



Dignity at Work Policy

To be read in conjunction with:
[Guidance on Process for Dealing with Alleged Harassment on Grounds of Sex, Race, Religion or Belief, and Disability](#)

Produced in consultation and negotiation with
Trade Unions representatives (July 2006)

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For more information,
including guidance, model letters and forms,
please refer to [RBK's intranet page on Dignity at Work.](#)

1. POLICY STATEMENT

The aim of this policy statement is to make clear to all staff that the Council fully supports the right of all people to be treated with dignity and respect at work, and is committed to promoting a working environment free from all forms of harassment and bullying.

All employees have the right to have allegations of harassment or bullying investigated under this policy and be assured that their complaint will be dealt with promptly, sensitively and in strict confidence. No employee will be penalised for making allegations of harassment or bullying. However, if an allegation is found to be deliberately malicious, the Council may consider appropriate action which could include disciplinary action. Similarly, any instances of victimisation of an employee making allegations of harassment or bullying will be dealt with in accordance with the Council's Disciplinary Procedure.

2. SCOPE

This policy applies to all full and part-time employees irrespective of grade, position or length of service, including temporary staff and those working in Community Schools, and will operate in consideration of the Codes of Conduct for staff and Members. The procedure is recommended for adoption for Voluntary Aided and Foundation Schools. In schools, where the policy refers to 'line manager' and 'next senior officer', these terms will need to be interpreted within the context of an individual school's structure.

3. DEFINITIONS

3.1. Bullying

Bullying may be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient' (*ACAS Guide on Bullying & Harassment at Work*). Bullying does not generally refer to one off incidents but is where persistent actions take place that create an unpleasant and intimidating environment.

Bullying may take different forms from violent physical abuse to more subtle methods of creating unease and discomfort, although in the workplace it is more likely to be verbal in nature. The alleged bully may not be aware of the way their behaviour is affecting the complainant. However, in such cases the feelings experienced by the complainant as a result of the actions of the alleged bully must be taken into account, as the intention of the perpetrator is not the key in deciding whether bullying has occurred. Specific examples are available on the intranet's [Definition and Examples of Bullying page](#).

However whilst considering which behaviours amount to bullying it is equally important to highlight those which do not. It is important that managers are able to manage their staff effectively without constantly fearing accusations of bullying. This includes being able to address any issues of concern they may have regarding, for example, an employee's performance, in the context of a normal management relationship and one where there is appropriate reference to a formal procedure for managing problems at work. Therefore, reasonable implementation of informal or formal procedures cannot amount to bullying.

3.2. Harassment

Harassment, in general terms, is 'unwanted conduct affecting the dignity of men and women in the workplace. It may be related to sex, race, disability, age, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.' (*ACAS Guide on Bullying & Harassment at Work*).

The different forms of harassment can be:

Sexual Harassment: the Sex Discrimination Act gives protection against discrimination, harassment and victimisation on the grounds of sex, marriage, pregnancy, and maternity leave or because someone intends to undergo, is undergoing or has undergone gender reassignment. The Act also gives protection against unwanted physical, verbal, non-verbal or visual conduct of a sexual nature, which is offensive, humiliating and degrading. Relevant examples are given on the intranet's [Definitions and Examples of Harassment page](#).

Racial Harassment: the Race Relation Act 1976 gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act also give a standalone right of protection from harassment on the grounds of race and ethnic origin. Racial harassment may take different forms including unwelcome physical, verbal and non-verbal conduct (see the intranet's [Definitions and Examples of Harassment page](#) for specific examples). In addition, harassment need not relate to the victim's own race. It will be considered harassment and dealt with appropriately under this procedure if it is for any reason based on 'race' (as defined above) be it of the victim or another person.

Harassment on the Grounds of Disability: the Disability Discrimination Act 1995 gives protection against discrimination, harassment and victimisation on the grounds of a person's disability. It is unwanted conduct, which relates to the persons disability, which has the purpose or effect of violating the disabled persons dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the disabled person.

Harassment on the Grounds of Religion or Belief: the Employment Equality (Religion or Belief) Regulations 2003 gives protection against discrimination, harassment and victimisation on the grounds of a person's religion or beliefs. Harassment on the grounds of Religion or Belief can include but is not limited to: teasing, tormenting, name calling, making sectarian jokes, verbal abuse and violence. Non-believers can also be victims of harassment, for example if they were the subject of detrimental comments from a devout colleague due to their lack of belief(s), which resulted in them feeling intimidated or offended.

