

Exploring Bullying and Harassment in the CQC

Prepared by
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Purpose of the Document

Background

In 2011 the Care Quality Commission (CQC) became aware that some staff were claiming that the organisation's culture was "bullying". This was at odds with the number of formal HR cases of alleged bullying (only 9 reported) cases from 2010 to date and the senior team set up a number of initiatives to help them understand staff perceptions. As an initial action questions were added to the annual staff survey to gain a clearer picture of the existing culture. The senior team were concerned by the results of the survey as it is committed to a policy of zero tolerance of bullying. It therefore agreed a number of actions to both raise awareness of bullying and engage all staff in creating a different culture. Anti-Bullying week was held in October 2012. During this week HR set-up a confidential "hot-line" to enable individuals to describe their experiences of bullying to a suitable qualified member of the HR team. Other activities promoted Dignity and Respect and reminded all staff of the support available for those who felt they might be experiencing bullying or harassment. In 2013 Volunteers were trained to become Dignity at Work Advisors – providing staff with confidential, impartial advice in the workplace.

Dr Eden Charles, a member of the NHS Top Leaders faculty and director of People Opportunities Limited was asked to consult with leaders in the CQC and engage them in exploring how they could improve the ways that they work together in September 2012. The purpose of this was to help develop ways of leading as a team that effectively enabled a positive work culture in which people felt valued and able to give of their best to the organisation. On his subsequent appointment, David Behan, Chief Executive Officer of the Care Quality Commission, decided that he would like to commission a review of the existing culture from an independent source so as to get a clear, objective picture of the situation in relation to claims of bullying before engaging in further action.

"I wish to appoint a person who is independent to the CQC to whom, for a 3-month period, staff could go to share their experiences in confidence. This person will then report to me on the experience of those staff and make recommendations for how as an organisation CQC should move forward."

David Behan

In December 2012 People Opportunities Limited was approached by CQC to undertake this review. Sarah Hunter was chosen as the research lead from People Opportunities Limited.

What follows is that independent review. It is one of a number of initiatives, which aim to address issues such as bullying in the CQC. It is a report designed to capture the rich detail of people's experiences in order to inform practical action that can make a real difference. It is not an academic study. It:

- a. Reviews the findings from conversations with 236 members of staff and identifies key themes.
- b. Analyses and interprets the findings to deepen understanding of the current culture and offers some explanation as to what the drivers for it are.

- c. Recommends next steps for moving towards a more productive culture with zero tolerance for bullying and harassment.
- d. Forms a basis for communicating with the organisations the findings and recommendations of the report.
- e. Forms a basis for reporting back to those who contributed to the findings.

Executive Summary

This report shows that there are worrying levels of perceived bullying at all levels in the culture of the CQC as reported by the people who self selected to be interviewed. Though these are not formally substantiated they do contribute to a worrying picture of the perceptions of a significant number of staff. This impacts performance and needs paying attention to. Over 90% of the 236 people who contributed to this report felt that they had been subjected to bullying or harassment in the workplace. Though many of the contributors asked for complete anonymity and were not prepared to indicate their region or function, it is clear that this problem exists across the whole organisation.

This review was commissioned to explore bullying in the CQC. In doing so the researchers also asked participants to explore what worked well in the system and what they thought would need to change to improve matters. Participants were very happy to offer their thoughts and many examples of excellent performance and effective management practice emerged. These examples form the basis for some of our recommendations.

The findings have been categorised under the following headings:

- Behaviour of line managers.
- PDR process.
- HR processes.
- Managing poor performance.
- Workload.
- Induction.
- Historic organisational issues.

We conclude that there is a significant disconnect between many of the managers and staff that we interviewed. Managers spend very little time physically in the same space as their staff. In 1:1s the conversations are typically focused on the supervision of tasks, e.g. progress of reports, planning of inspections with much less emphasis on support, e.g. thinking through difficult enforcement action, or balancing a tricky workload. Many of the staff we spoke to did not see their line manager as a member of their team. Whilst some current practices contribute to the existence of bullying within the CQC there is evidence to support the belief that people throughout the organisation have the desire and capability to eradicate it.

We suggest that the manifestations of bullying are systemic and largely the result of the number of reorganisations that the CQC has gone through whilst being expected to deliver an increasing workload. In our conclusion we suggest that what is most important at the moment is to avoid the 'labelling' of 'bullies' and instead to focus on identifying actions that can create a more productive working culture that addresses the

factors that generate unproductive behaviour. We also suggest that it would be important to put effort into enhancing the practice of the leadership team so that it authentically and congruently embodies the espoused values of the organisation and is perceived as doing so. As the leadership team would be the primary vehicle through which a strategic approach to shifting the culture could take place, it would require carefully targeted action from them. This would include high-level role modelling of the desired values and behaviours, acknowledgement of the difficulties that staff have had to contend with, outstanding communication and an enhanced emphasis on ensuring that people follow good people management practices. This would assist the aspirations of the 2013 strategy¹ to be matched by the actions and behaviours of leaders, at all levels, in the CQC.

¹ Raising standards, putting people first - Our strategy for 2013 to 2016. CQC

Research Design

Over a 3-month period we spoke to 236 people through an agreed mix of telephone and face-face meetings. To publicise the research, managers were asked to inform the staff of the opportunity to talk to the researchers and it was also advertised on the Internet. Staff were offered the opportunity to meet face-to-face via a number of site visits to the regional offices or to request a telephone meeting. The majority preferred to contact us by telephone. We also attended a number of regional meetings, met with trade union representatives and with the heads of the Equality and Diversity networks. We wanted to understand the existing culture and, in the spirit of Appreciative Inquiry², to identify and build upon the things that were already working well in the CQC. We also looked at the CQC through the lens of the Cultural Web Model³.

Definition of Bullying

We understood bullying as defined by the CIPD⁴

“Bullying at work involves repeated negative actions and practices that are directed at one or more worker. The behaviour is unwelcome to the victim and undertaken in circumstances where the victim has difficulty in defending themselves. The behaviour may be carried out as a deliberate act or unconsciously. The behaviours cause humiliation offense and distress to the victim. The outcomes of the bullying behaviours have shown to cause physiological distress which affects social and work behaviour.

ACAS⁵ (2010) define harassment and bullying as:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as

offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”

We also acknowledge that bullying is a personal perception.

² Cooperrider, D. L., & Srivastva, S. (1998). An Invitation to Organizational Wisdom and Executive Courage. In S. Srivastva & D. L. Cooperrider (Eds.), *Organizational Wisdom and Executive Courage* (1st ed., pp. 1-22). San Francisco, CA: The New Lexington Press.

³ Seel, Richard (2000) “Culture and Complexity: New Insights on Organisational Change”. *Culture & Complexity—Organisations & People* vol. 7, no. 2, pp. 2-9

⁴ *Bullying at Work: Beyond Policies to a Culture of Respect* (2005)

⁵ *Bullying and Harassment at Work*. ACAS. (2010)

Data Gathering

This review was designed not only to research the current culture but also to be an intervention in itself that would impact and improve the culture as the research was conducted. The interview process was designed to enable us to listen carefully and support people to articulate experience that in many cases provoked a deeply emotional response. Our conversations needed to help people make sense of both their experience and their reactions and to collect the type and quality of description and information which would not usually be easily forthcoming. Though we used a consistent pattern of questioning we allowed people to tell their stories rather than complete a rigidly structured interview. This enabled us to elicit their experiences in its purest form and provide the CQC with rich, high quality qualitative data.

In the original proposal we identified 5 categories of people that we wanted to talk to and included this in the information that was placed in the CQC intranet. The categories were based on our experience of running similar research projects. In practise, of course, people fitted into more than one category.

In conducting the research we spoke to 236 people:

1. Those who had been victims of bullying.
2. Those who had observed unacceptable behaviour.
3. Those who had been accused of bullying.
4. Those who had suggestions for improving the culture and
5. Those who could bring ideas and observations from other workplaces.

We also wanted to encourage people to think about the changes both they and the organisation might want to make. We work from the OD assumption that from the moment you ask the first question you are making an intervention in the system you are inquiring into. Mindful of that we were conscious to go beyond eliciting views of what was wrong and strongly encouraged people to see themselves as part of the solution. We therefore asked people to share their experience, and to clarify the behaviours they experienced, what actions occurred and the impact this had upon them. We also asked them to describe what would tell them that things were changing and to suggest how things could be different and what part they could play in that.

