

PEOPLE POLICY ON DIGNITY AT WORK

This policy:

- Applies to all Colleagues, volunteers, agency workers and those on placement (known as “people” for the purposes of this policy)
- Replaces the Dignity at Work Policy and Procedures (last reviewed March 2012)
- In compliance with the No Life Half Lived Strategy: *“To be effective and accountable in all that we do.”*
- Does not form any part of the Colleague’s contract of employment and we may amend it at any time.

In line with our commitment to equal opportunities, this policy can be made available in a variety of formats, including large print, translated into another language or other media. Reasonable adjustments will also be made where required to assist people who have a disability.

We will endeavour to develop fair and consistent policies, procedures and practices to support our aims, values and objectives.

1. Statement of Intent

- 1.1 At CHSS, we are committed to providing a work environment and culture in which all people have the right to be treated with dignity and respect, free from intimidation and harassment. Equally, we expect all people to treat all those with whom they come into contact at work with the same dignity and respect.
- 1.2 We recognise that threatening or intimidating behaviour can create a work environment that interferes with job performance, undermines job security, causes undue stress and can lead to absenteeism.
- 1.3 We also recognise that harassment and bullying are serious offences and we will not tolerate any form of harassment or bullying by anyone at any level. It is upsetting and humiliating and can be unlawful.

1.4 We aim to deal with all complaints of harassment and bullying promptly, fairly objectively and confidentially.

1.5 The aims of this policy are to:

- increase awareness of what is unacceptable behaviour;
- increase awareness that any form of harassment is unacceptable;
- provide a mechanism for complainants to report cases for resolution; and
- provide a mechanism for complaints to be properly investigated and addressed.

2. Definitions

Harassment

2.1 In general terms, harassment is defined as any unwelcome conduct or behaviour that has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be related to a person's age, sex, race, colour, , disability, religion or belief, sexual orientation, gender reassignment, ethnic or national origin, or nationality. Harassment is unacceptable even if it does not fall within any of these categories. It also includes treating someone less favourably because they have submitted or refused to submit to such behavior in the past. Harassment can take many forms, and it may be directed at one person or a number of people. A single incident can amount to harassment.

2.2 Harassment may be verbal and/or physical and may be from a line manager or colleague Harassment includes, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing; hitting, groping and other touching;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- offensive e-mails, text messages or social media content;
- jokes, innuendos, slurs, name-calling and insults; and
- mocking, mimicking or belittling a person's disability.



2.3 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

Bullying

2.4 In general terms, bullying is defined as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make an individual or groups feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation. These persistently negative attacks on the person's personal and professional performance may not be apparent to anyone else.

2.5 Bullying may combine a variety of different approaches. It can be experienced from manager to subordinate, subordinate to manager, peer to peer, group or individual. It can include insidious behaviour (in other words, implied criticism rather than actually stated) and undermines the ability and confidence of the person on the receiving end.

2.6 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- **Language or behavior that frightens, humiliates, belittles or degrades the recipient or target may be part of a pattern of workplace bullying**
 - Persistent or inappropriate use of abusive, insulting, or offensive language;
 - Aggressive yelling or shouting;
 - Unwarranted physical contact or threatening gestures;
 - Making repeated negative comments about a person's appearance, lifestyle, family, or culture;
 - Regularly inappropriately teasing or making someone the brunt of pranks or practical jokes; and
 - Circulating inappropriate or embarrassing photos or videos via email or social media.
- **Behavior that undermines a person's work performance, working relationships, or perceived value in the workplace**
 - Unnecessarily interrupting or disrupting someone's work;

- Inappropriately interfering with a person's personal property or work equipment;
- Repeatedly discounting a person's statements in group meetings;
- Unfavourably comparing one person to others;
- Blaming a person for problems they did not cause;
- Taking credit for another's contributions;
- Spreading misinformation or malicious rumors;
- Purposefully inappropriately excluding, isolating, or marginalising a person from normal work activities;
- Assigning tasks that are beyond a person's skill level;
- Establishing unrealistic timelines, or frequently changing deadlines;
- Denying access to information, consultation, or resources;
- Excessively monitoring a Colleague's work;
- Giving feedback in an insincere or disrespectful manner;
- Repeatedly reminding someone of past errors or mistakes;
- Inconsistently following or enforcing rules, to the detriment of a Colleague;
- Ignoring a Colleague, or isolating them from others; and
- Denying equal access to time off.

