

Dignity at Work Policy

Key Information

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A Policy to Address Harassment or Bullying Behaviour in the Workplace	
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This document is available in large print or in an alternative format that meets your needs.
Please contact the Personnel Department. ■

Dignity at Work Policy

Overview

1 Summary

This is an explanation for staff, learners and visitors of the policy and procedures regarding staff/learner/visitors rights and responsibilities in relation to Dignity at Work.

2 Further Information

- Deputy Principal
- HR Manager
- Counsellors
- Staff Support Team

3 Approval

Approved by Corporation on 28 January 2008.

4 Review

This document will be reviewed annually by the Deputy Principal in consultation with the Equality and Diversity Committee, Staff Support Team and The Senior Management Team. ■

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1 Introduction

1. North Lindsey College is striving to be an equal opportunity employer and, as such, opposes all forms of unlawful and unfair discrimination. We believe that all people have the right to be treated with dignity and respect.
2. North Lindsey College is aware that harassment in its many forms has a detrimental and negative effect on individuals and therefore operational efficiency. By putting our equal opportunities policy into practice, North Lindsey College has resolved to create a working environment that supports the dignity of women and men at work and is free from harassment, intimidation, bullying and victimisation.
3. All employees have a clear role to play in helping to create a climate at work in which harassment or bullying behaviour is unacceptable. In particular, employees should be aware of their own conduct, avoid colluding with inappropriate behaviour and cooperate fully in any complaints procedure. Managers and supervisors have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.

2 Aims and objectives

- 2.1. The primary aim of this policy is to prevent behaviour that could be construed as harassment or bullying in the workplace. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence.
- 2.2. The specific objectives of this policy are to:
 - Ensure that all employees are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour;
 - Ensure that all employees understand that behaviour that may constitute harassment or bullying is unacceptable and that appropriate measures, including disciplinary action, may be taken;
 - Promote a climate in which employees feel confident in bringing forward complaints of harassment or bullying without fear of victimisation;
 - Ensure that all allegations of harassment or bullying are responded to quickly, positively and in confidence;
 - Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and respect the rights and confidentiality of all those involved. ►

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3 What is harassment at work?

- 3.1 Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 3.2 Harassment or bullying is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some employees may cause embarrassment, distress or anxiety to others. It is recognised, therefore, that harassment or bullying relates essentially to the perceptions and feelings of the recipient.
- 3.3 This policy deals with situations where employees are being harassed or bullied by colleagues, managers or supervisors. Customers, clients and contractors may be involved, either as harassers or recipients and others who are present can sometimes be affected as adversely as those directly involved.
- 3.4 Harassment on the grounds of gender, race, disability, sexuality, age or religion or belief is unlawful and will not be tolerated in any form.
- 3.5 Any attention by an employee towards another employee, or group of employees, which is offensive to the recipient and creates an intimidating, hostile or offensive work environment for one or more employees is unacceptable. Harassment also includes the display of material that is offensive to employees in the workplace.
- 3.6 Whilst harassment often involves repeated acts of offensive behaviour, a single incident may constitute harassment under this policy.
- 3.7 Harassment can take many forms, an illustration of which is below and may include:
- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;
 - verbal conduct such as sexist, racist and homophobic comments or innuendo; derogatory remarks about disability or age; slogans, insults, comments of a personal nature; suggestive remarks, inappropriate jokes or language;
 - unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering;
 - display, storage or circulation of offensive material (including information held on computer);
 - conduct that denigrates, threatens, ridicules, intimidates or abuses, undermines or undervalues an individual because of characteristics such as gender, sexuality, disability, race, age or religion or belief including derogatory or degrading remarks or insults or offensive comments about appearance or dress;
 - unwanted sexual attention or advances;
 - suggestions that sexual favours may result in career advancement or some other employment benefit (or that refusal of such suggestions may result in some form of detriment);
 - unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on characteristics such as age, culture, disability, ethnic origin, gender, race, religion or sexuality.
- This is by no means an exhaustive list and harassment may come in another form not shown here. ►

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3.8 The essential characteristics of harassment are that it is unwanted by the recipient and that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. It is the unwanted nature of the conduct that distinguishes harassment from behaviour between employees that is welcome, mutual and appropriate in a working environment.