Interview Structure

From past experience we knew that we needed to provide people with a confidential and safe environment in which to share their experiences. As stated above, we offered people the opportunity to meet face-to-face or to have a conversation over the phone. The expressed reason that most people chose to take the telephone option, was that they were afraid of being seen talking to us. When asked to explain the reasons for their “fear” they explained that either the bullying could be intensified or that they would be punished by behaviours such as being ignored or an increase in the monitoring of their work.

At the start of the project we were frequently asked to reassure people that their information would be confidential. We therefore started each conversation with a statement of confidentiality; consequently the data we gathered did not contain reference to names or to regions/functions. Despite this assurance we found that people were anxious about talking to us.

The interviews were structured to enable the individuals to tell their story in whatever way best suited them, with researchers prompting them to clarify statements with details of actions and behaviours. The interviews represent the individual experience of those we interviewed and may not be representative of the views of the entire organisation. This approach produced rich data that the researchers then codified against the CIPD behaviours described above and listed in Appendix 3. Additional behaviours were added to the list when the researchers had significant evidence (behaviours identified in more than 5 interviews). To ensure impartiality two additional researchers ratified the codified behaviours.

The interview concluded with the following questions:

1. What works well at the moment
2. What have you seen/heard that work well elsewhere?
3. What could be different here at CQC?
4. How would you know things are changing (what would be the positive indicators)?
5. What could you do/offer to help improve the culture?

The questions used, and the overall structure of the interview, drew upon an Appreciative Inquiry frame. We wanted people to identify what they saw as being the strengths of the organisation and its existing ways of working, what things would be like if they were the very best that they could be and what would need to happen to bring that about. We also asked people to place themselves in the picture and to consider what their responsibility was in enabling improvements in the culture.

Data Analysis

Detailed notes were taken in all meetings and codified to identify behaviours and actions in line with CIPD definitions of bullying and harassment⁶. When our researchers identified additional behaviours and actions these were also noted. We also identified supporting quotations. The behaviours and actions were then analysed and grouped to form themes. The findings were then analysed.

This review was conducted by a team from People Opportunities Limited comprised of Sarah Hunter, Jackie Draper and Dr Eden Charles. A team approach was used in order to enhance the objectivity and validity of findings.

⁶ CIPD Bullying at Work: Beyond Policies to a Culture of Respect (2005).

Findings

This section provides more detailed information about the findings. The findings are based on our conversations with 236 people from the CQC. We classified 87% of those involved in the research as “staff” and 13% as “line managers”. We also had access to staff and line managers through Sarah Hunter’s presentation and session at a number of Regional Training events. These sessions gave staff the opportunity to discuss how to move the CQC to a culture that demonstrated Dignity and Respect for all and to identify actions that build on existing strengths within the organisation. The sessions were highly interactive and gave participants time to discuss subjects such as having good conversations and debating the expectations that exist between staff, managers and the CQC. Participants noted down the key points of their discussions and this data has been included in our analysis.

What follows in this section is more detailed information about the findings. It includes quotes from conversations with those interviewed organised into key themes and patterns. The most consistently occurring themes were:

- Fear
- Targets
- Managing experienced staff
- Teams
- Accountability
- Behaviour of line managers
- Implementing the PDR process
- HR processes
- Managing poor performance
- Workload
- Regional Induction
- Historic organisational issues

One of the questions asked at the start of this process was “Is there a problem?” In the interviews we conducted we found that 92% of those we spoke to felt that they were subjected to bullying behaviours and that there was a problem. This indicates that there is a significant issue to resolve.

We noted that it was not only staff that felt they had experience bullying – this was also true of the line management community. Of those line managers we spoke to, 79% had either personal experience of being bullied by a more senior manager or had observed behaviour that they felt was unacceptable. The behaviours and actions described below suggest a culture where bullying and harassment exists and is not being effectively monitored and managed.

Fear

One of the things our researchers noticed occurring frequently was reference to “fear” and repercussions. This resulted in people being reluctant to discuss issues at an early stage, not wanting to pursue a formal route and wanting complete anonymity for their story. It is difficult to clarify how much of this fear relates to the

historical “stories” and “legends” that are told within the CQC and the impact on staff that have undergone substantial change in the organisation over the last 4 years. Regardless of the cause the fear is very real and impacts on the health and confidence of those who experience it.

During our interviews and conversations, individuals frequently asked to be reassured that they would not be identified and many described their “fear” of repercussions. 108 members of staff and 13 managers asked for complete anonymity whilst others were reluctant to be identified by their region or function but calls to our researchers tended to be as a result or prompted by a regional/functional visit. Of those we talked to 207 felt they had been bullied, were currently being bullied, or had observed a colleague being bullied. When checked against the project definitions the researchers felt that 201 of the experiences described contained 2 or more of the behaviours listed in Appendix 3 and contained examples of significant repetition of the behaviour to be defined as bullying. Those examples that did not contain listed behaviours were defined as ‘robust’ or ‘fair performance management’ with 2 cases being defined as ‘irrelevant information’.

Within the 201 ratified examples were representatives of all 4 regions, however, the numbers choosing to remain anonymous or not fully disclosing their role and location means that we cannot provide further breakdown of data on a regional basis. People represented included those who worked as Compliance Inspectors and Compliance Managers, those working in Operations, Registration, NCSC, Governance and Legal Services, Intelligence, HR, Finance, Communications, Regulatory Development, Finance and Corporate Services. It therefore appears that the instances of bullying were not confined to a particular region or function.

As part of the research we looked at the detailed results of the 2012 staff survey. Only 50% of staff strongly agreed that the CQC was committed to an environment that was free of bullying and harassment. This figure would then indicate that 50% of those who completed the survey need to see some action taken to change their perception. We know that regions and functions are currently working with staff to understand the issues the survey has raised and to work collaboratively to identify actions that will improve staff’s perception of working at the CQC.

We were struck by how determined people were to tell their stories despite many becoming very distressed during the interview. Many commented on the relief they felt at having someone to talk to about their experience. They also felt that commissioning and investing in a report of this nature was a clear commitment by the leaders of the CQC to eradicating bullying.

Targets

The perception of people we interviewed was often associated with historic cases of bullying and their experience of the ways they are managed in relation to targets. It is important to recognise that the targets are more likely to be a symptom rather than the cause of perceptions of bullying. In fact, everybody we interviewed accepted the need for targets. Their issue was to do with *how* these were communicated and managed. The associated stories describe ridiculing people in team meeting because they were not working to the same pace as others, people

working long hours and eventually becoming ill and lack of support in balancing inspections and enforcement action.

It is important not to see bullying as something that is only caused by some individual 'bad' managers. The issues around bullying which are often associated with targets by interviewees are perhaps better understood as a systemic issue that affects *everyone* in the organisation. Professor Frans Cilliers⁷ advances the view that bullying often surfaces in organisations during periods of significant change and transformation in which there are high levels of performance anxiety. The bullying behaviour is a manifestation of collective anxiety and it is this anxiety that needs to be addressed. This is significant as it moves us away from 'solutions' to do with finding the culprit and 'punishing' them, or solutions that are solely training based that seek to give people the 'skills' needed to behave differently. What is most important is to take action to address the causes of the anxiety. The existence of targets is not the issue. It is to do with providing the kinds of psychological containment necessary for enabling exceptional performance. The recent series of organisational changes that the CQC has gone through, the pressures to deliver in a short space of time and the relatively little opportunity given for consolidation has resulted in some staff feeling that they have not had time to 'settle'. There is a view that they need time and space to build relationships and establish more productive norms of behaviour.

The data we gathered shows that staff are passionate about their work, committed to the vision and values of the CQC and want to be part of improving the ability of the CQC to develop a healthier culture so that it can more effectively perform its nationally critical role. This is true, though they sometimes struggle to balance the different aspects of their workload and often feel that they have experienced management that has added to their pressures rather than helping them to work through it. The work that has been done to celebrate the successes of last year has been appreciated but staff are anxious about the support they will receive later in the year when the organisation come under pressure to meet this year's targets.

