

Dignity at Work Policy and Procedure

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Frequency of Review*	36 months

** Policies will be reviewed more frequently if legal changes or good practice require*

Review History:		
Date of review	Reviewed by	Reason for review
Supersedes Harassment Bullying and Personal Dignity Policy		
February 2011	Human Resources Manager	Update to current legislation
October 2013	Human Resources Manager	Review and update
September 2016	Human Resources Manager	Tri-annual review and general update
June 2019	Human Resources Manager	Tri-annual review and general update

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Related policies/documents: Staff Grievance Policy
Staff Disciplinary Policy; and
Information Technology Conditions of Use
Data Protection Policy & Procedure
Prevent Policy

1. Policy Statement

North Kent College (“the College”) will focus on the prevention of bullying and harassment through the development of a workplace culture in which relationships are characterised by dignity and respect as well as tackling inappropriate behaviour. The College is committed to building a safe environment where staff feel confident to raise concerns.

The College fully supports the right of all people to be treated with fairness, dignity and respect. It is committed to fostering an environment that values the diverse nature of its community, and where its staff, students, visitors and contractors can work, learn and visit free from intimidation, aggression, coercion and victimisation.

All College staff, students, visitors, contractors and sub-contractors have a personal responsibility for their own behaviour and for reporting any incidents of bullying or harassment. The College will not tolerate bullying and harassment as it recognises that such behaviour is unacceptable, discriminatory and is unlawful. If bullying and harassment are not tackled, consequences for the individual and the College, can include:

- 1.1 poor performance, accidents and lower productivity;
- 1.2 increased absence and ill-health, particularly stress-related;
- 1.3 people leaving the College including withdrawal from courses;
- 1.4 complaints which may damage the College’s reputation and image; and
- 1.5 claims for discrimination against the College and individuals personally.

2. Aims & Objectives

The aim of the policy is to be a part of the process to prevent and stop bullying and harassment.

All allegations will be taken seriously, treated sensitively and will be investigated in a timely, robust manner. Initial remedial action will focus, where possible, on enabling working relationships to continue in a positive and acceptable environment. Appropriate action, which may include disciplinary action, will be taken where an allegation of bullying and harassment has been substantiated.

3. Application and Scope

This policy:

- 3.1 sets standards for conduct between all those who work at the College including staff, visitors, contractors and sub-contractors;
- 3.2 provides information about how to complain and seek resolution either informally or formally about inappropriate behaviour such as bullying or harassment;

- 3.3 covers dignity in the workplace and in any work-related setting (e.g. trips or work-related social activities);
- 3.4 provides examples about what constitutes bullying or harassment and the responsibilities of all parties are explained;
- 3.5 does not deal with physical violence against staff. Physical attacks should be reported immediately to a Senior College Manager (if necessary an ambulance should be called immediately if the injuries are serious) who will then consider whether it is appropriate to call the Police;
- 3.6 does not form part of an employee's contract of employment and can be amended at any time; and
- 3.7 applies to all staff members regardless of length of service. It will cease to apply after the contract of employment of the staff member has terminated, irrespective of the reason. If a member of College staff wishes to raise a complaint against an agency worker, contractor or visitor, this should be raised with their line manager in the first instance. If a College staff member is alleged to have bullied or harassed an agency worker, contractor or visitor, this will be investigated via the College complaints procedure, the outcome of which may lead to disciplinary action being taken against the College staff member.

4. Responsibilities

4.1 Senior Leadership Team ("SLT")

The College's SLT is responsible and the Corporate Board is accountable for ensuring that this policy is implemented, monitored and complies with all legislative requirements.

4.2 Managers

- 4.2.1 Where bullying or harassment is brought to the attention of a manager, they **must** take any concerns raised seriously and take appropriate action. Managers have a legal obligation to eliminate harassment of which they are or should be aware.
- 4.2.2 Managers are themselves expected to demonstrate high standards of behaviour.
- 4.2.3 Managers have a duty of care to their staff and should formally refer to the Human Resources Department, if the health of the member of staff is being affected by the situation so that appropriate action may be taken including occupational health advice.

