
Dignity At Work Policy



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Dignity At Work Policy

1. Introduction

- 1.1. B3 is committed to creating a work environment where everyone is treated with dignity and respect and which is free from bullying or harassment.
- 1.2. Bullying and harassment can have a detrimental effect on both employees and the organisation. B3 places great importance on creating a work environment that is beneficial to the culture that we offer to those who access our services. For employees, bullying or harassment can have an adverse effect on their health, personal and work lives. For the organisation, it can decrease morale, it can affect work performance, increase turnover of staff and damage our reputation as an employer of choice and as a service provider.
- 1.3. As an organisation it is essential for all of our employees to embrace our values, this in turn will help us to achieve our aims and our strategic direction.
- 1.4. Strategic objectives are:
 - 1.4.1. B3 will be supported by Public Health Commissioning leads to demonstrate how our service delivers the following programmes' strategic outcomes:
 - 1.4.1.1. Building Recovery in Communities;
 - 1.4.1.2. Working with Families (the Brent approach for the National Troubled Families Agenda);
 - 1.4.1.3. Integrated Offender Management;
 - 1.4.1.4. The Drug Strategy 2010: Reducing Demand, Restricting Supply, Building Recovery;
 - 1.4.1.5. Public Health Outcomes Framework 2013–16.
- 1.5. This policy and procedure applies to all B3 employees, regardless of length of service and contractual status.
- 1.6. This policy and procedure covers bullying and harassment in the workplace and in any work-related setting outside of the workplace, for example, business trips, during training and work-related social events.
- 1.7. This policy and procedure does not cover bullying and harassment by service users or their family or friends, commissioners, suppliers, vendors or visitors as it applies to our employees only. In these circumstances, you should report any such behaviour to your manager who will take appropriate action. Any bullying or harassment towards our service users or their family or friends, commissioners, suppliers, volunteers, vendors, visitors or others will be dealt with via the disciplinary policy and procedure.

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- 1.8. The formal procedure in this document seeks to create a fair route for complaints of bullying or harassment, so that they can be investigated in a sensitive and empathic manner which respects the confidentiality of those involved.
 - 1.9. B3 does not condone bullying or harassment and where this is found, the Disciplinary policy and procedure may be invoked. Bullying or harassment may constitute gross misconduct or in some cases, a criminal offence. It is also possible for the perpetrator to be personally liable for damages.
 - 1.10. B3 will not tolerate bullying, harassment or victimisation of someone for bringing, in all genuineness, a complaint of bullying or harassment or for supporting someone else in doing so. Victimisation may also be treated as gross misconduct and may result in disciplinary action up to and including dismissal, without notice.
 - 1.11. Wherever reasonably possible, B3 will try to ensure that the parties involved do not have to work together whilst a complaint is under investigation, or if the complaint is upheld. Where appropriate the options will be discussed with the complainant. It should be noted that this may not always be possible and it will depend on the size and location of the service or department. B3 will look to find a solution that suits all involved and will take individual circumstances into account.
 - 1.12. In very serious circumstances, the alleged perpetrator may find that they are suspended from work during the investigation.
 - 1.13. Reference to manager throughout this policy implies a member of B3 staff with responsibility for managing other staff. It can also refer to Trustees.
 - 1.14. Throughout this document, the term 'staff' applies to permanent, temporary, sessional and volunteer workers.
 - 1.15. Should you need to raise an issue of bullying or harassment under this policy and procedure, or if you are the alleged perpetrator, the Employee Assistance Programme (EAP) is available for counselling and support. They can be contacted in confidence on 0800 030 5182.

2. Responsibilities

- 2.1. The Service Manager has overall responsibility for the appropriate usage of the dignity at work policy.
- 2.2. You have a responsibility to behave appropriately in the workplace and to treat each other with dignity and respect. You are required to ensure that the work environment is free from all forms of harassment and to point out to other colleagues your concerns if you witness them displaying inappropriate behaviour. It is important that you respond promptly to any feedback and advice on your own behaviour, be it from a colleague or your manager. It is important for you to be aware of how your behaviour can affect others and to change it if necessary, even if your comments were meant as 'banter'.

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- 2.3. If you are a manager you have an additional responsibility to set a good example, and to ensure that all complaints of harassment are dealt with promptly and seriously. You must work to eradicate inappropriate or harassing behaviours in the workplace, regardless of whether anyone complains about those behaviours. It is imperative that you lay down clear guidelines to your team as to the required standards expected in the workplace. If a complaint is made you will have a duty and responsibility to act on it and to inform the Service Manager or the Board of Trustees.
- 2.4. B3 is responsible for setting standards and implementing procedures fairly and effectively, including coaching and supporting managers to apply the policy and procedure.