Managing experienced staff

There is also a correlation between current cases of bullying and new staff coming from senior professional backgrounds in health and social care. These are people who, in many cases, have chosen to leave more highly paid jobs because they strongly believe in the vision and purpose of the CQC. They describe asking questions and offering opinions with the intention of understanding how things work and seeking to do their very best and being treated as difficult, negative and of little value. "I was told, 'You're not a Sister now – just get on with it and don't come to me with questions – you should know this.'" It seems that there are some fundamental differences between these types of people and the line managers that manage them. One individual commented "I know that I must come across as critical but that's not what I'm doing – I just want to get things right"

⁷ Cilliers, F. (2012). A systems psychodynamic description of organisational bullying experiences. *SA Journal of Industrial Psychology/SA Tydskrif vir Bedryfsielkunde*, 38(2), Art. #994, 11 pages. <http://dx.doi.org/10.4102/sajip.v38i2.994>

In the CQC 2013 – 2016 strategy guide you say you will

“Make sure inspectors specialise in particular areas of care and lead teams that include clinical and other experts, and people with experience of care who we call experts by experience”

This emphasis offers the CQC an opportunity for reframing the experience of managing experienced staff. We recommend that you offer all staff focused training on working with others – including how to have effective and difficult conversations. This does not have to be expensive and could be implemented through some intensive highly practical lunchtime sessions for all staff or via an e-learning package.

Teams

Staff have a real affection and derive most support from their immediate team – that is, their existing colleagues and in some cases their colleagues from a historic team. In the majority of cases when people reflected on ‘their’ team the manager was not seen as part of the team. We noticed that the stories highlighted that staff and managers spend very little time together. “He’s never been on an inspection with me – I don’t even know if he has ever done one”. 57% of the interviews identified poor conversations between staff and line managers with little evidence of seeking to understand each other’s worlds.

We see a real opportunity for the leadership to develop and role-model the characteristics of highly effective teams that have a deep understanding of the strengths and contributions each team member can offer. To make this a reality for the whole of the CQC activities designed to build teams need to happen. This would enable teams to spend more time together developing their understanding of the strengths and preferences of the individuals within team, establishing ways of working that utilise these strengths, develop shared understanding of the tasks at hand and how to work together to achieve them

Accountability

Another significant theme that emerges from the data is that staff do not simply blame others but take responsibility for their ‘part’ in the situation. 32% felt they had a part in creating the situation – “I know I can be persistent when something is this important – I imagine that can feel quite irritating”. “I don’t think I was shouting – I was just very upset.” Some people described lacking confidence in writing reports and wanting to have a definitive answer or guideline – when flexible guidelines meant this didn’t exist. A few people told us they had approached their line manager to try to resolve the situation through a more open conversation but that they both were too emotional to complete the conversation effectively. The pattern that emerged is one where the person who is being bullied looks for others to help make the situation better – HR, trade union reps, other managers or staff. This is a classic response to bullying when both confidence and resilience is damaged by the experience and when one party has greater positional power. We would advise that the process for reporting and tackling bullying should include a less formal mediation process that allows for individuals to re-run conversations to try and

improve the relationship and identify actions that both parties need to take to repair the situation.

Behaviour of line managers

By far the majority of stories described a breakdown in the relationship between employee and line manager. Whilst it is accepted that any organisation needs to manage the performance of its staff, and that there are managers who do this well, we were overwhelmed by the examples of poor practice and entrenched bullying. Below are direct quotes from those interviewed.

Behaviours and actions described include:

- Rewriting and rewriting reports. “My reports was sitting there (in the team meeting) covered in red pen – I was terrified”. “My reports get changed and changed - I’ve tracked the changes and she is changing her changes – when I mentioned it she says I’m “useless” at writing reports. She keeps my reports so long I miss all the deadlines”.
- “I’ve moved teams and the way reports are written is very different – when I asked my line manager to help me she told me to look in the guidance. I pointed out that what she was asking for was different to the guidelines and she went ballistic. She shouted “You’re not in charge now” No-one has ever spoken to me like that”.
- “In 1-2-1s she would ask, “What are you doing about this? What are you doing about this?” so that I’d constantly feel I was doing something wrong.
- “In my PDR she started the meeting by saying “Do you think this is the right place for you?” “I was completely shocked”
- “In the team meeting she shouted at the top of her voice “You never, ever leave anything”.
- “My manager shouted at me, right in my face, in front of the team. After the meeting she apologised. I was off sick for 6 weeks”.
- “I did the right thing and decided to discuss it with her. I said, “I think that you have been bullying me and I can’t work in this team.” She said, “Oh, when are you going then?” “As usual none of this ever gets written up – it’s her word against mine.”
- “I was overwhelmed with work so I emailed him for some help. He never replied.”
- “She emailed all team members “Can you help X plan her diary as she doesn’t seem to be doing enough work”
- “In front of the team he suggested I went to the gym or bought a bike so I could lose weight. I was deeply shocked and humiliated.”
- “She’s a senior manager so it is completely inappropriate that she swears and shouts at her team.”
- “I wanted to shadow a visit but she told me to get on with it. Then she picked my report to pieces in front of the team. I’m stressed and distressed - I’ve never had my competence questioned before. I feel deliberately undermined.”
- “Managers need to support you not just tell you off all the time.”
- “This isn’t going to pass – plain English is never going to be your thing” (said in team meeting).”

- “I’d only just come thorough induction and she kept asking me how many inspections I would do in a week. I was crying at work and at home - my team members were appalled at my treatment.”
- “No-one ever praises us – the Regional Manager shouted at us all and told us we were rubbish – I’ll never forget that.”
- “I have 20 years of NHS experience and I’m the only one in the team who doesn’t have an NHS trust. I asked her if I could get more involved with NHS and she gave a trust to a new member of the team who has no experience at all. She undermines me all the time.”
- “It’s a numbers game – they don’t want us to use our experience and feel threatened by it.”
- “The Manager is always right – you can never have a conversations about anything”
- “I feel like I’m on trial”
- “The human element is completely lost”

We heard many people talk about **micro-management and excessive monitoring of work** – where one person in the team is subjected to this until they became stressed and take time off work. This was often in the context of returning reports to the author many times and of wanting to know how much time was being spent on it. Typically this was not seen as being a consistent approach applied across the team. “My team members were amazed this was happening to me – I’ve never been managed like this in 20 years.” Individuals felt it was **very difficult to ask questions or to offer comments** as managers saw this as being challenging. “It’s not safe to make any critical remarks or to offer opinions.” Several people described how a negative comment in a meeting (about CRM for example) resulted in the line manager threatening to place them on a disciplinary for breaching the CQC values and behaviours.

People are **fearful of making mistakes and there is a wide culture of blame**. “Managers can never, ever be wrong.” “Blame is passed down the organisation – there is no concept of support from managers.” This appears to be particularly evident in the handling of complaints from Providers. Individuals described interrogative, threatening conversations (or no conversations at all) with their line managers, with no opportunity to discuss their view or any suggestion of support.

“I had a complaint – it turned out they thought I was difficult to contact – I was off sick for 5 weeks, of course I was difficult to contact. My manager knew that – why didn’t they just explain instead of telling me there was a complaint and letting me sweat for another 3 weeks!”

People are suspicious of the way in which providers use complaints. “Have we ever had a complaint from a compliant provider?” and the way in which managers respond.

“The Provider gets a woolly, mealy-mouthed reply that blames the inspector. You are not supported at all so if you challenge poor practice the provider will use FOI and complain about us. They are just laughing at the CQC, but it’s the inspectors who carry the flack”

In particular we noticed that individuals who have held very senior roles within health and social care before coming to the CQC describe themselves as being “broken” by the behaviours of their managers. They felt that their **experience was not valued** and their relationship with their line manager rapidly deteriorated. In many cases both manager and individual started to document the details of each meeting (with differing interpretations), culminating in grievance and disciplinary proceedings.

Those we spoke to frequently described long periods of stress related sickness, feeling hurt, threatened, shaking, being diagnosed with post-traumatic stress and other related symptoms.

We noticed that in the descriptions that people gave us of the conversations that they had with their line manager, these conversations seemed to be focused entirely on task with very little emphasis on development and support. At a time when many were feeling isolated or under-confident a balanced managerial response would have been both to focus on task *and* to coach and support their staff, helping them with tricky problems and enabling them to remain energised and motivated. Their responses often appear to have had the opposite affect.

The CQC has already recognised that managers need to improve their skills and has provided management development training that all managers have attended. The reported experiences of some staff would suggest that more work needs to be carried out here to embed the application of these skills more fully into everyday practice.