These lists are intended as a guide and are not exhaustive.

2.7 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

Unacceptable Behaviour

2.8 A one-off act, if it is serious, can amount to bullying or harassment. It is essential to remember that it is not the intention of the perpetrator (the person accused of bullying or harassment) that decides whether bullying or harassment has taken place; instead, it depends on whether the behaviour is unacceptable by reasonable normal standards and is harmful or unwelcome to the person or people on the receiving end.

2.9 Examples of unacceptable behaviour include:

- derogatory comments, offensive language, remarks or jokes;
- spreading malicious rumours or insulting someone;
- insulting behaviours or gestures;
- displaying offensive or suggestive literature or remarks;
- intrusion by pestering, spying or stalking;
- embarrassing, threatening, humiliating, patronising or intimidating remarks;
- unwanted physical contact;
- physical or verbal assault, such as shouting;
- unwelcome sexual advances, such as touching or standing too close;
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status;
- deliberately undermining a competent worker by overloading or under loading them with work, and constantly criticising them;
- excluding or isolating a colleague, not co-operating with them or victimising them; and
- wearing clothing (such as a T-shirt) with an offensive motif.

This list is intended as a guide and is not exhaustive.

2.10 Bullying and harassment are not necessarily face-to-face; people can be bullied and harassed by way of telephone, written communications, such as e-mail or text message or directed through a third party.

3. Responsibilities

Our People

3.1 People at all levels are expected to comply with this policy. Every individual has a responsibility to behave in a manner that is not offensive to others. As part of this responsibility, you must not ignore offensive behaviours in others and should report the matter to management.

Managers'

- 3.2 Managers have a particular responsibility for making sure that this policy is implemented by communicating the policy and resolving any instances of harassment or bullying quickly and confidentially.
- 3.3 Managers should help create a working environment where colleagues feel able to challenge inappropriate behaviour.
- 3.4 Managers have a responsibility to treat their colleagues fairly with consideration for their dignity.

Human Resources

- 3.5 The Human Resources (HR) Team is responsible for:
 - making sure that colleagues and managers are provided with appropriate advice and guidance on the use of this procedure, including training where necessary; and
 - making sure that the policy is implemented reviewed and monitored
 - monitoring matters concerned with dignity at work across CHSS.
- 3.6 For this reason, an appropriate member of the HR Team will be involved in all formal stages of the procedure.

4. Confidentiality

- 4.1 All internal complaints, investigations and subsequent actions must be treated in strict confidence. Only the necessary and relevant people will be involved in dealing with a complaint. All parties must respect the confidentiality of everyone involved. We may deal with a breach in confidentiality through CHSS's disciplinary policy.

5. Malicious Complaints

- 5.1 Although it is extremely rare, an investigation may reveal that a complaint has been made maliciously. If this happens, the complainant (the person claiming that they have suffered bullying or harassment) may face disciplinary action under our Disciplinary Procedure. It must be stressed, however, that this should in no way deter genuine complaints of harassment or bullying as they will be dealt with sympathetically and constructively.