4 What is bullying at work?

4.1 Although harassment is often related to matters such as race, gender, disability, sexuality, age or religion or belief it is apparent that a more general form of harassment may take place that is not based on any one clearly identifiable aspect of the person concerned. This form of harassment may be described as bullying or aggressive or intimidatory behaviour by one person towards another.

4.2 Bullying is increasingly recognised as a serious management issue and is often unreported. People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it.

4.3 Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (i.e. more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour or unfair use of sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self confidence. It can manifest itself in many other conditions such as nervousness, stress, poor work performance, absenteeism etc.

4.4 Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on the recipient.

4.5 At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary policy. Examples of bullying covered by this Policy could include:

- persistently criticising unnecessarily;
- shouting at colleagues in public or private;
- deliberate isolation by ignoring or excluding a person;
- withholding information or removing areas of responsibility without justification;
- spreading malicious rumours;
- making inappropriate personal comments;
- blocking leave or training applications without reason;
- setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- undermining a person's self respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans. ►

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4.6 Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument of itself may not constitute bullying.

4.7 It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

5 Confidentiality

5.6 Claims of harassment and/or bullying will always be treated seriously and dealt with in the utmost confidence. Confidentiality is vitally important to provide all parties concerned with a degree of security and to ensure that all procedural aspects are dealt with sympathetically, impartially and objectively. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

6 Support for anyone involved in a complaint

6.1 North Lindsey College recognises that all employees involved in harassment or bullying at work may experience emotional or psychological reactions to their experiences. This includes the complainant, the person against whom the allegations have been made and any witnesses. It is therefore considered essential that the management response to these situations is sympathetic and supportive.

6.2 The support available to all concerned is as follows: -

- Access to Personnel, the counselling service & staff support is available to all concerned;
- Integration into the workplace following a complaint will require sensitive handling to establish effective working relationships.
- Redeployment may be considered as an option where a complaint under this policy is upheld. However, where as a result of disciplinary proceedings a complaint is upheld, it is advised that only the harasser should be redeployed as opposed to the complainant.

7 The Process

(A diagrammatic form of the process is available – Appendix 1)

7.1 Should an alleged incident/incidents occur the recipient should keep a detailed note of what happened (*Appendix 2*) immediately after the event or as soon after as is possible.

7.2 The recipient may choose to consult with the Personnel Department, a staff support team member, counsellor or trade union representative for support and advice.

7.3 The recipient should if they feel able, approach the alleged harasser, explaining clearly the nature of the unwanted conduct.

This should be done in a discreet and private manner, where it cannot be witnessed by others.

The recipient may be accompanied by a staff member from 7.2 at this meeting. ►

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- 7.4 A record of this meeting should be noted (*Appendix 2*).
- 7.5 The recipient may choose, after speaking to support (7.2) to take no further action but to keep the situation under review and record any further incidents.
- 7.6 Should the meeting to confront the harasser, not result in the harassment stopping, the recipient has the option to lodge a formal complaint (*Appendix 3*). This should be submitted to the Deputy Principal.
- 7.7 On receipt of a claim of bullying/harassment the Deputy Principal will invoke the Grievance procedure.
- 7.8 Should the harassment be alleged against a senior manager, the claim of harassment should be submitted to the Clerk of the Corporation.