Implementing the PDR Process

A number of those interviewed felt that the annual PDR and the process were inconsistently applied across regions, teams and individuals. “Line management varies hugely – the good managers support you and are interested in how you are. Other managers just look at the numbers.” Many described 1:1s that only focused on numbers and of issues only being raised in the PDR meeting and not before. During the interviews and in discussions at Regional Meetings we attended, there was strong feeling about a number of issues connected with PDRs:

- Ratings – people wanted to understand how to achieve an “exceeds” and what that might look like in practice.
- Bonus – there was concern that some had not contested their rating when they thought there would not get a bonus only to have it later announced that a bonus would be paid but it was now too late to contest ratings.
- The moderation process was regarded as a sham and figures such as “only 1 out of 27 appeals were upheld” cited as evidence of the CQC not wanting to pay bonuses.
- Many felt managers were put under pressure to keep ratings down.
- Some individuals felt managers gave their favourites “extra” work to provide them with opportunities to gain a higher rating. “It’s not enough just to be really good at your job and work hard – managers don’t even know what ‘exceeds’ looks like, they just offer extra to the ones they like.”

Many felt that PDRs didn't encourage managers to pay attention to HOW they managed and that there was no mechanism to feedback on either the good or less good managers. There is very little focus on development and support and as such the organisation is missing out improving performance and maximising potential. "The HOW of management is controlled and smothered".

HR Processes

We had a number of conversations about the disciplinary and grievance processes with individuals, the Heads of the Diversity Networks and with a number of Trade Union representatives. People typically described the processes as "lengthy and inconclusive." As part of our approach we were committed to encouraging people to follow the appropriate process but found most people were either "terrified of being punished for speaking out" or had little faith in the outcome. "There is no point – all the managers stick together – especially at senior level."

We noticed that mediation was rarely used and that relationships quickly spiralled out of control resulting into either a disciplinary or a grievance process. Though informal options exist – most of those we spoke to were unaware of how to access this type of support. Some of those we spoke to felt that there were people in HR that lacked the specialist experience and expertise to deal with grievances that related to bullying. The more experienced HR staff that did have this specialist experience and expertise were often too busy to get involved. Individuals spoke highly of the support they received from the Trade Unions and the Diversity Networks. Many felt that the guidance and policies were confusing and wanted more detail including timings between each stage of the process. People felt that the process could be fairer if those hearing them were unbiased. "I can't believe who they got to hear the appeal – it's her (line manager's) best friend – guess what the outcome was?"

We spoke to a number of people who had experienced bullying by a line manager and had taken out a grievance but didn't feel that they had achieved closure. In some cases the line manager had retired, or they had themselves moved teams, or had taken different roles within the CQC. In these cases most individuals wanted some communication to explain what investigation had been undertaken and what conclusions reached. They felt that the guidelines did not adequately explain what outcomes could be expected – "it just all fell in a black hole and then they said she'd taken early retirement." Many people expected an apology or explanation at the end of the process. When this didn't happen it made it very difficult for them to leave the experience behind them.

The appointment of Dignity at Work Advisors was strongly supported. A Review of the Dignity at Work activity will be undertaken in July 2013 and will include the opportunity for staff to "vote" for additional Dignity at Work Champions.

Managing Poor Performance

We spoke to line managers who had experience of managing poor performance. "It is really difficult to manage poor performers without them taking out a grievance." Some felt quite isolated by the experience and spoke of little support from their managers. "There is no appetite for getting this right – I was told to "lose" a member of staff in the restructure." Team members talked about the impact of a poor

performer on the rest of the team, “The grievance is still not resolved. I’ve worked with her for 7 years and she never learns. We work well and hard and have to pick up her work.” Interestingly both line managers and individuals expressed dissatisfaction with the process and the support received from the organisation.

Managers also commented that some people have a “victim mentality”. “When we try and raise productivity inspectors raise a grievance – the stories are well known.” “Many people have worked here for a long time – there is a culture of entitlement – but things have moved on – all public sector entitlements have changed – we have to move on.”

Workload

Many people we spoke to talked about workload in the context of institutional bullying. “This is a long hours culture – they wring the blood out of you.” Individuals were concerned that staff were not involved in discussions about targets and they were seen as being imposed from “above”. “They know how much we care about what we do – but they can’t rely on our good will for ever.” “If people say they are achieving their targets in 37 hours you know they’re not - we just don’t put the time on the timesheet – what’s the point you just get punished by your line manager”. People questioned what the organisation wanted – quality or quantity? “People cut corners – but no-one questions someone who rarely makes a non-compliant action let alone a warning.” There was a genuine concern that the excessive workload carried real risk to the organisation and to patients. “The workload just isn’t achievable in 37 hours – you just can’t do it properly and enforcement action takes over.”

A number of those who had experienced bullying by their line manager connected it to their desire to make more thorough inspections than their line manager felt was necessary. “They are never going to tackle a Local Authority – to me that’s a huge risk and morally wrong.”

People described their “fear” of not achieving targets. “I work more hours because I am absolutely terrified of falling behind and being seen as failing. People cry in the workplace all the time – its abysmal.” “Even managers worry about the amount of work that has to be delivered.” “I know it’s been a good week because I haven’t cried this week.”

Concern was also expressed over changing targets. “This happens from Director level down – I know there is a political agenda but why does it always mean more stress for the front line?” We noticed that people were prepared to manage the change in targets but wanted better, more empowering conversations about it so that they could input into the solution rather than having it imposed from above.

Part-time workers felt they were unfairly pressurised with an unfair allocation of work. They talked about their inability to add extra hours due to carer and childcare responsibilities. “I just can’t work later like others in my team do. I really need this job yet I’m panicking that I’m failing.” They felt managers, and the organisation, didn’t support flexible working. “They told me they weren’t recruiting part-time staff anymore.”

Regional Induction

Many new inspectors felt exposed when they moved out of induction and into their teams. They spoke of not being allowed to shadow inspections. “She said – just get on with it - you used to be a sister – surely you can manage this.” People also reported buddies lacked the time to support them. Others identified this as a big risk for the organisation. “It takes time to get up to speed – this is make or break for some people”. Some described the fear they felt when submitting a report that would be covered in red pen. “I asked for a meeting so I could understand what I was doing wrong but she just told me to look at the guidelines – I felt sick every time I sent in a report.” Some new inspectors said Probation was used as a threat - something to struggle through rather than a time for learning and consolidation. “I have to keep this job – I know I am doing a good job but it never seems to be good enough. I’m starting to shake every time I see an email from her.”

Historic Organisational Issues

There are a number of historic actions that have a continuing, significant impact on individuals’ perceptions of the organisation and contribute to their feeling of institutional bullying. Regardless of the validity of these feelings they contribute to the stories about the organisation that reinforces the current culture, which then drives how people behave.

Homeworking

Many people talked to us about homeworking as an issue – describing it as “isolating” and in some cases this has contributed to the tensions between individuals and managers as “things fester.” Many people told us “they forced us to become homeworkers” and “we don’t know what’s happening – we’re left out.” “We have an email culture - often a phone call would be so much better.” Good managers are seen as those who have regular phone contact with their staff and seize every opportunity for local meetings.

TOIL/Overtime

A number of people have been with the organisation (in its various forms) for many years. They feel that the organisation is trying to make “arbitrary restrictions” on their ability to claim TOIL. They claim that the process is unduly complicated and that managers are deliberately trying to make it difficult to claim. “Our line manager has to agree it in advance and there is always such a fight about it – you are made to feel like you’re cheating the organisation – in other teams it isn’t a problem.” Again the policy appears to be applied inconsistently “You can do visits on Saturday in other regions – but not here.” “The rules just aren’t explained – can you or can’t you?”

Protected Pay

This is still a source of much resentment both from those who see others being paid more for the same job, and from those whose pay is being reduced.

Technology

A number of people highlighted their frustration with CRM. It was described as “cumbersome” with many saying that it was difficult to find information or track the chronological order of events on the system. Whilst senior managers will be aware of these issues it is the lack of response that caused feelings of

frustration. Front-line workers felt they were not getting the tools they needed to work remotely. Those who required Assisted Technology and used Dragon told us that system was very slow and very difficult to use and consequently made it more problematic for them to meet deadlines. Several Dragon users felt that the lack of action they had experienced in addressing their concerns was part of a wider organisational indifference to their circumstances.

Many people spoke of trust that had been broken and would take a long time to mend. "I've noticed a difference in her behaviour – but as soon as Sarah Hunter is gone she'll be back to her old ways." "The managers are praising us now - but they seem uncomfortable with it." "It's a charm offensive, a 180 degree turnaround". Staff, as always, watch the actions and behaviours of the executives and senior managers to understand what is valued and what is important.