4.3 Staff

All College staff, students, visitors, contractors and sub-contractors have a personal responsibility for their own behaviour and for reporting any incidents of bullying or harassment they have witnessed.

All members of the College community are expected:

- 4.3.1 to treat everyone with respect and dignity;
- 4.3.2 not to discriminate themselves or incite others to behave in discriminatory ways;
- 4.3.3 not to harass, abuse or intimidate others;
- 4.3.4 not to victimise or attempt to victimise anyone who has made a complaint(s) of bullying or harassment or provided information on bullying or harassment; and
- 4.3.5 take appropriate action and bring to the attention of management where they are informed of or are aware of an act or acts of bullying or harassment.

5. What is Bullying and Harassment?

Harassment is any unwanted physical, verbal or non-verbal behaviour related to a protected characteristic defined by the Equality Act (2010) that violates an individual's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (the protected characteristics for the purposes of the Equality Act 2010). Harassment is unacceptable even if it does not fall within any of these categories.

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 may be described as offensive, intimidating, malicious or insulting behaviour and abuse or misuse of power through means that undermine, humiliate, degenerate or injure the recipient. 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.

Bullying or harassment often involves an abuse of power or position and may be a single event, sporadic events or a continuing process.

Bullying or harassment ranges from apparently insignificant acts or omissions through to verbal or physical violence. It can impact on an individual's work performance and/or social life and individuals can feel uncomfortable, unsafe, frightened or embarrassed.

Examples include:

- 5.1 shouting at or humiliating an individual in front of others;
- 5.2 using sarcasm or aggression against an individual member of staff for a system or service failure;
- 5.3 spreading malicious rumours;
- 5.4 blaming one person when there is a common problem or for something which others "get away with";
- 5.5 unfair allocation of work type or workload;
- 5.6 lewd or abusive comments of a sexual nature, such as regarding an individual's appearance or body
- 5.7 displaying sexually suggestive or sexually offensive writing or material;
- 5.8 demands for, or suggestions about, sexual favours or activity;
- 5.9 asking questions of a sexual nature;
- 5.10 unwanted physical contact such as touching or groping;
- 5.11 insensitive comments or jokes, for example, about a person's religion or beliefs, physical appearance, disability, family or other issues not connected to working tasks;
- 5.12 excluding a colleague or fellow student from activities or conversation unnecessarily;
- 5.13 refusing, unreasonably, to communicate with others;
- 5.14 students bullying staff for better grades;
- 5.15 undermining a competent individual by overloading and constant criticism;
- 5.16 blocking promotion or training opportunities;
- 5.17 putting pressure on a student or colleague to "fit in" with others or victimise someone;
- 5.18 leaving offensive literature around;

- 5.19 copying memos or emails that are critical about someone to others who do not need to know;
- 5.20 racist comments or jokes about people's origins and backgrounds; and/or
- 5.21 using gender stereotypes to demean or ridicule people, for example "women should stay at home and look after children" or "men cannot multi-task".

This is not an exhaustive list and only covers a few examples.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying or harassment on their own.

The need to tackle bullying and harassment should not stop welcome banter and good humour amongst colleagues. However, where such behaviour is unwanted or causes offence, it is unacceptable.

The prevention of bullying and harassment includes:

- 5.22 showing common courtesy, dignity and respect for others;
- 5.23 understanding and acknowledging the importance of individual differences and views; and
- 5.24 avoiding behaviour that makes anyone feel uncomfortable, degraded, upset or victimised.

Bullying and harassment can occur for a wide variety of reasons and can happen to **anyone**. A person being bullied or harassed may not know the precise reason.

This makes no difference to their feeling of being bullied or harassed. Ultimately it is the recipient's feelings which count.