Harassment on the Grounds of Sexual Orientation: the Sexual Orientation Regulations give protection against discrimination, harassment and victimisation on the grounds of a person's sexual orientation. They enable individuals to take prompt and effective action to tackle harassment, and enable people to have an equal chance of training and promotion, whatever their sexual orientation. The Regulations also cover perceived sexual orientation and association, i.e. being discriminated against on grounds of the sexual orientation of those with whom you associate (for example, friends and/or family).

Harassment on the Grounds of Age: the Employment Equality (Age) Regulations 2006 takes effect from October 2006 and will give protection when someone's dignity is violated or they are subject to an intimidating, hostile, degrading, humiliating or offensive environment due to their age. It may be about the individual's age or it may be about the age of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of ageist jokes. It should also be noted that harassment experienced by an employee may be on the basis of a combination of reasons, such as race and age discrimination or sexual orientation and disability and so on. This will be taken into consideration accordingly when deciding on how to take the issues forward.

4. RESPONSIBILITIES

4.1. Management Responsibility

The managers' responsibility in this area is essentially the same as for any other form of unacceptable work behaviour - to take action to prevent it happening and to deal with it promptly and thoroughly when it does occur. The manager should ensure that any member of staff who makes a complaint of bullying or harassment does not receive unfavourable treatment.

4.2. Employee Responsibility

Everyone has the responsibility to comply with this policy and speak out about incidents of bullying or harassment whether or not they are the target of the bullying/harassing behaviour. It is also important for all staff to be aware of those behaviours which could be perceived as bullying or harassment and to avoid exhibiting this behaviour, irrespective of the intention. The issue of intention is not an excuse that an alleged bully/harasser can rely upon to escape action.

4.3. HR Responsibility

To support managers and staff in adhering to this policy and procedure and to ensure investigations are conducted in a timely manner and all parties are kept apprised of progress.

5. GUIDING PRINCIPLES AND CONFIDENTIALITY

Not all acts of harassment or bullying are intentional. However, what is important is how the action is perceived. It is advised that individuals record examples of the behaviour that they find inappropriate including the following:

- Date, time and place
- Name of person harassing or bullying them
- Details of the incident
- Names of any witnesses
- Any action taken and whether it was reported to the line manager
- The impact on you

All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the Council to third parties or to anyone within the Council who is not involved with the investigation. Nor will anyone involved in the investigation be permitted to discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the employee who makes a complaint, to encourage the reporting of incidents of harassment and bullying and to protect the reputation of any employee wrongfully accused of bullying/harassment.

6. INFORMAL ACTION

Where possible, the employee should make the person committing the harassment or bullying aware of what they are doing and ask them to stop, referring to this policy when doing so. This can be done either verbally or in writing stating:

- That you find their behaviour distressing and offensive
- That you wish their behaviour to cease
- Examples of when and how the behaviour occurred
- That you may consider making a formal complaint to the manager if the behaviour does not stop

The presence of witnesses, when speaking to the alleged bully/harasser, is helpful should formal action be taken.

If the bullying or harassment does not stop, or you feel unable to approach the alleged harasser yourself, you should report the alleged act(s) to your immediate line manager who will arrange a confidential meeting with you. If the complaint is against the line manager then it should be reported to the next senior officer who will be responsible for dealing with the issue. Raise your concerns with your line manager, or next senior officer (if the allegation is against your line manager), at the confidential meeting. Information relating to the date(s) and details will be required.

The manager should make an initial response to you within five working days of when the alleged incident(s) was reported acknowledging the concerns and how it will be taken forward. Management investigation/action to a complaint at this stage could include the following where appropriate:

- Contacting HR in order to arrange for one of RBK's trained mediators to be involved in the case to try and reach a resolution between the parties concerned. This may be especially appropriate when the issue has arisen amongst peers.
- Contacting the alleged harassers' line manager with details of the complaint.
- Holding an informal discussion with the alleged harasser(s) to obtain an account of events and, if appropriate, to seek an understanding not to repeat the harassment.
- Holding discussions with any named or apparent witnesses.
- Enquire if other workers have had similar problems and if so take details ensuring confidentiality at all times.
- Holding an informal meeting with both parties to reconcile differences or misunderstandings.
- Arranging awareness training and/or advice for the alleged bully/harasser e.g. awareness raising, counselling, harassment training and monitoring for a fixed period.