6. Anonymous Complaints

- 6.1 We may receive anonymous allegations of bullying or harassment through our Whistleblowing Policy. While we recognise that it is very difficult to investigate such complaints, management will conduct thorough an investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them and asking for their views. Given the anonymity of the complainant however it may be impossible to investigate such a complaint.
- 6.2 If an allegation is made by someone other than the person who is being bullied or harassed, the investigating officer must check whether the person making the allegation is prepared to make a statement. In addition, the person who is thought to have been bullied or harassed must be informed that an allegation has been made and steps taken to find out whether they feel that they are being bullied or harassed. If so the investigating officer should encourage them to make a complaint or advise them of the other available options. In some instances, where there are reasonable grounds to suspect a serious breach, the organisation will instigate the formal procedure, even if the 'victim' will not make a formal complaint

7. Complaints against non CHSS Colleagues and Volunteers

- 7.1 If a complaint involves people of other organisations we have dealings with on a regular basis, for example government departments, contractors or consultants, we will seek full co-operation of the organisation and encourage them to deal with the matter in line with the principles of this policy. If the organisation refuses to co-operate, the investigation will continue and when it is completed we will let the organisation know what action we would like them to take to protect our people. Ultimately, we may remove the person from one-to-one contact with the accused person.
- 7.2 It will probably be necessary to advise the organisation involved of the identity of the complainant and the details of the complaint.

8. Policy Breaches

8.1 Should any person breach this policy, it may be considered as misconduct. The procedure to be applied will depend on whether they are:

- A Colleague – this will be dealt with under CHSS’s Grievance and/or Disciplinary Policies and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.
- An agency worker or an individual on placement – this will be dealt with through the relevant agency/placement provider.
- A Volunteer – this will be dealt with under CHSS’s Volunteer Complaints Policy. A potential consequence may be the removal of the Volunteer.

9. Role of Departments

9.1 The Human Resources Team is available to give advice and interpretation on any aspect of this policy.

10. Monitoring and Review

10.1 An annual report will be given to the Directors Group on dignity at work complaints made under this policy to determine norms and trends in the application of this policy.

10.2 The policy will be reviewed every 3 years or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.

DIGNITY AT WORK PROCEDURE

1. Informal Procedure

- 1.1 If you believe that you or any other individual have been harassed or bullied in any way, you should, if you feel able to do so, tell the person or people concerned that you find their behaviour is offensive and unwelcome, and that it should stop immediately. By asking them to stop, you are making it clear that their behaviour has caused you offence and they have an opportunity to stop without anyone else being involved.
- 1.2 If you prefer, you can write to the person or people concerned, keeping a dated copy of the letter, or you can ask a work colleague or Trade Union representative to speak to that person on your behalf. Any informal action that you or your representative takes should be recorded.
- 1.3 This kind of informal action may be enough to end the harassment or bullying, especially if the accused person is unaware that he or she is causing offence.

2. Mediation

- 2.1 If an informal approach has been unsuccessful, or if you do not feel that the formal procedure is the right option, you may want to consider mediation as an alternative to the formal procedure. Mediation is a voluntary option and is not the answer to every conflict. It can only be used when both parties agree to take part.
- 2.2 Mediation gives both parties the opportunity to talk directly about the issues that are affecting them, without the stress and time normally associated with a formal investigation. An impartial mediator will hold a structured meeting at which both parties can have their say. It is a positive way of reaching agreement about how each party will behave towards the other in future. A written agreement is then drawn up



between both parties to prevent further friction and misunderstandings.

2.3 Mediation is outside the formal complaints procedure and, as such, is not designed to establish facts or to decide if someone was at fault. It is purely a method of resolving past conflict and agreeing a positive way forward.

2.4 Any Colleagues who want to follow the mediation process should contact a member of the HR Team.

2.5 If you go through mediation and it is not successful, you can then go through the formal dignity at work procedure.

3. Formal Procedure

3.1 The formal procedure will be followed if:

- either you or we decide that the seriousness of your complaint makes this necessary;
- all attempts at informal resolution or mediation have failed;
- or
- you want to make a formal complaint.

3.2 The complaint should be formally reported in writing, to the accused person's line manager or to the HR Manager if, for example, the alleged bully or harasser is known to be friends of the line manager. A Trade Union representative can raise a complaint on your behalf. A copy of the written statement of complaint form should be copied to the manager. At this stage, your complaint will be treated as an allegation only and will be investigated.