6. Electronic and Telephone Bullying or Harassment

The College recognises that bullying and harassment can take place through, for example, email (direct or indirect via copying in), internet (including social networks), intranet, mobile telephones, text messages, telephones or other forms of electronic communication. Indecent, threatening or offensive emails or phone calls may not only be bullying or harassment and, therefore, potentially a matter for disciplinary action, they may also breach the College's Information Technology Conditions of Use (Staff) policy document.

7. Procedures for Dealing with Bullying or Harassment

If you think that you are being bullied or harassed, do not feel that it is your fault or that you must tolerate it. Action may be taken in a number of ways which include both informal and formal procedures.

Attempts should be made to resolve any complaints rapidly and informally, wherever possible, as this can lead to the behaviour stopping and resolution for all concerned. If informal steps are not appropriate or have been unsuccessful, staff should follow the formal procedure, set out below.

It is important to note that the person who makes a complaint is usually the recipient of the behaviour complained of but that may not always be the case. The complainant can also be someone who has direct or sufficient knowledge of the behaviour to enable a complaint to be raised. For example, if they have overheard racist or sexist language which, while not directed at them, caused them offence and distress.

Support is available to both the complainant and the staff member(s) about whom the complaint has been made. The College operates an Employee Assistance Programme, which offers confidential telephone counselling that is free of charge and separate from the College, as it is provided by a third-party provider. Contact details for this service can be found on the HR pages of StaffNet. Staff members are also encouraged to seek advice from their own GP if they feel that their health may be affected.

Staff who are trade union members are encouraged to seek support and guidance from their union representative.

Other external sources of support include ACAS and the National Bullying Helpline.

If you are not certain whether an incident, or series of incidents, amounts to bullying or harassment, you should initially contact your manager or HR informally for confidential advice.

If a complaint of bullying and or harassment is raised, it may be withdrawn at any stage. However, subject to the issue remaining as originally raised, the staff member may not re-activate the complaint at a later stage.

8. Informal Procedure

The College recognises that in most cases the best resolution is through informal action.

If you are concerned about a person's behaviour towards you, try to approach them directly giving as full details of your complaint as possible to make it easier for them to understand why you are upset, offended or angry. If you need support to do this, you can ask a colleague or your trade union representative to help you.

You can meet with the person on your own or with someone to support you. Alternatively, you can write a letter or email to them, explaining what they did or omitted to do that upset you and asking them not to do it again.

You can ask your manager to intervene on your behalf (or a more Senior Manager if it is your manager who is bullying or harassing you). If you stress that you wish to resolve the situation informally, they will make every effort to do so. If they feel that they must take more formal action, they will not do so without discussing it with you. However, if the behaviour persists, or if it is so serious that you feel it is not appropriate to use informal methods, then you can use the formal procedure to resolve the situation.

Every effort should be made to bring about conciliation through raised awareness of the situation and, if appropriate, internal or external mediation.

9. Formal Procedure

If the informal approach has proved ineffective or if the alleged issue is of a serious nature, the College formal Grievance Procedure should be followed (see Staff Grievance Policy).

As a general principle, the decision whether to progress a complaint is up to you. However, the College has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, the College considers it appropriate to do so.

The College will complete a thorough and objective investigation into any complaints of this nature in a timely manner, with sensitivity and due respect for the rights of all parties concerned. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. If it is necessary to interview any witnesses to any of the incidents mentioned in your complaint, the importance of confidentiality will be emphasised to all parties throughout the process.

Where your complaint is about an employee, the College may consider suspending them on full pay or making other temporary arrangements pending the outcome of the investigation, if circumstances require. The investigation will also meet with the alleged harasser or bully [who may also be accompanied by a colleague or trade union representative of their choice] to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a student, supplier or visitor, the College will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the College and the rights of that person. Where appropriate, the College will attempt to discuss the matter with the third party.