8 The Formal Procedure

- 8.1 On receiving a formal complaint, the Deputy Principal (*Clerk to Corporation*) should ensure that the complainant is protected from further harassment/discrimination during the investigation.
- 8.2 A meeting should be arranged with the complainant (*within 5 working days*) to discuss the allegation.
- This meeting will be confidential.
- The complainant may be accompanied by a supporter (4.2).
- No action will be taken following this meeting without the consent of the complainant.
- 8.3 Should the Deputy Principal (*Clerk to Corporation*) consider the situation to be very serious, they will consult with the complainant and take action. This could, in some instances (*assault etc*) involve contacting the police.
- 8.4 The Deputy Principal (*Clerk to Corporation*) will institute a formal investigation process. This may be carried out by someone who is delegated to do so.

9 The Investigation (*see Appendix 4 for diagrammatic version*)

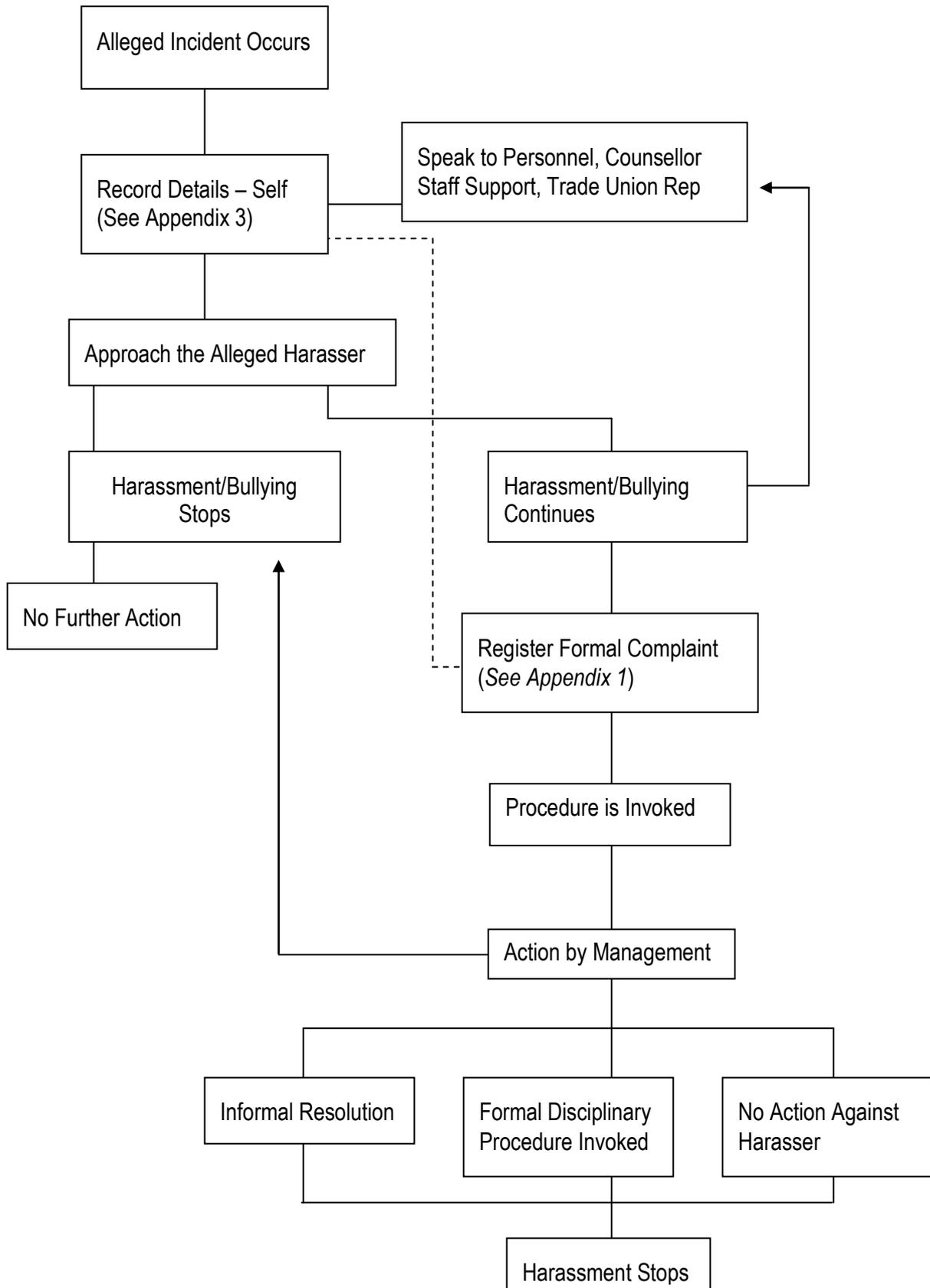
- 9.1 The Deputy Principal (*Clerk to Corporation*) will have a meeting with the complainant to discuss the situation and nominate a manager/team to carry out the investigation.
- 9.2 The alleged harasser is called to a meeting (*and advised to bring representation*) and told of the allegation and the forthcoming investigation. This is then supported by letter (*Appendix 5*).
- 9.3 It may be necessary to separate both parties during the investigation.
- 9.4 It may be necessary to suspend the harasser during the investigation.
- 9.5 It may be necessary to allow the complainant special leave during the investigation. ►