Understanding behaviour in the context of organisational change

Established under the Health and Social Care Act 2008, the Care Quality Commission (CQC) took over the functions of the Healthcare Commission, the Commission for Social Care Inspection (CSCI) and the Mental Health Act Commission. This merger resulted in staff having to cope with new management structures, different cultures and ways of working, and uncertainty about how everything would bed down. In 2011 the National Audit Office highlighted the number of vacancies unfilled in the CQC (as a result of government restrictions) and noted that 21,600 organisations were registered with the CQC. In 2012 the CQC was also asked to register over 10,000 GP services. The organisation has and continues to be very publically scrutinised

Over the last 3 years the CQC has restructured a number of times and has had major changes to its remit and scope of operations. For staff this has meant redundancies, moves to new teams organised by postcode, new regions, becoming homeworkers, register and inspect dentists, different types of people being recruited to the teams, new managers, different targets – all of which has led to the work force feeling "unsettled". The organisation has also been under intense public scrutiny with highly publicised changes in leaders and now with a completely new leadership team. This year the CQC will recruit a Chief Inspector of Hospitals, Social Care and Support and consider a chief inspector for primary and integrated care.

We are unsure how much work was undertaken to integrate the three organisations and in our conversations noticed that people frequently referred to their original organisations. There is much research that suggests that those that "survive" redundancy and restructure can develop a 'survivor mentality'. Those who remain often have a subconscious sense of guilt that they have remained whilst others have left and may be more sensitive to robust management. There is often a sense of 'grieving' for the old organisation, colleagues, position/status, recognition of achievements, previous ways of working, etc. There is also fear generated by uncertainty about the future. 'Survivors' will therefore often find reason to question new process and procedure and this can lead to situations where managers need to reinforce the organisational line and staff perceive this as bullying. If staff are unsettled they are likely to be more sensitive to questions about their performance, often ascribing deeper (often inaccurate) meaning to the action.

This does not seek to excuse the experiences we have heard but to provide context for the environment in which both staff and managers find themselves. For the 'survivors' of change there needs to be strategies and measures in place to restore the confidence of the workforce and to engage staff with the new ways of working. This requires frequent and different communication and needs to acknowledge they are in a different emotional state from those who are making the change or that have joined the organisation since the changes took place. A critical role for the leadership team in this regard is to spend time with staff and support managers to give out messages that stabilise.

Nadia Williams⁸, writing in Personnel Today describes research that shows that the more staff have experienced periods of significant change in which they 'lose' colleagues, the greater impact there is upon their morale, motivation, levels of sickness, rates of sickness absence and reported increased stress levels. Others⁹ suggest that "the psychological contract between employer and employee can deteriorate during a period of organisational upheaval, and therefore takes time to positively re-form". Survivors need adaptation time and recognition of the impact the changes are having. The research suggests that the most effective way of retaining the 'survivors' is through "effective communication processes" that address the concerns of survivors. These included "general staff meetings and briefings by line managers".

⁸ Williams, N. (10 June 2009) 'Survivor syndrome' among staff is hindering employers. Personnel Today

⁹ Fiona Campbell, Les Worrall and Cary Cooper, *'The Psychological Effects of Downsizing and Privatisation'* Wolverhampton Business School, Management Research Centre, Working Paper Series (2000)

What is working well and can be built on

Appreciative approaches to organisational change speak of the need to “start from strengths” and “build upon success”. In our research we found clear evidence of strengths and successes that could be built upon.

In all of the interviews we conducted it was clear to us that the vast majority of people that work for the CQC are passionate about the job that they do, and committed to providing patients and service users with high quality care. They work well at a difficult and demanding job because they believe in the role of the CQC. They have a huge amount of experience and skills and have ideas and opinions about how to improve the organisation. They want to be involved in shaping the future of the organisation. This provides a substantial basis for improvement and grounds for optimism. Managers need the skills and support to see this as an opportunity, not a threat and shift their management style accordingly. We would suggest that this shift needs to be supported through training, briefing or even coaching to help managers to adopt this behaviour.

There are managers who coach and develop their staff, providing them with a supportive and safe environment to thrive and work effectively. Their good practise needs to be recognised and this approach adopted more widely throughout the organisation.

There are members of staff that have worked with David Behan before. They typically have tremendous respect and enthusiasm for him and the things he has already done at the CQC. The behaviour of the leadership is absolutely critical to increasing staff confidence that bullying will not be tolerated. It is clear that if there are to be real improvements in the culture that they need to be visible, authentic leaders who role-model the values, beliefs and behaviours that support a healthy organisation. David Behan, and his Executive Team will be under intense scrutiny from all levels of the organisation with a particular focus on how well their behaviour matches their rhetoric.

Things that are not working well.

The analysis of the findings leads us to identify a number of things that are not working well. These include:

1. A significant disconnect between managers and their staff
2. Approaches to Managing Performance
3. Handling of Mistakes and Complaints
4. Critical Conversations
5. Policy and Procedures

Significant disconnect between managers and their staff

There is a sense of “them” and “us” that runs through all the conversations – between inspectors and Compliance managers, front-line staff and managers, between managers and the senior team, between the senior team and the Executive Board. This may well be related to the types of conversations that are prevalent in the organisation – focused on targets, numbers and compliance. Little time is spent understanding

individuals' views and opinions and feelings and how they can best be supported and developed. This means that the organisation is missing out on ideas and opinions that could improve individual and organisational performance. It also means that the latent potential of your staff is untapped and the opportunity to motivate and enthuse people is also missed. The CQC has developed Leadership Principles and CQC Values and Behaviours. These are exemplary. We recommend that more work is done with these so that they are valued and given the same attention as task based objectives.

The perception amongst many of those we spoke to is that managers are not held to account or rewarded for the way in which they manage their staff, for the role they play in maintaining staff well-being or for how they develop and support their staff to achieve their potential. If senior managers are not actively curious and interested in the way staff are managed, managers will not value such activity. Similarly how well people manage in terms of motivating, developing and supporting their staff could be more strongly recognised through the annual PDR and 1:1s.

The public interest and the level of scrutiny of the CQC produces a tremendous need to perform and managers are under pressure to ensure that targets are met. Whilst staff know and understand this, there is a sense that the pressure ends up with front-line staff. They need managers with the experience and skills to support them. Many staff are wary. They described instances of listening to senior managers praising them for their achievement last year, whilst worrying how senior managers would respond later in the year when pressure starts to build.

Approaches to Managing Performance

Our findings indicate that there is a tension between the autonomy of front-line roles and the degree of scrutiny of their performance. Managers spoke of the need for staff to be both resilient and self-motivating. Homeworkers described themselves as isolated and of being micro-managed. We noticed that managers provide supervision of tasks – e.g. identifying errors in reports, assigning work, reviewing numbers of inspections against planned target, etc. rather than support e.g. discussing how to approach tricky inspections, balancing workload for inspectors undertaking enforcement action, matching portfolios to consider inspectors aspirations and experience – especially when managing people who have extensive experience in health and social care. The resulting tension is frustrating for managers and often feels like bullying for staff.

Staff are frequently unclear of the purpose of their work with many questioning the balance between quality and quantity. Rather than discuss this managers tend to close down conversations, describe staff as 'negative' or feel that it is a breach of the CQC beliefs and values. More transparent discussions and greater clarity about the purpose and expectations of the role would provide both managers and staff with clearer guidelines.

Handling of Mistakes and Complaints

Many staff spoke of a real fear of failure, of making mistakes, and of being punished. This has to be understood in the light of the public scrutiny of the CQC. However being unable to admit to mistakes or to not knowing prevents individuals and the organisation from learning and developing. The fact that many had little faith in their managers or the organisation protecting them or supporting them to learn from mistakes resulted in them

not being prepared to take risks or to confide in their managers. This further underlines the perception of a lack of connection between staff and managers.

The approach to Provider complaints illustrates the point with inspectors rarely being told the details of the complaint or being asked for their own account. This is another opportunity to provide support and build trust with staff whilst ensuring that Providers views are fully investigated.

Critical Conversations

Many of the issues raised could be traced back to a poorly conducted conversation. This could be where things were not said, or said badly; where someone became angry or upset and trust was broken. Typically these events rapidly escalated to formal processes with both sides writing minutes for every encounter. Some of these could have been avoided if individuals were more skilled in revisiting a conversation and managing the tensions in a more informal way. Staff and managers at all levels need to have conversations not just about workload and targets but also about how to work well together, to get to know each other and value each others experience and abilities. 1:1s need to be developmental (with a balance of support and challenge) – helping to achieve potential and enabling the organisation to continually improve.