3. Definition Of Bullying And Harassment

- 3.1. Bullying is defined by ACAS as ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that is meant to undermine, humiliate denigrate or injure the person on the receiving end’.
- 3.2. Harassment is legally defined as ‘unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
- 3.2.1. Has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person or;
 - 3.2.2. Is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if the person responsible for the conduct did not intend this effect.
- 3.3. Whilst harassment often involves repeated acts of offensive behaviour, a single incident may constitute harassment if it is sufficiently serious.
- 3.4. The fundamental characteristic of harassment is that it is unwanted by the recipient and that it is for each individual to determine what behaviour is unacceptable to them and what they regard as offensive.
- 3.5. Harassment may also occur where a person engages in unwanted conduct towards another because (s)he perceives that the recipient has a protected characteristic (for example, a perception that (s)he is gay or disabled) when the recipient does not have that protected characteristic. For example it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend who is a devout Christian.

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- 3.6. The following is a list of behaviours that would not treat someone with dignity or respect and which could be examples of bullying or harassment. This list is not exhaustive:
- 3.6.1. Physical, including unnecessary touching, assault, physical threats, insulting or abusive behaviour or gestures.
 - 3.6.2. Verbal, including sexual, racist or homophobic comments or innuendos, derogatory remarks about disability, jokes or banter based on social difference, lewd or suggestive comments, sarcasm and stereotyping comments.
 - 3.6.3. Non-verbal, including display, storage or distribution of offensive material (including information held electronically), such as pornographic or suggestive images or written material, racially offensive written material or images, leering or staring, ignoring or avoiding colleagues and inappropriate gestures or body movements.
 - 3.6.4. Unacceptable conduct — including threats for rejecting unwanted sexual advances, making threats or comments about someone's job security without good reason, spreading malicious rumours or insulting someone.
 - 3.6.5. Subtle behaviours — bullying behaviours are not always overt and can be done in a way that is subtle and difficult to pinpoint. Examples may be where someone intentionally does not communicate important information or pass on messages, ignoring someone's views and using passive aggression, which may be used to undermine and manipulate others.
- 3.7. 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 disagreement may not in itself constitute bullying. It is also important that, 'management style' should not be used to condone bullying.
- 3.8. It is essential that all employees can recognise the difference between fair management and bullying behaviours. Some examples are provided below:

Firm/Fair Management	Bullying/Harassing
Consistent and fair.	Aggressive, inconsistent and unfair.
Determined to achieve the best results, but reasonable and flexible.	Unreasonable and inflexible.
Knows their own mind and is clear about their own ideas, is willing to consult with others.	Believes that they are always right, has fixed opinions, believes they know best and disregards others' views.
Insists upon high standards of service in quality of and behaviour within the team.	Insists on high standards of service and behaviour but blames others if things go wrong.
Asks for others' views, listens and assimilates feedback.	Tells others what will be happening and does not listen.

4. What Is Victimisation?

- 4.1. Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying them or someone else in relation to a protected characteristic, or who has supported someone to make a complaint or who has given evidence in relation to a complaint for this reason. This would include isolating someone because they have made a complaint in relation to a protected characteristic or giving them a heavier or more difficult workload.
- 4.2. Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment.
- 4.3. B3 will take appropriate action to deal with any alleged victimisation, which may include an investigation and, if found, disciplinary action against anyone found to have victimised you.
- 4.4. If you bring a complaint that you know to be untrue, or give evidence that you know to be untrue, this may also lead to the disciplinary policy and procedure being instigated.

5. Vexatious Complaints

- 5.1. If after a full investigation of a complaint, under the dignity at work policy and procedure, the investigating manager has reasonable grounds to believe that you have made the complaint in a vexatious way, then they will advise you that disciplinary action will be taken for making a false complaint that is not in good faith.
- 5.2. This should only occur if there is clear evidence that your motivation drove you to cause trouble, rather than to seek resolution of a genuine area of concern.

6. Confidentiality

- 6.1. B3 recognises the sensitivity around both bullying and harassment and the importance of confidentiality to all of the parties concerned. Utmost confidentiality will be afforded to the detail of the case and investigation wherever possible.
- 6.2. In certain circumstances, information may need to be shared in order to progress the matter. For example, the person against whom the complaint is made will need to know the nature of the allegation(s) and who has brought the complaint so that they can respond.
- 6.3. Some information may also have to be given to witnesses and the importance of confidentiality will be emphasised to them. All statements should be signed off by the individual providing it and if appropriate, the witness to the statement. In exceptional circumstances the statements may be rendered anonymously. This will be where there is a genuine worry about potential repercussions.