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- 9.6 The investigator/team will meet separately with both parties and any nominated witnesses. Statements will be taken from all, which will be signed and dated.
- 9.7 The Investigator/team will consider all the information gathered and decide on whether the complaint is substantiated or not, and what further action is appropriate.
- 9.8 If no further action is to be taken, all parties should be notified.
- 9.9 If the claim is substantiated and disciplinary action is to be taken, this should be actioned by progressing to Step 1 of the disciplinary policy.
- 9.10 If Action other than disciplinary, is to be actioned, the harasser should be called to a meeting (*with representation*) and informed of this. This should then be confirmed in writing (*such action could include training, redeployment etc*)
- 9.11 The complainant should be informed of whichever outcome is decided upon.
- 9.12 Both parties have the right to appeal against the outcome of the process. This should be done in accordance with the College's Appeal Procedure.
- 10 Malicious Complaints**
- 10.1 Should an investigation determine that a complaint has been submitted with malicious intent the matter will be referred for consideration under the appropriate disciplinary procedure. Such cases may be considered to be gross misconduct. ■

The Process



Record of Alleged Incident

Date:

Time:

Place:

Name of person carrying out harassment:

What happened:

How did recipient feel:

Name of any witnesses:

Action taken:

Complaint Form - Staff

(Keep a copy of this form for your own records)

Your Name

Job Role

Department

Line Manager

Name of person/persons against whom you are making this complaint.