If the complaint is against the Human Resources Manager then a Senior Manager (usually a Deputy Principal) will progress the procedure and

notification of the complaint should be sent to the Deputy Principal Finance & Resources in the first instance.

Possible outcomes of the grievance procedure and investigation could include:

- 9.1 complaint upheld – recommended disciplinary action against alleged perpetrator(s);
- 9.2 complaint not fully upheld or lack of evidence – recommendation for management intervention which could include mediation by internal or external parties, training, re-deployment, supported meetings;
- 9.3 complaint not upheld – no further action; or
- 9.4 complaint not upheld and felt to be malicious – recommended disciplinary action against complainant.

10. Appeal

If you are not satisfied with the outcome you may appeal, in writing, within ten working days of receipt of the written outcome. On receipt of an appeal, a further investigation may be carried out by another Investigating Officer should new and relevant information be submitted in the written grievance appeal.

If no further investigation is identified or when the further investigation has taken place, a grievance appeal hearing will be arranged as detailed within the Staff Grievance Policy.

However, you cannot use the Staff Grievance Policy if a disciplinary investigation, as a result of a complaint by you, is already underway. If you need further clarity or advice, contact a member of staff in the Human Resources Department.

The College will confirm the appeal decision in writing, usually within one week of the appeal hearing. The decision at this stage is final and there is no further right to appeal.

11. Sanctions

If the outcome is that the harassment or bullying has occurred, prompt action will be taken to address it.

Bullying and harassment are potentially gross misconduct and, therefore, if a complaint is upheld, the matter will be dealt with under the College Disciplinary Policy and it could lead to the dismissal of a member of staff. If the harasser or bully is a third party, such as a student or other visitor, the College will consider what action would be appropriate to deal with the problem.

Whether or not your complaint is upheld, the implications for continued work relationships will be given serious consideration by the Human Resources Manager and relevant SLT lead.

If it is felt advisable to separate the two parties, consideration will be given to appropriate action that provides a safe working environment for all concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the College Disciplinary Policy.

12. Confidentiality

Any member of staff involved in the informal or formal procedures is expected to keep information confidential. Only those who need to know should be informed because they have a role in providing support or progressing action to stop the bullying or harassment. This is to protect the confidentiality of the person making the complaint, as well as the reputation of the person being complained about, until the matter has been resolved.

If it is felt that the safety of an individual(s) is at risk of serious harm, confidentiality in these circumstances may be overridden by a duty of care and legal obligations to disclose. Unjustified failure to maintain confidentiality will itself be regarded as a disciplinary offence.

13. Victimisation

Challenging bullying and harassment can be difficult and distressing and is not undertaken lightly. Any person raising a complaint about bullying or harassment or having a complaint made against them, or being involved as a witness or adviser, will be treated fairly. Treating someone less fairly because they have been involved in any way in a complaint of bullying or harassment is a disciplinary offence and could possibly give rise to claims of victimisation against both the College and individual personally.

If you believe you have suffered any such treatment you should inform the Human Resources Department. If the matter is not remedied, you should raise it formally using the College Grievance Policy (See Staff Grievance Policy).

14. Record Keeping

If you are being bullied or harassed, it is a good idea to keep a note, including dates and times and a description of the behaviour and its impact on you. This can include changes to your work, home/social life as a result of the behaviour. The details of any witnesses to the incident(s) should also be included. Copies of relevant paper or electronic documents should also be kept.

Managers and other staff who are told by colleagues or students of bullying or harassment should ensure appropriate records are kept.

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with the College's Data Protection Policy.

15. Monitoring

Monitoring is an important way of finding out whether measures taken by the College to tackle bullying and harassment are effective. Information will be collected from the staff surveys, HR Metrics, union feedback, exit questionnaires/interviews, sickness data and actual complaints. The monitoring feedback will be supplied annually to the College SLT and the Board and, where deemed necessary, appropriate action will be taken.