how to ‘get ahead’ in EEAST. Promotion practices are not seen as transparent and the use of an interim structure seen as a way to give jobs to favourites.

7.24 It was also reported that those managers who had collaborative approaches and were more people orientated were not valued.

7.25 The interim structure is seen as causing insecurity and a mechanism for making individuals in those positions fearful of ‘rocking the boat.’

**Tense relationship between UNISON and EEAST**

7.26 It was reported by some that there is a tense relationship between UNISON and EEAST senior management. In the survey 8 respondents said that they felt that UNISON was part of the problem. This represented 5% of the 158 respondents with 150 indicating they saw the tension being perpetrated by management.

7.27 There appears to be a lack of genuine partnership working between the Trust and UNISON. This must be addressed if there is to be progress on the culture in EEAST. We have been told that UNISON have made repeated requests for information which has not been supplied by the Trust. As an example, details of the current status of casework. UNISON had to resort to FOI’s to obtain this information which could easily have been shared in the spirit of partnership. Instead a request had to be made by the ICO for the Trust to release this information. This was just one example of where the Trust appears to make UNISON ‘go through hoops’ in order to get information which should be shared.
as a matter of course. Case work delays are a major source of risk for UNISON members and UNISON have no choice but to pursue resolution. We have been made aware of what appears to be deliberate attempts to frustrate processes by the Trust which is not in the best interests of staff generally. Another example of this was failure to engage with this review or include bullying and harassment in the more general review of culture by Zeal Solutions. Our certain view would be that it is better to know what perceptions are whether you want to hear them or not as that information can then be used to inform action or strategy. Simply closing off feedback does not change the perceptions – it fuels them.

**Tension between Control and Road Crew**

7.28 It was reported in a handful of cases that there are tensions between control and road crew.

7.29 Late finishes are a key source of discontent currently with the perception conveyed by many that even when there are alternatives or nearer crews they are getting dispatched to jobs that makes a late finish an absolute certainty.

**Student Paramedics**

7.30 Student paramedics feel unsupported. A collective grievance had been ongoing for many months which potentially could affect their pay. Rather than deal with it swiftly the Trust laboured the process arguing that UNISON had not provided the names of those involved in the collective grievance. We have seen evidence to show that this was not the case.

7.31 The internal mentors and university mentors often offer contradictory advice to student paramedics who can feel frustrated when they can’t get a straight answer to what should be a simple question. These frustrations are causing some to consider their future with EEAST after qualifying.

7.32 There also were reports of being unsupported after qualifying with no transition process before they are expected to ‘go solo’ in cars.

**8. Recommendations**

8.1 EEAST needs to communicate its response to the findings are of this review and what it intends to do about them. This will be particularly important given the concurrent Zeal Solutions Culture review and how EEAST intends to ensure that bullying, harassment and discrimination will be addressed from this point forward. It will also need to explain the differences in the data that has come from both surveys.
8.2 The Trust needs to create an organisational strategy which focuses on Dignity at Work and creates actions from this review. At all levels of the organisation there should be assigned Dignity at Work champions who will oversee progress against objectives.

8.3 Progress against action plans and the organisational strategy for Dignity at Work should be on monthly meetings agendas to keep momentum going. Dignity at Work should be high on the organisational priorities. Progress should be reported to employees.

8.4 The Executive and SLM’s should lead their teams in reviewing their areas and creating specific action plans as to how they will address bullying and harassment / Dignity at Work in their areas. This will require the Executive and SLM’s to be visible and to build relationships with their wider teams. They also need to be clear of the expectations of more junior managers. Getting out on the ground to see their teams will enable early indication of progress or prevailing issues. This should be seen now as an organisational priority.

8.5 Those individuals who have been mentioned on multiple occasions as part of this review should receive feedback and coaching to enable reflection on how their behaviour may need to be adapted in line with organisational values.

8.6 There needs to be a quick change in approach to case work delays to ensure that risks to individuals and the organisation are reduced. If necessary, additional resources need to be commissioned or case work be outsourced. Any delay in decreasing the protracted approach to handling case work will continue to prevent rebuilding of trust in the systems that are designed to protect staff at all levels.

8.7 It is essential that specialist investigators are trained to investigate allegations of bullying and harassment. It is recommended that the organisation invest in training and accrediting internal investigators or outsource to specialist investigators.

8.8 Strong messaging from the top needs to be clear that EEAST will work towards a ‘zero tolerance culture’. To do this it needs to foster a ‘speak out’ culture where raising of concerns is encouraged rather than concerns being dismissed or ignored. There must be no retaliatory action towards individuals for raising concerns.

8.9 The ‘face fits’ culture needs to be eradicated and all processes need to be open and transparent. Nepotism has no place in an inclusive respectful culture.

8.10 There needs to be a programme of awareness training on bullying and harassment for all managers and leaders so they understand full their role in early intervention / prevention. Any change in approach requires commitment from the top and not only then do we recommend awareness training on a collective basis but also suggest that individual managers should invite their teams to complete 360-degree feedback inviting them to comment on their people management skills which directly relate to Dignity at Work and prevention of Bullying and Harassment. Positive people management should be a criterion of manager’s appraisals and reward. There needs to be further clarity of
what behaviours must be demonstrated to create Dignity and Respect at work in line with organisational values. ‘Stop the stick’ approach.

8.11 Consider the creation of a Harassment Adviser service or equivalent. This service would provide individuals who feel they are being bullied with somewhere to go to for specialist advice and be signposted to their options under the policy. This should be distinct from Unions / HR. Specialist Advisers to be trained and assessed. If this is not currently in place, consider outsourcing this service so a specific advice line is available where concerns can be reported and individuals be signposted to available support.

8.12 The relationship between UNISON and EEAST must be repaired and it is suggested that this is addressed as a matter of urgency. Tense relationships will not assist in reaching resolutions and genuine partnership working must be a priority. This will mean more openness and sharing of information in a timely way to build more trust. There have been a number of recent disputes (e.g. late finishes and meal breaks which now involves the Health and Safety Executive) which perhaps could have been resolved earlier through genuine partnership working. Staff issues must be dealt with in a fair, consistent way and in a timely manner.

8.13 The AAC bullying and harassment survey should be re-run in 6 months’ time to chart progress since this review.

8.14 Positive behaviour should also be rewarded. It is recommended that the organisation looks to design and implement a reward system which promotes positive Dignity at Work behaviours.

8.15 There must be absolute commitment to deal with bullies in the organisation through the disciplinary process whatever their level in the organisation. Complaints of bullying, discrimination and harassment should be monitored if they are not already and shared willingly in the spirit of partnership.