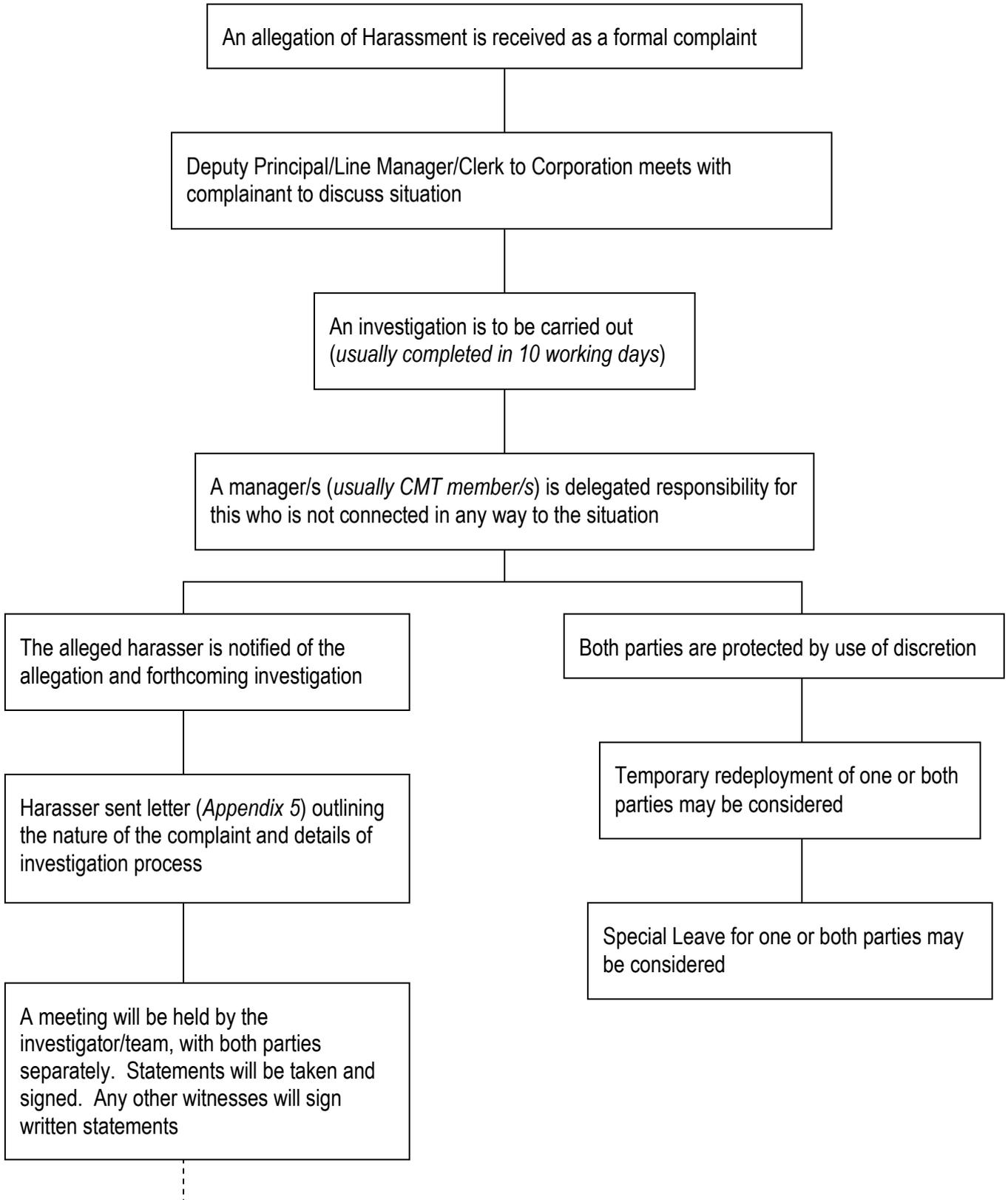
Outline your complaint

Outline any action that has been taken previously to resolve this complaint.