3.3 We will appoint an appropriate CHSS officer to carry out an investigation based on the completed complaint form. To ensure impartiality the manager (the investigating manager) will, where possible, have no personal involvement with you or the person you are complaining about, and they may therefore come from a different division or department.

3.4 The investigating manager will acknowledge your complaint and arrange to meet you to discuss your statement within 5 working days, where possible. You have the right to be accompanied at any investigation meetings by either a Trade Union representative or an CHSS colleague.

However, you have no right under this procedure to be accompanied by anyone else other than those previously referred to, unless to accommodate a reasonable adjustment.

- 3.5 The full investigation should begin within 10 working days of the HR Department receiving your original complaint, where possible.
- 3.6 The accused person must be informed of the nature of the allegations, in person, by the investigating manager **before** the investigation begins.
- 3.7 The investigating manager should carry out a full investigation, collecting evidence and/or taking statements from you, the person you are complaining about and any witnesses.
- 3.8 It is recommended that the investigation into any complaint is carried out and concluded as quickly as possible, and normally within 21 working days of receiving the complaint, where possible. However, some cases will be more complex and therefore take longer to investigate. The investigating manager will keep both parties informed of progress and expected timescales.
- 3.9 If you have made a serious allegation, or to protect you or the person you have complained about, it may be appropriate to move either of you to another work area while the investigation is going on. If this is not possible, the investigating manager may consider suspending the person you have complained about from duty, on full pay, until the investigation has been completed. Suspension does not constitute disciplinary action and does not presume guilt or innocence of any misconduct. These options will only be considered as a last resort.
- 3.10 Colleagues may be accompanied at any stage of the formal procedure by either a Trade Union representative or an CHSS colleague. To make sure that meetings do not have to be delayed or postponed at the last minute, the investigating manager should tell everyone involved in advance of the time and date for the meeting, in line with the time limits set out in this procedure.
- 3.11 If your Trade Union representative or colleague cannot attend on the date proposed, you can suggest an alternative time and date for the meeting, as long as it is reasonable and falls within 5 working days of the date proposed by the investigating manager. In proposing an

alternative date, you should consider the investigating manager's availability. For instance, it would not be reasonable to propose a new date for the meeting when you knew that the investigating manager was going to be out of the office.

3.12 After the investigation, the investigating manager should hold separate meetings with both parties and representatives to report the outcome of the investigation, including their recommendations about action to be taken. In reaching their decision, the investigating manager will consult the line manager of the person complained about, and that line manager may also attend if necessary. The outcome of the meetings must be confirmed in writing to both parties together with a copy of the investigation report and all the relevant evidence. Any further action will be dealt with or arranged by HR.

3.13 Possible outcomes of such an investigation

Complaint upheld:

- Hold a disciplinary hearing, which may result in a warning for misconduct or dismissal for gross misconduct.
- Resolve the complaint through an apology and an instruction to the perpetrator to correct their behaviour. Also offer mediation to both parties.
- Arrange for the perpetrator to undertake appropriate training and address any other issues that may have contributed to their behaviour.
- No one-to-one contact between the perpetrator and the person who made the complaint if this is possible and appropriate.

Complaint not upheld:

- Take no action against the accused person as the complaint was unfounded.
- Offer mediation to both parties.
- Take any appropriate remedial action against the complainant if it is considered that the complaint was malicious.

3.14 If disciplinary action is necessary, a separate disciplinary hearing would be arranged under the provisions of CHSS's disciplinary policy.

3.15 The investigating manager should also consider the need to include a review period to check if the agreed resolution has taken place.

4. Records and Monitoring

- 4.1 During the investigation, the investigating manager should keep copies of paperwork and correspondence and, after the investigation is complete, file them appropriately to maintain confidentiality and compliance with CHSS's Data Protection Policy. The paperwork will be stored by the HR Team and a copy of the outcome letter will be kept on the personnel files of both parties.
- 4.2 To measure the policy's effectiveness and to identify any possible improvements, the Human Resources Team will monitor this policy and procedure using completed monitoring forms to produce reports and recommendations for improving good practice. To maintain confidentiality, the identity of individuals will not be published.