Policy and Procedures

All those who had been involved in a formal process described a lengthy and complex process, often delayed by periods of stress-related sickness. More importantly in a few cases more than one person identified individuals as bullies. In each case, despite this being discussed with senior managers, no action could be taken, as individuals were too intimidated to raise this formally. While this continues to happen the organisation will be seen to tolerate bullies.

Recommendations

In his original request David Behan said

"Thirdly, I want to appoint a person who is independent to the CQC to whom, for a 3 month period, staff could go to share their experiences in confidence. I will ask the person to report to me on the experience of those staff and make recommendations for how as an organisation we should move forward."

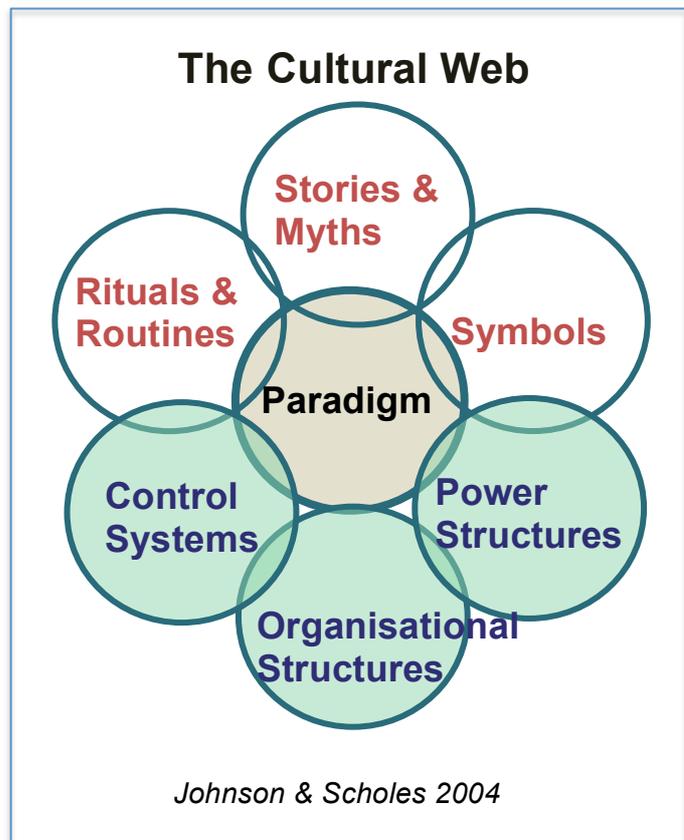
We believe that there is a need for clear, decisive strategic action designed at changing the culture. This action would need to generate belief and momentum for change through taking action to address some of the issues highlighted in this report. (See 'quick wins' below.). We also think it important to invest in developing those leaders and managers that will need to embody, articulate and implement ways of thinking and working that place greater emphasis on empowering and releasing the energy, skills, talents and commitment of staff.

Below we offer some recommendations structured around the cultural web model

In looking at what needs to happen to build on the existing strengths of the organisation we used the Cultural Web model (see Appendix 4) to help provide a frame for understanding the current culture.

The responses that we gained from the interviews suggest that managers in the CQC pay greater attention to **control systems, organisational structures and power structures** than to creating a climate that fosters success.

In any cultural intervention it is important to acknowledge the existing culture and to understand the current paradigm – what people are saying, what they think about the CQC, how they describe their role. If the paradigm is to shift leaders need to pay attention to the top 3 elements, **(Rituals, Stories and Symbols)** and work skilfully to co-evolve ways of working that generate and sustain a more positive culture. In seeking to do so they will need to pay attention to their own habits of thought and behaviour and avoid the temptation of using the types of approaches and behaviours that (usually with good



intention and under huge pressure) created the situation in the first place. The model provides a useful basis for structuring future action. We have used the structure to outline some of our recommendations.

Stories

Our research has been targeted to illicit stories of bullying within the organisation but during our research we heard other stories. People talked of how they came into the organisation, from either the Healthcare Commission, Commission for Social Care Inspection (CSCI) and the Mental Health Act Commission. They spoke of their passion and dedication and of the hard work they had done and of some of the distressing things they had seen. We heard of imposed changes to targets and job roles and moving teams, new managers and new ways of working. Typically the changes were communicated and managed from the top of the organisation leaving staff feeling powerless and pressurised. The CQC needs to create new stories that build on the best of what could be.

The organisation has already undergone considerable change and continues to change. This is unsettling for all staff and the leadership team needs to develop the capacity for creating an environment where staff can feel emotionally secure. During the course of our research we have heard much about the behaviours and qualities of the senior managers and the leadership team. What is very clear is that staff look to these people to indicate what is important in the organisation. They need to be enthusiastic and visible role-models of excellent management. In times of change and uncertainty staff have told us that they will be watching closely to see if the rhetoric matches the actions and behaviours demonstrated by the leadership of the organisation. The leadership needs to be experienced as powerful, emotionally intelligent and skilled interpersonally. We have already identified that there is a significant disconnect between staff and managers and this needs to be addressed through the unified and consistent actions and behaviours of the leadership team.

We recommend that the senior team work together with the organisation to develop the notion of shared leadership. The leaders are no longer expected to know all the answers and a shared leadership approach enables an organisation to involve and empower staff through collaborative working. This also works to break the rigidity of traditional organisational structures and provides opportunities for developing different teams and having different conversations.

Rituals and Routines

The management of performance is key for any organisation but it is here that many staff and managers have experienced bullying. The structure and patterns of 1:1s and PDR meetings and team meetings provide the main points of contact between staff and managers. It is in these meetings that staff take notice of what seems to be valued in the organisation. Many staff are home-based and as a result many of their interactions take place via email or phone calls. Our findings suggest that there is a need for greater connection between managers and staff at all levels of the organisation. If the culture is to change managers and staff need to spend more time physically together in the same space. New rituals can be created through practices such as monthly face-to-face team meetings where

conversations are less about task and more about collaboratively working on improving the teams performance and well being.

If the CQC is to continue to work at a high level, then challenge is a critical component of team and individual interaction and fundamental to developing a learning organisation that achieves outstanding performance. Challenge however, can only work if the organisation also invests in support and people relationships. The Leadership Investment Model is a model utilised by Virgin Media that depicts the importance of the manager providing both support and challenge to individuals within their team. The model is used in many high performing organisations and shows how challenge can be used to achieve high performance within organisations when balanced with appropriate focus on support and development needs. Many of the descriptions we had of the culture suggested that Low Support & High Challenge was often the norm and not High support and High Challenge.

← Low	SUPPORT	High →	
Low support / high challenge - Task master	High support/high challenge – Enabler		← High CHALLENGE Low →
Low challenge / low support - Abdicator	Low challenge / high support – Nurturer		

We recommend that the current 1:1 structure and PDRs be reviewed to include an assessment of how managers contribute to the performance and well-being of their staff. This might include a review against specific values and behaviours. This would help to identify poor management practices at an early stage and to understand the impact of different styles on staff performance. The 1:1s could then become a way of communicating ideas and views and involving staff in the development of the organisation.

We also recommend that training is offered to help develop the skills of coaching conversations. In a complex organisation of this nature, with the number of homeworkers, the skills and tools of coaching and developing staff would help to build better relationships, improve the quality of the conversations and motivate and energise staff. Both staff and managers have responsibility for having open and honest conversations that cover achieving results and developing and improving performance. We also recommend that managers are offered support to develop the skills of coaching and developing their staff and that this is linked to both implementing the strategy and with exceeding performance

at PDR. We understand that managers have already received training but it would seem that more can be done to incentivise and encourage managers to put their training into practice. We suggest that People Opportunities Limited work with HR to ensure the key messages of this report are incorporated into the development of the CQC Leadership Academy.

Symbols

Typically the symbols are the visual representation of the organisation – the posters declaring the values of the organisations – the flyers in reception that describe the ways of working. They can also be the visual signals about how decisions are made and who is involved in – is it always the senior people who have the responsibility for decision-making or are others asked to be involved? We have already highlighted how staff watch senior managers to see how their actions and behaviours match their words and the meaning that they take from this. If the culture of the CQC is to change then the symbols need to be congruent with that change.

Our researchers have seen the pamphlets and flyers that describe your values and they ways that you work for patients and users of care services.

We recommend that as you review the Values and Behaviours you produce similar posters and flyers to describe how you will work internally. For example a poster confirming, “Bullying and Harassment will not be tolerated here.” “Or, perhaps even more appropriate, “We achieve things by working together“. By being explicit about how you wish to work the CQC can start to be the best it can be.