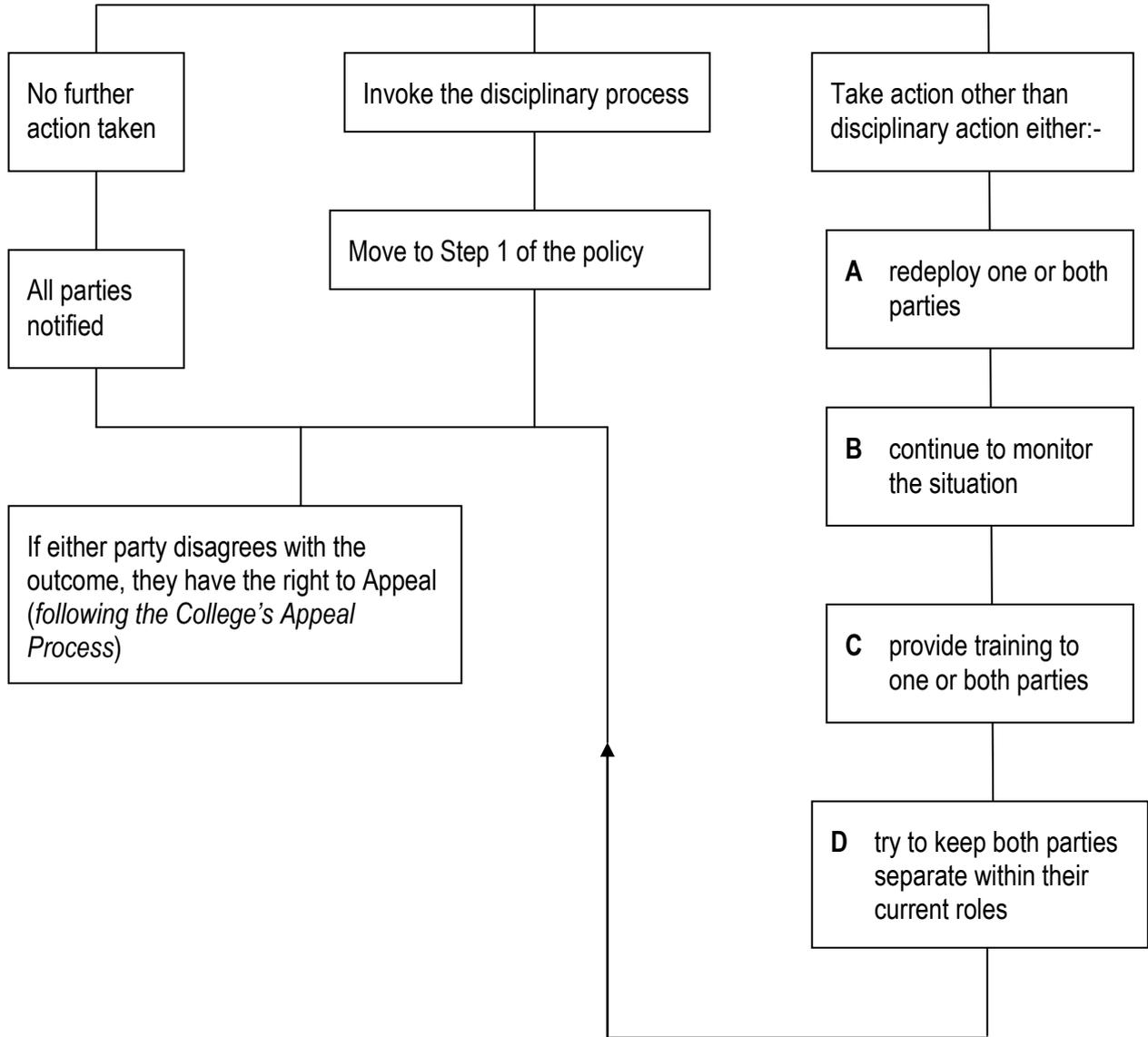
The Outline you would like to see

Please enclose with this form any evidence you have to support this.

The Investigation Process



The investigator/team will consider the information gathered, and make a decision as to whether the complaint is substantiated, and what further action is appropriate



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Appendix 5

Sample letter informing an alleged harasser that they are to be investigated.

Private and Confidential

This is to confirm what was said at our meeting on <date>. The meeting took place in <room>. <Name> was present as your representative/You declined representation.

You are to be the subject of all investigation following an allegation of bullying/harassment. The nature of the complaint is:-

I anticipate that the investigation will last 10 working days. If it is not completed within that timescale, I will write to you again with an explanation.

At the end of the investigation there could be several outcomes

- Decision that there is no case to answer
- Action will be taken which is **NOT** disciplinary action
- The disciplinary process could be invoked.

You will be notified of the outcome at the end of the investigation.

Please treat this matter as confidential. It is not appropriate to discuss this with anyone other than your representative or a counsellor.

If you feel you would like additional support during this difficult time, I would recommend you contact the counselling team who will be able to support you with complete discretion.

Please ensure that you understand the process of the Dignity at Work. A copy is available on the Intranet or from Personnel. You can also seek advice from your Union representative or the Staff Support Team.