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- 6.4. Anonymity cannot be guaranteed particularly where, in extreme cases, there may be a breach of the law or where legal proceedings may be initiated.

7. Role Of Management

- 7.1. The role of the management is to provide you with information on this policy and procedure and to ensure that there is a clear understanding of it.
- 7.2. The role of the Board of Trustees is to provide advice and support to the manager dealing with the complaint and to ensure that the policy and procedure is followed correctly.
- 7.3. The Board of Trustees will advise all concerned parties on process and documentation. They will assist the manager investigating the complaint and holding the meeting. This may include them attending any meetings.
- 7.4. Management will remind you of your right to access the Employee Assistance Programme, details of which can be found in section 1.15 of this policy.

8. Informal Procedure

- 8.1. Wherever possible, it is best for all concerned for any potential issues of bullying or harassment to be 'nipped in the bud' at an early stage. This will help to stop the situation from escalating into a more serious complaint and to ensure that working relationships are as undamaged as possible.
- 8.2. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it. To this end, if you believe that you are being bullied or harassed, you should inform the person responsible that you find their behaviour unacceptable or offensive and you should ask them to stop.
- 8.3. If you feel that you are unable to speak to the alleged perpetrator alone, you may wish to seek support from a work colleague or an employee forum representative.
- 8.4. If you make it clear to someone that you find their behaviour offensive, you should make a note of the time, date and circumstances, including any witnesses, which all may be used at a later date should you need to raise a formal complaint.
- 8.5. At this point, the person whom the concerns have been raised with should cease the behaviour immediately. If they do not take your complaint or request for them to stop seriously, you may wish to inform them that if they continue, you will escalate the matter to your manager. Again make a note of the date, time and circumstances, including any witnesses.
- 8.6. If there is no improvement in their behaviour you should raise your concerns with your manager, who will be responsible for addressing your concerns with the individual and seeking a resolution.
- 8.7. If there continues to be no improvement in the behaviour and you wish to escalate the matter, you will be offered an opportunity to resolve it informally by

accessing a member of the conflict resolution team who are fully trained in dealing with issues of this nature.

- 8.8. It is important that you keep a record of any incidents that occur and any supporting information as you will need to provide evidence to substantiate your claims, should this issue escalate to the formal stages.

9. Conflict Resolution

- 9.1. B3 has a number of individuals across the organisation who have been trained to deal with conflict resolution.
- 9.2. To access conflict resolution assistance, you should speak with your manager who will, with your assistance, complete part 1 of the form in Appendix A. Please be aware that conflict resolution can only take place with the agreement from all parties involved.
- 9.3. Relevant information, e.g., how long the situation has been ongoing, examples of the unacceptable behaviour and what has already been done to try and resolve the situation should then be provided to the Service Manager or Board of Trustees who will then appoint an appropriate conflict resolution representative to the case. The appointment will be based on skill set, capacity and location.
- 9.4. The conflict resolution process will be managed on a case-by-case basis, dependent upon the circumstances. In most cases it will involve both you and the person whose behaviour you find unacceptable meeting with a member of the conflict resolution team individually and maybe together. Where there is a conflict within a team then two people from the conflict resolution team may work together.
- 9.5. After their visit the conflict resolution representative will complete part 2 of Appendix A. The Service Manager will keep this.

10. Formal Procedure

- 10.1. If informal interventions have been tried and have not worked, or if the harassment or bullying is of a more serious nature, you may wish to invoke the formal procedure.
- 10.2. At this stage, you (or your representative) should put your complaint in writing, explaining any concerns to your immediate line manager. You should outline the resolution/outcome you are seeking. If your complaint is regarding your line manager, then your complaint should be given to the Board of Trustees.
- 10.3. B3 would expect you to raise any complaint in a timely manner so that it is capable of being investigated.
- 10.4. Stage 1 – Investigation
- 10.4.1. The Board of Trustees will nominate a manager who will both investigate and hear your complaint. This may be your line manager or a representative of the Board of Trustees. The manager will be independent of the alleged events.

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- 10.4.2. It may be necessary to suspend the alleged harasser, depending upon the seriousness of the allegations.
- 10.4.3. The Board of Trustees will investigate your complaint in accordance with the confidentiality statement as set out in section 6 of this policy.
- 10.4.4. The Board of Trustees will:
- Interview you if necessary, for example, such as where there may be insufficient detail in the letter of complaint, interview you.
 - In writing, inform the alleged harasser of the broad nature of the complaint, the possibility of disciplinary proceedings if the allegations are found and that they will have a full opportunity to respond to the allegations.
 - Interview the person the complaint is about
 - Interview witnesses.
- 10.4.5. There is no right to be accompanied during the investigation either for you or the person the complaint is about.
- 10.4.6. Only facts relevant to the investigation should be considered.