Organisational structure

The organisational structure of the CQC has changed many times and indeed during the period of this report a new structure has been put in place at executive level. The organisation has a recognised hierarchy with decisions and actions communicated from the top level down into the organisation. Whilst this provides guidance for staff it can also mean they feel less accountable for the ways in which they work and behave. The more people are involved in identifying how they achieve their targets and results the more accountable they will feel for individual actions and behaviours.

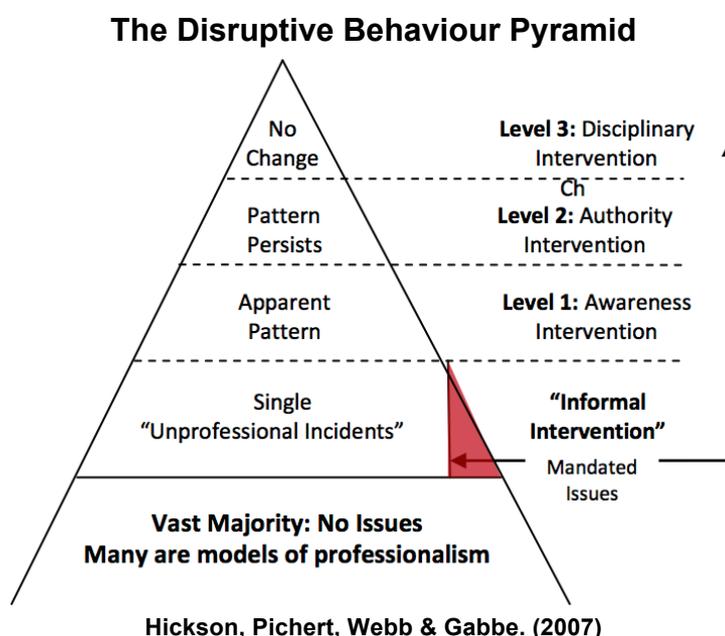
We recommend that the leadership team cascade the shared leadership approach through the organisation. Some managers will need training to develop the skills of more collaborative working that are associated with shared leadership. The CQC has recruited staff that have a wealth of experience in working in health and social care and have the potential to provide new approaches and perspective on achieving results. Whilst we are not recommending that you make radical change **we do recommend that as the new Chief Inspectors are appointed that they engage with staff to refine current practices.**

Control Systems

For many organisations the controls systems manifest themselves in the policies and procedures of an organisation. We have already identified the problems associated with the length of time taken to resolve formal bullying complaints and the possible outcomes.

Some¹⁰ argue that bullying can be understood as disruptive behaviour that gets in the way of the organisation achieving its objectives. The disruptive Behaviour Pyramid (below) represents a graduated method of dealing with this disruptive behaviour. Implicit in the model is the understanding that disruptive behaviour has to be noticed and dealt with in every instance. It also works on the principle that the nature of responses to cases of bullying should be commensurate with the nature of the incident. Therefore, a single incident might best be handled by an informal intervention whereas a persistent pattern of this behaviour that does not change even after raising people's awareness of the negative impact of their behaviour and an intervention has taken place by a figure in authority, should result in disciplinary action, irrespective of rank in the organisation.

In some other organisations the use of a mediation charter has helped to repair work relationships. This is a simple action plan that identifies 2 or 3 changes that **each** person can make in actions or behaviours that will enable them to establish a better working relationship. It also identified how these will be monitored and measured and assistance that may be required in the form of training or in working with other colleagues in order to improve or change.



¹⁰ Hickson, G.B., Pichert, J.W., Webb, L.E., & Gabbe, S.G. (2007). A complementary approach to promoting professionalism: Identifying, measuring, and addressing unprofessional behaviors. *Academic Medicine*, 82, 1040-1048.

It is clear that staff need a process for reporting bullying that is transparently fair to all whilst being supportive and decisive. The informal processes need to be innovative, impartial, easily accessed and managed by individuals who are confident and skilled in helping people have tricky conversations. These need to be monitored over a period of time rather than a single intervention. The formal process need to be clear, decisive and timely with outcomes communicated quickly and clearly. The disruptive behaviour Pyramid might assist in thinking about implementation of a process.

Staff also identified concerns about the way in which complaints from providers were conducted. **We recognise the importance of ensuring these complaints are investigated fairly and swiftly and recommend that you work collaboratively with staff to review the current process and guidelines with a view to developing and implementing an improved process for reporting bullying that is fair to all whilst being supportive and decisive.**

Power Structures

The stories people tell of their organisations often identify where the real power and influence lies within an organisation and it is clear that the CEO is seen as someone who can create change and make things happen. With the creation of a new executive team this is a time of possibility for the CQC.

We recommend that a shared leadership approach would best enable the CQC to build on the strengths of the organisation and create a change in culture in which positions of leadership and authority demonstrate a valuing of the perspectives and other contributions of staff irrespective of position in the hierarchy.

Additional recommendations:

We suggest a bold statement to the organisation that contains messages of the following kind:

- The leadership team expressing the fact that it is not prepared to accept bullying behaviour, that it is committed to taking action to creating a non-bullying culture Thanking those who had the courage to contribute to the exploration as this will contribute to making the CQC policy of zero tolerance of bullying more of a living reality in the organisation.
- Encouraging those who have not taken formal steps to do so now knowing that they will have the full support of the organisation behind them.
- Setting up mediation options, with staff being involved in the process so that attention is more focussed on creating a better culture in which different perspectives are listened and responded to fairly than on 'punishing' bullying behaviour.

- Reviewing HR policies and procedures to add more detail and to include recommended timeframes for each stage of the processes. This should be tested out with members of staff.
- Identifying metrics to assess improvement over 6 – 12 month period

Creating a change in people management culture

Those we spoke to felt that managers are not held to account for how they manage people. And those front-line managers in their turn have little support in developing better people skills. Staff want managers to have the time and the interest to listen to them; they want to have open and honest conversations; they want to be involved and empowered. These are the basics of excellent management. All of this is good news for the organisation as it develops the detail of the 2013 - 2016 strategy. Managers need new skills if they are to achieve the outcomes of the new strategy with staff that will be seeking to draw upon their specialist skills and experience. If this is to be achieved, managers need to understand the strengths of their team and their desire to develop and improve. They need to see a critical part of their role as being to create the conditions that support them in doing so. They need to have the time and the skills to help them develop and learn. This will require them having good conversations that blend challenge and stretch with empathy and support.

Priorities and first steps to creating improvement

Staff have told us that they will take meaning from the way in which the report is received by senior leaders and how the results are communicated. They have also told us that they will be looking out for actions that demonstrate your commitment to changing things for the better. We suggest that you communicate the results of the survey, and your response to the organisation quickly and in the same way that other business critical decisions are communicated (e.g. the 2013 strategy and / or David's weekly message). The message should include an acknowledgement of the experiences of those who contributed to the exploration and a commitment to stopping it from happening again.

It is essential to follow this up with some quick wins and involve staff in taking them forward. For example, get staff to feedback on the HR processes and work with HR experts to develop new guidelines that provide them with the information they need. The more that staff and managers are involved in co-creating the solutions the more they will be committed to making them work rather than just complying with instructions.

We highlighted the disconnect between staff and managers. There is an opportunity for staff and managers to work together to find ways of holding better conversations and to increase understanding about what better conversations could deliver for both of them. Managers need to feel that they are still able to manage whilst gaining a better understanding of their staff and to know how they can add value through conversations and 1:1s. The risk at this stage is that managers make assumptions about what is needed rather than involve staff in thinking through how this might work. This can be done lightly, building on feedback from staff surveys and regional pulse checks. The important thing is to demonstrate that you have listened.

Conclusion

Process and procedures, targets and standards enable individuals to comply. Writing for the NHS institute for Innovation and Improvement, Helen Bevan highlights the difference between compliance and commitment. Citing the work by Walton written in 1985 *From Control to Commitment in the Workplace*. She writes

“The evidence in large scale change literature suggests that healthcare organisations and systems are much more likely to deliver sustained transformational change through commitment than compliance.”

“Even in situations where challenging goals, standards and policies have to be adhered to or achieved in short timescales, we are more likely to get better, quicker results if the accountable leaders do so on the basis of commitment to the bigger purpose. Commitment approaches build motivation, which is the best possible starting point for mobilisation for change at scale. People who are highly motivated are more focused, persistent, willing to take risks and able to sustain high energy. (NHS Institute, 2009).

