

Burgh After School Club



Dignity at Work Policy

(Bullying and Harassment)

Purpose

BASC aims to promote a safe, healthy and fair environment in which people can work.

Being valued, being listened to and being treated with respect are some of the things that contribute to a dignified workplace.

We recognise our duty of care to staff, volunteers and service users and are committed to promoting a culture of dignity and respect in the workplace. The dignity at work policy sets out the conditions to ensure safe and effective working practice as well as fair and consistent treatment for all employees and volunteers.

Bullying and harassment is unlawful and will not be tolerated in the workplace.

Values and Principles

The responsibility for creating a culture of dignity and respect is shared by all.

Everyone has a role to play by:

- Being proactive and intervening early when problems are noticed or raised
- Understanding and adhering to acceptable standards of conduct
- Taking responsibility for their own behaviour
- Acting at all times in a way that promotes good and avoids harm to others

Roles, Responsibilities and Standards

All employees and volunteers have a duty to adhere to this policy and to:

- Act as a positive role model for others
- Ensure that everyone is valued and treated with dignity and respect
- Understand and observe the expected standards and to seek clarity about standards when unsure
- Monitor their own behaviour and consider how it might affect others, refraining from acting in ways which could cause offence or harm

Burgh After School Club

- Take positive action to resolve misunderstanding and voice concern

The Club Manager and Management Committee have, in addition to all of the above, a duty to maintain a positive and safe work environment that is free from inappropriate behaviour by:

- Ensuring that all employees are informed about the dignity at work policy and the standards that are expected
- Being consistent and fair
- Encouraging positive behaviour and involving staff in creating a culture of dignity and respect
- Listening to and looking into the concerns of employees and involving all parties in developing solutions to problems and disputes
- Intervening promptly to address unacceptable behaviour when it is noticed
- Taking complaints seriously, treating them confidentially and following the correct procedure

Inappropriate behaviours that undermine Dignity at Work

Behaviours that undermine dignity at work include harassment and bullying which involve an absence of dignity at work and in some situations can constitute gross misconduct. They must be addressed and cannot be condoned.

Harassment

Harassment as defined in the Equality Act 2010 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. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Bullying

ACAS characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying will make the recipient feel upset, threatened, humiliated or vulnerable and thereby undermines an individual's self-confidence.

Some examples of what is unacceptable behaviour in BASC include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation

Burgh After School Club

- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Name-calling, insults, shouting at a colleague
- Intimidation, threatening behaviour (verbal or physical)
- Spreading malicious rumours; making malicious allegations
- Undervaluing a colleague's contribution
- Persistently negative and inaccurate attacks on a colleague's personal or professional performance
- Criticising a colleague in front of others (public humiliation)
- Withholding information with the intent of deliberately affecting a colleague's performance
- Physical or social isolation e.g. excluding colleagues by talking solely to third parties to isolate another and preventing them accessing opportunities
- Persistently setting impossible deadlines or objectives
- Removing and replacing areas of responsibility with menial or trivial tasks and taking credit for work achieved
- Repeated reminders of mistakes

The four elements which must be present are:

1. Negative behaviours against a person – involving various types of hostile acts that can be either obvious or covert, which are directed against a person by one or more people
2. Persistence – Negative behaviour happens on more than one occasion, occurring at different points in time
3. Imbalance of power – The targeted person will be unable to defend themselves against the person using the negative behaviours and cannot stop the other person. There is a perceived imbalance of power between them
4. Harmful effects – The targeted person sees the situation as harmful to them and experiences harmful effects e.g. lowered self-confidence, or self-esteem, reduced wellbeing etc., because of the negative acts directed against them

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with the BASC manager or a

Burgh After School Club

committee member. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought (see procedure).

When a complaint of Harassment or Bullying is brought to the attention of the manager/committee member, whether informally or formally, prompt action must be taken to investigate the matter (see procedure timescales),

Confidentiality: All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. It will be necessary however, that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

No Detriment: No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no one shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, the Manager/Committee are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

Policy Review: This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

Early action by Management

BASC Manager and Management Committee have a duty to act promptly and to intervene early when behaviours that could indicate bullying or harassment are noticed or suspected or reported.

An early response could involve an informal chat to find out what is going on and to resolve the issue early before it escalates into a major problem or complaint. In some situations a person displaying inappropriate behaviour may not be fully aware of their actions or may themselves be experiencing difficulties and need support.

However, in some situations they may realise and even intend what they are doing. The first step will always be to understand the problem. For example, one type of intervention would be used for wilful and malicious behaviour (which has to do with conduct) and a different type of intervention would be used if the behaviour was because of lack of skill (which has to do with capability). Alternatively a non-disciplinary intervention e.g. mediation, education, facilitated meeting etc., may offer the way forward.

Burgh After School Club

Early action by an employee

If an employee perceives that behaviour towards them is hostile, they may try appropriately challenging that behaviour, either by speaking or writing to the person(s) concerned. It may be that the other person is not fully aware of their own behaviour and its impact. By appropriately challenging the behaviour you create the possibility of mutual understanding and change. You also show that you are acting with dignity and that you are respecting the dignity of the other person.

When appropriately challenging behaviour it is important to remain calm and:

- Describe the behaviour in neutral terms e.g. “there have been occasions like the one this afternoon and last Tuesday when your voice was raised/very loud when you spoke to me in front of the others”
- Describe the effect on you e.g. “this makes it difficult to concentrate on what’s being said/difficult to take part in things/difficult to do my job” etc.
- Describe how you would like the behaviour to be different e.g. “I would prefer to have problems highlighted in a less public setting/in a less forceful way/in a quieter tone”

Dignity at Work Standards: In this situation, you are acting in a respectful way and looking for the other person to respectfully listen to and consider what you are saying.

The desired outcome is that you both agree how things will be different in the future and put this into practice.

The Procedure:

1. Informal Resolution

- Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- Complainants are therefore encouraged to try if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- If the complainant feels unable to approach the alleged harasser, a work colleague or other representative could be asked to speak to the alleged harasser on the complainant’s behalf. A note should be made of the action taken.
- An individual who is made aware that their behaviour is unacceptable should:-
 - Listen carefully to the complaints and the particular concerns raised;

Burgh After School Club

- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
- Agree the aspects of behaviour that will change;
- Review their general conduct/behaviour at work and with workplace colleagues.

2. Formal Resolution

- If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the BASC Manager or Management Committee.
- Normally, the employer's representative will be the Club Manager, however, if the employee feels unable to do this they should submit the complaint in writing to the BASC committee.
- When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant manager should:
 - Take full details of the incidents in writing from the complainant and their representative (if appropriate);
 - Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them
 - Keep all parties informed of expected timescales
 - Inform all parties in writing of the outcome and any action that may be required
 - If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure)
 - Should there be a case to answer against the alleged harasser, the manager/committee will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:-
 - > the complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so:
 - > if the complainant is required to attend, they are entitled to be accompanied by either a Trade Union representative or work colleague and have any questions directed through that person.

Burgh After School Club

- If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:-
 - Dismissal
 - A formal warning
 - Implementation of other sanctions as detailed in the Disciplinary Policy
- In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the Company.
- With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the Disciplinary Policy.

Appeals

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:-

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Grievance Policy.

Records

- Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- Following formal investigation, where the complaint is not substantiated, no records will be retained.
- Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.
- Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.