10.5. Meeting

- 10.5.1. When the investigation is completed, the Board member will hold a formal dignity at work hearing with you. You will have the right to be accompanied at this meeting by a work colleague or a trade union representative.
- 10.5.2. You will be provided with at least five working days' notice of the date of the meeting in writing.
- 10.5.3. At the meeting, the Board member on behalf of B3 will decide on the balance of probabilities, after considering all of the available evidence, whether harassment or bullying has taken place. This will be confirmed to you in writing, together with details of your right to appeal the decision and any recommendations, within five working days of the meeting.
- 10.5.4. The hearing will be recorded using a dictaphone, or a minute taker will be present. Following the hearing, a copy of the audio or the transcript will be provided to you at your request.

10.6. Stage 2 – Appeal

- 10.6.1. You will be provided with the right to appeal the decision of the hearing member of the board. Any appeal must be sent to the Board of Trustees within ten working days of the date of the decision letter and must include the basis of the appeal, along with any resolution/ outcome that you are seeking.

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- 10.6.2. The Board of Trustees will appoint a representative to hear your appeal. You will be given at least 5 working days' notice of the date of your appeal hearing.
 - 10.6.3. You will be responsible for providing any relevant documentation to the representative hearing your appeal and the Board of Trustees at least five working days before the date of the meeting. The manager who heard your complaint will also be requested to provide their investigation papers.
 - 10.6.4. The Board representative will support the representative hearing the appeal and may be present at the meeting.
 - 10.6.5. The purpose of the appeal meeting is to ensure that you have an opportunity to present your appeal and that the manager hearing the appeal understands the full nature of it. It is also an opportunity to explore potential solutions.
 - 10.6.6. You will have the right to be accompanied at this meeting by a trade union representative or a work colleague. If you or your representative are not able to attend the meeting at the designated time, the meeting can be deferred but should be rearranged as soon as possible.
 - 10.6.7. The Board of Trustees will advise you verbally of the outcome as soon as is practicable. You will be advised of the outcome in writing within five days of the meeting. This letter will summarise:
 - The nature of the dignity at work appeal
 - The details of the investigation that was conducted
 - The decision and the reason for that decision
 - 10.6.8. There is no further right of appeal and any decision made at this stage is final.

11. What Happens If I am Accused Of Bullying Or Harassment?

- 11.1. If you are approached informally about your behaviour, you should try to recognise that even if you intended it in a certain way, the complainant may see it differently and they have been offended. You should treat any such matter in a serious way and recognise that you have offended the complainant unintentionally. You should offer that person an explanation, apology and assurance that you will be careful in future not to repeat the behaviour. If the behaviour is not repeated, this may well be the end of the matter.
- 11.2. If a formal complaint is made about your behaviour, then it will be investigated as outlined under section 10.4 in this policy and procedure. You will be advised of the outcome of the hearing and of any recommendations that have been made that impact on you. You will then be advised if there is an appeal.
- 11.3. If the complaint is upheld, it may result in disciplinary action being taken against you. The investigation from this process will be passed to a Board of Trustees

representative who has investigated the complaint and will then be used under the disciplinary policy and procedure. You will be given the opportunity to state your case and to be accompanied at any formal hearing i.e. disciplinary hearing or appeal but not at any informal stage e.g. if further investigation meetings are required. Any action will be taken at the appropriate level to meet the severity of the allegation and findings. Harassment and bullying are often allegations of gross misconduct, which if upheld on the balance of probabilities, can result in dismissal without notice.

- 11.4. If a complaint is made against you that is not upheld and no action is deemed necessary, then there will be no record kept on your personal file. The details of the complaint will be retained on the complainant's file.
- 11.5. If B3 has reasonable grounds to believe that the complaint was made in a vexatious manner, B3 will invoke the disciplinary procedure against the person responsible for making the false allegations.
- 11.6. You must not bully or victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint, or who has given evidence in relation to such a complaint. Disciplinary action may follow if B3 has good reason to think that you may have victimised the complainant or anyone linked to the complaint.

12. Record Of Conflict Resolution (Appendix A)

Part 1 – Must be completed by the individual seeking conflict resolution

Service/department where conflict resolution is sought:

Names and job titles of individuals involved:

Brief outline of the issue, including steps already taken to resolve:

Part 2 – Must be completed by the conflict resolution representative

Name and job title of the person providing conflict resolution:

Steps taken to resolve the issue:

Any recommendations/actions to be taken:

To be signed and dated by all parties:

Follow up required and monitoring period:

Please pass this completed form and any accompanying information to the service manager.