You say in your 2013 strategy

“We have an open and accessible culture - We are a high-performing organisation and apply the same standards of continuous improvement to ourselves that we expect of others.”

Your challenge is to decide whether you use formal command and control structures, sanctions and systems to make people comply with the culture of the organisation – or do you seize this opportunity to build connections and motivate individuals and teams through a shared common purpose and commitment to a collective goal? If you are to engage in the latter it is important to bear in mind that there are factors that generate bullying that need to be taken into account. A systemic approach is essential here. Addressing the underlying causes is the only real way forward for a sustained change in culture. People need to take responsibility for their own behaviours and senior managers need to take more notice of how people are managing and developing their teams. They should not only rely on processes and policies to encourage and embed these behaviours.

Zapf (1999)¹¹. Identifies the perception of poor work organisation and inadequate leadership as two of the primary factors present in most bullying environments. This reinforces the need to pay serious attention to the training and development of staff and to leaders paying attention to the ways in which they communicate and model behaviour. This point is further supported by insights by Rayner and Cooper (1997)¹² who argue that managers that bully often do so because they have a limited set of responses. In other words, they do not know how else to handle a situation that they find difficult. A critical feature of a viable response to bullying in the culture is to create the conditions in which people are able to respond more productively.

Our conversations with people across the CQC leave us in no doubt that there is considerable talent, energy and commitment available to engage in creating a more productive culture in the CQC. Leadership needs to harness this energy as they take action to improve the culture in the CQC in order to deliver an outstanding service.

¹¹ Zapf, D (1999). Organizational, Work group related and Personal Causes of Mobbing/Bullying at work. International Journal of Manpower. 20 (1 & 2), 70-85

¹² Rayner, C. & Cooper, C. (1997). Workplace bullying: myth or reality-can we afford to ignore it. Leadership & Organization Development Journal. 18 (4), 211-214

Appendix 1

Original Text for Internet advertisement

In launching this review into bullying and harassment in the CQC the following communication was used to inform people of the work that was being carried out and to invite them to contribute. Dates for regional visits and dates for booking telephone conversations were also added to the intranet and updated on a monthly basis.

The senior team at the CQC is very concerned that the results of the staff survey revealed poor statistics in relation to bullying and harassment. David Behan has asked me to build on the activities of Anti-bullying week and undertake an independent review. I will be with in the CQC for the next 3 months and during that time would like as many staff as possible to share their experiences, stories, observations, feelings and ideas. I am an unbiased person – my only remit is to report back on what I have heard – whilst ensuring all conversations are completely confidential. I would like to hear from as many people as possible – full time and part-time staff, line managers, front-line staff, remote workers, staff from all functions and regions. I want to understand what isn't working and what is – and how things could be improved.

I will be doing on-site visits to all offices and regions to introduce myself and you can then choose to talk to me face-to-face, and by phone and by Skype or any other way that works for you. I will let you know what days I will be on-site and when I'm available for calls etc. You will always get a response by calling my mobile – and I will get back to you in the same day if I'm not instantly available.

I have worked as a management consultant for over 17 years with many projects focusing on understanding what people need, to feel that they work in a place that has a culture of dignity and respect for all. I have undertaken similar work at Ofcom and DfE and am currently working with the Law Society of England and Wales to help all staff prepare for their mid-year performance management conversations. Last year I worked with a major Government department to run a series of modules to enable staff and managers to talk about difficult and sensitive issues. This contributed to an increase in staff engagement by 23%.

Every organisation is different and in order for me to help the CQC to get it right for you I need your stories, observations and ideas.

Please feel free to contact me at any time on my mobile – and if I'm not free I'll get back to you very shortly.

I look forward to speaking with you soon

*Sarah Hunter
People Opportunities Limited*

Indicators of change

If we were being the best we could be – what would be different?

An appreciative inquiry identifies and helps people build upon the best in an organisation. This provides the basis for drawing upon these strengths as it considers what excellence would look like. The key themes that emerged from our conversations about what 'great' looks like are:

- The organisation is receptive to questions
- Managers say “thank you” for your opinion and don't feel threatened by it – it's just an opinion
- You get an answer when you ask a question
- If your voice has been heard and you don't like the answer you accept it
- Your manager balances the work, is concerned for your health – you work at it together
- Managers listen and respond to their staff.
- We talk about how things are feeling, especially when things get tough.
- We're involved in the tough decisions
- You actually get a response when you contribute an idea or offer feedback
- Someone senior bothers to explain why things change
- You can make mistakes and everyone learns from them
- You and your manager discuss things and they assume you work hard and do your best
- We start to learn as an organisation
- We have honest, open discussions, with mutual respect through out the whole organisation
- How people manage is as important as results
- People are properly inducted – with shadowing, buddying and mentoring
- Staff make suggestions and senior managers encourage their input
- Senior Managers can say when things are going well and others help them to come up with a good solution.
- Managers behave professionally offering a balance of challenge and support.
- Staff feel comfortable in approaching HR for support.
- HR is an essential partner in the operation of the CQC.
- Managers support individuals when handling complaints from Providers.
- Managers have a range of management styles and adapt their approach to individuals in their teams.
- The process for investigating bullying and harassment is clearly understood and is conducted in a consistently fair manner.
- All staff understand the possible options and outcomes of an investigation into bullying and harassment.

Appendix 3

Codified behaviours identified from analysis (from CIPD)

The CIPD list a number of behaviours that singularly or collectively can be described as bullying. This codification was used in analysing the responses of the people we interviewed. We also identified additional behaviours after more than 5 instances of the behaviour being described by individuals. The table below shows both sets of behaviours ranked in frequency of occurrence in the interviews. They are a numerical ranking and do not reflect the depth of feeling of some responses that, though they were not the most frequent, could have disproportionate impact on the individual.

Behaviours are listed in order of frequency of occurrence

1. Constantly criticising others' work and efforts
2. Constantly highlighting errors and mistakes made by others
3. Engaging in excessive monitoring of the work of others
4. Shouting and getting abusive with others
5. Being hostile to others
6. Withholding information that affects other's job
7. Humiliating or ridiculing others about their work
8. Suggesting that others should resign
9. Ordering others to work below their level of competence for no reason
10. Ignoring the views of others
11. Setting unreasonable deadlines
12. Making false allegations against others
13. Removing areas of responsibility without consultation
14. Spreading rumours and gossip
15. Ignoring or sending others to Coventry
16. Making insulting or offensive comments about others
17. Pointing your finger, invading personal space
18. Removing the rights of others
19. Using malicious and insulting language

Additional behaviour identified:

1. Not following CQC processes (for report writing, handling complaints from Providers)
2. Interrogative conversations
3. Punishing mistakes
4. Refusing to allow comments and opinions
5. Ignoring skills and experience when allocating work
6. Inability to allow others to ask questions
7. Moving targets
8. Inappropriate sharing of information
9. Refusing to comment on likely response to external complaint
10. Rewarding friendships
11. Banning the team from contacting each other

The Cultural Web

The Cultural Web identifies six interrelated elements that help to make up what Johnson and Scholes call the "paradigm" – the pattern or model – of the work environment. The paradigm is the way of thinking and being in the organisation. It has its own, self-sustaining logic and provides explanation and justification for the actions that people take in the organisation. By analysing the factors in each of these six interrelated elements, you can begin to see the bigger picture of your culture: what is working, what isn't working, and what needs to be changed

The six elements are:

1. **Stories** – The past events people talk about inside and outside of the organisation. The stories that people tell when they are in smaller sub-groups in the organisation about events and patterns of behaviour that are meaningful to them. Who and what the organisation chooses to immortalise says a great deal about what it values, and perceives as great behaviour.
2. **Rituals and Routines** – The daily behaviours and actions of people that signal acceptable behaviour. This determines what is expected to happen in given situations, and what is valued by management.
3. **Symbols** – The visual representations of the company including logos, how plush the offices are, leadership behaviour at critical moments and the formal or informal dress codes.
4. **Organizational Structure** - This includes both the structure defined by the organisation chart, and the unwritten lines of power and influence that indicate whose contributions are most valued.
5. **Control Systems** - The ways that the organization is controlled. These include financial systems, quality systems, and rewards (including the way they are measured and distributed within the organization.)
6. **Power Structures** - The pockets of real power in the company. This may involve one or two key senior executives, a whole group of executives, or even a department. The key is that these people have the greatest amount of influence on decisions, operations, and strategic direction.

These elements are represented graphically as six semi-overlapping circles that together influence the cultural paradigm.