Note: it is envisaged that the behaviour of visitors to RBK will be in accordance with Council standards. Where necessary however, management may be required to take remedial action (e.g. initial cautions and ultimately, if necessary, banning them from the organisation's premises in the future).

7. FORMAL ACTION

Formal action will be necessary where the informal process or mediation proves to be ineffective, or for more serious instances of harassment (which might constitute a disciplinary offence).

The formal investigation will need to be carried out by a nominated Investigating Officer (usually the complainant's line manager if appropriate) and an HR Advisor. If the manager receiving the complaint has been involved with trying to resolve it informally, a more senior manager should deal with the formal complaint. The investigation will involve meeting with the complainant and the alleged bully/harasser. Any other relevant people e.g. witnesses to the alleged bullying/harassing, would also need to be interviewed.

7.1. Investigation and Process

Investigations will be conducted within the following framework:

- Complaints will be considered by the line manager with support of a nominated HR Advisor.
- Throughout the procedure, both the complainant and the person against whom the complaint is made shall have the right to be accompanied by a trade union representative or person of their choice for support.
- All concerned in the investigation will be committed to confidentiality, including any witnesses except if a civil or criminal offence has been committed, and in which case the Council reserves the right to take appropriate action.
- The purpose of the investigatory meetings with both the complainant and alleged bully/harasser is to establish the facts and ensure that it is a genuine complaint.
- Having interviewed the complainant and the alleged bully/harasser, the nominated officers will meet with anyone else who was present when the alleged incident(s) took place. It should be made clear to all those giving information to the investigating officers that they are doing so in the strictest confidence.
- If necessary, a second interview may need to take place and this should be made clear to all parties.

- If several staff members are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they should nevertheless submit individual statements about their experience of the alleged bullying/harassment. If a complaint is made against several people, individual responses to complaints will be made. Outcomes of a collective complaint will be fed back to each individual on a personal basis.

The Investigating Officers will endeavour to resolve the matter as speedily as possible to avoid any further distress. Wherever possible this will be within 6 weeks of the initial allegation, however, to ensure a thorough investigation this cannot be guaranteed.

7.2. Decision

The Investigating Officers will consider all the facts and produce a written report on their findings. Based upon the findings the next steps are decided accordingly:

- Take no action i.e. the allegation has not been substantiated nor have the claims been found to be malicious; or
- To take no management action other than to monitor the situation or to make arrangements for both parties to work in different locations or parts of the department as the relationship cannot continue as it is; or
- To initiate the Council's Disciplinary Procedure – this would be against the bully/harasser if allegations are upheld, or against the complainant if the allegations were found to be malicious, frivolous or raised for personal gain. Of course, managers may consider it appropriate to pursue disciplinary action at the outset in cases which clearly allege serious misconduct. If the disciplinary process is pursued then suspension may be considered depending upon the circumstances. Any action taken under the Council's disciplinary procedure must remain confidential; the complainant does not hold a right to know the outcome of any formal or informal action taken against the alleged bully/harasser i.e. they are informed of the outcome of the investigation and if the complaint is upheld then they are informed that appropriate action will be taken, however they are not informed of what that action is. In cases where dismissal is the outcome, the complainant will be met with and the circumstances explained.

The Investigating Officers must then meet with both the complainant and the alleged bully/harasser to inform them of the outcome. They may be provided with the written report but they will not receive any confidential meeting notes.

7.3. Appeal

If, following the investigation, the situation remains unresolved from the point of view of the complainant i.e. he/she feels the investigation was not thorough enough or the proper procedure was not followed; an appeal may be made. This must be made in writing within 10 working days of confirmation of the decision to the Head of HR stating the grounds for appeal.

Appeals will usually be heard by a higher level manager than the manager who conducted the investigation and who has not had any dealings in the proceedings. The panel hearing the appeal will determine whether the process followed in the investigation was fair and the judgement was reasonable in the circumstances. The decision made by the appeals panel will be final as far as the Council's internal procedures are concerned

8. ADDITIONAL CONSIDERATIONS

Information related to the Council's provisions related to malicious allegations, monitoring of Dignity at Work complaints, training and other sources of support are available on the [Additional Considerations intranet page](#).