5. Right of appeal

- 5.1 The right to appeal only requires to be offered to the complainant. The accused individual can raise a grievance in respect of any concerns they may have. They will also have the right to appeal any subsequent disciplinary action taken against them in accordance with CHSS's Grievance Policy.
- 5.2 If the person complaining is not satisfied with the outcome of the formal procedure, they should write to the Human Resources Team within 10 working days of receiving the investigating manager's letter confirming the outcome, to request a review of the findings. The Human Resources Team will arrange for an appropriate manager to deal with the appeal and will set up an appeal hearing.
- 5.3 If either party is not happy with the way in which the investigation was conducted, they can lodge a grievance through CHSS's grievance policy.

6. Appeal Procedure

- 6.1 If you give written notice of appeal, you must state on what basis you are making the appeal and, to save time, you should also provide details of your and your representative's availability to attend the appeal over the next two months.

- 6.2 All appeals will be dealt with within CHSS. You will have no further right of internal appeal.
- 6.3 You have the right to be accompanied at the appeal hearing by a work colleague or an appropriate Trade Union representative.
- 6.4 All parties involved will be given at least 5 working days' notice in writing of the date, time, place and any other arrangements of the appeal hearing.
- 6.5 The appeal hearing's decision will be confirmed in writing to all parties within 5 working days of the hearing.
- 6.6 The appeal decision may dismiss the appeal and confirm the original decision or uphold the appeal and overturn the original decision.
- 6.7 A letter confirming the decision will be sent to both parties within 5 working days of the appeal, unless otherwise agreed.

Appendices:

- 1. Good management behaviours vs bullying behaviours
- 2. Guidance to people who feel that they are being subjected to unacceptable behaviour
- 3. Guide for Colleagues Raising a Formal Complaint

GOOD MANAGEMENT BEHAVIOURS VS BULLYING BEHAVIOURS

| Good management | Bullying |
|---|---|
| Setting realistic targets | Deliberately setting unachievable targets |
| Giving feedback in private | Giving negative feedback in public |
| Legitimate, constructive and fair criticism of performance or behaviour | Unfair or unjustified criticism |
| Regular supervision | Intrusiveness, over-managing |
| Keeping records | Keeping unnecessary and unjustified records on irrelevant information |
| Challenging poor performance in order to improve performance | Unsubstantiated criticism with no improvement plan |

Sometimes, behaviour that is construed as bullying or harassment is actually poor management. It is sometimes difficult to distinguish between good, close management and over management. In these instances, training and guidance will be provided for the manager concerned and their performance will be monitored.



GUIDANCE TO PEOPLE WHO FEEL THAT THEY ARE BEING SUBJECTED TO UNACCEPTABLE BEHAVIOUR

1. Keep a record of events and incidents.
2. Get advice from your line manager or a member of the HR Team.
3. Consider following the informal procedure outlined in this policy.
4. Consider mediation and get advice from the HR Team.
5. Raise a formal complaint using the method outlined in the policy.
Guidelines are provided at Appendix 3.

All people have the right to complain if they consider they are being harassed or bullied.

People who suffer such treatment are encouraged to keep a diary of events so that the extent of the problem can be determined.

Any person making a complaint of bullying or harassment can be assured that they will be protected from any victimisation that could arise as a result of making a complaint.

GUIDE FOR COLLEAGUES RAISING A FORMAL COMPLAINT

In your formal complaint, you should:

- List the names of the alleged bullies/harassers
- State if there was anyone else present who witnessed the incident(s)
- Describe the incident(s), including
 - Dates, times and places of alleged incidents;
 - The people involved, including witnesses;
 - Your feelings concerning the incident(s); and
 - How long the situation has been going on.
- What outcome, if any, would you like to see.
- Add any other relevant information you feel is necessary to your formal complaint.
- You should keep a copy of your formal complaint along with any written response for future reference.
- You should put this form in an envelope marked 'Private and Confidential' and give it to your line manager or a member of the HR Team.

