

Dignity, Harassment & Respect at Work Policy & Procedures



Title of Policy: Dignity, Harassment & Respect at Work

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Introduction

Allsorts Support Services CIC & Allsorts Community (Which will be referred to as the organisation throughout this policy).

We want all service users to have successful and fulfilling lives.

This policy document should be considered in conjunction with all other relevant duties, policies and guidance.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning the organisation's approach to Dignity & Respect at Work for all staff and volunteers.

The policy has the following aims:

- To maintain a safe and healthy environment for all service users, employees and volunteers.
- To comply with applicable laws and legislation.

This policy is informed by the organisation's understanding of its statutory duties as an employer.

Having effective, up to date and easy to follow policies and written documents minimises risk to service user's, employees, volunteers and the organisation itself and can ensure that statutory requirements, standards and regulations are understood and provides a framework to monitor compliance. To ensure the organisation provides a robust and clear framework, the organisation has developed this policy to manage processes to achieve compliance and effective co-ordination across the organisation.

Through this policy the organisation will ensure that there is a process whereby all policy documentation is consistent. In addition, there will be an effective process for managing and reviewing policies and any associated written documents on a regular basis, to ensure that documentation remains legally compliant and actions are undertaken in a safe and efficient manner.

This policy will ensure that the organisation meets its legal responsibilities and provides a clear organisational approach to documentation.

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Policy Statement

The organisation will provide a structure for the development of policies and other written documents.

This will include:

- Ensuring that staff has access to the most recent copies of the organisation's documents.
- Establishing a control procedure for all policies and other written documents to ensure that those in use are current and relevant.
- Ensuring that the equality impact assessment process is completed on all policies and procedures.
- Ensuring systems exist to monitor the use of, and compliance with, all written documents
- Developing and maintaining a central database of policies, procedures and written documents
- Maintaining an archive of past written documents, for reference and to meet legal requirements.

The Organisation believes that every individual should be treated with dignity and respect.

The organisation is committed to providing safe workplaces which are free from discrimination, harassment, violence or any other form of offensive and unacceptable behaviour. Should you feel that you have been subjected to treatment of that kind, you are encouraged to report this to the manager at the earliest opportunity. Reports relating to dignity and respect issues will be dealt with promptly, effectively and sensitively.

This guidance applies if you have directly experienced or witnessed inappropriate behaviour that has taken place either on the organisation's premises or during the delivery of the organisation's services.

Definitions

The Dignity, Harassment and Respect at Work Policy and this guidance cover all forms of offensive and unacceptable behaviour that you might experience or witness in the course of your duties; this can include:

- Violence.
- Harassment.
- Discrimination (including discrimination by association).

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Given below is some further information about these different types of inappropriate behaviour.

Violence

The organisation uses the Health & Safety Executive's definition of violence to identify those incidents that represent unacceptable behaviour. The definition is 'any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work.' This includes:

- Physical assault.
- Harassment, verbal aggression or abuse, face to face or by telephone.
- Threats of violence to employees or their families.

Harassment

There are a range of reasons why a person may be subjected to harassment which extends beyond the different protected characteristics; this includes being harassed by members of the public on the grounds of being identified as a employee of the organisation or on the basis of social or cultural status.

You may experience harassment in respect of a protected characteristic even if that characteristic doesn't apply to you. For example victims of homophobic crime do not have to be lesbian, gay or bi-sexual (LGB); they just have to be perceived as LGB and/or the incident is perceived to contain, or is influenced by, homophobia.

Accordingly, any harassment, whether intentional or unintentional, is totally unacceptable. In our respect for each other, we are all responsible for challenging all forms of harassment.

- Harassment is unwanted behaviour which, in their opinion, is perceived to cause distress and / or annoyance to the victim or to a third person. This covers the circumstances where a victim may not have sufficient confidence to complain, but a third person may do so on their behalf or, alternatively, the intended victim is not distressed / annoyed but the third person is.
- It can bring about fear, stress, anxiety and demoralisation in the victim and the damage, tension and conflict which harassment creates makes for an unpleasant working environment for all.

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- Sexual and racial harassment are commonly recognised forms of harassment. However, people can be subjected to harassment on other grounds including:-
- Ethnic and national origin, nationality and skin colour, sexual orientation, disabilities and learning difficulties, age, health, physical characteristics, religion, personal beliefs.
- Harassment may be persistent or an isolated incident and may be directed towards one or more individual. It can range from extremes, such as assault, to less obvious forms like ignoring someone. Other forms include:-
- Bullying, physical contact, jokes, offensive language, gossip, slander, letters, e-mails, posters, graffiti, obscene gestures, isolation or non co-operation and exclusion from social activities, coercion for sexual favours, intrusion by pestering, spying and stalking.
- The 2010 Equality Act introduced the concept of Harassment by a third party. This means unwanted, repeated conduct by a third party based on a protected characteristic, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person and where the employer does nothing to prevent it from reoccurring. A third party is defined in law as not being the employer or employees of the employer, but other people such as service users or parent/carer.

Harassment will be treated as a serious disciplinary offence; it may result in dismissal. In certain circumstances, harassment may be a criminal offence. Individual employees guilty of harassment or managers failing to investigate complaints effectively may be financially liable for their actions

- Staff and volunteers should not ignore behaviour which makes them feel uncomfortable, but take appropriate action so that the behaviour stops. For example, minor sexual harassment may be stopped by the victim making it clear to the harasser that the behaviour is unacceptable and must stop.
- However where approaches by the victim have failed or where a more serious harassment has occurred, the victim should make a formal complaint.

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- It is best to follow the route outlined in the Organisation's Grievance Procedure; however there may be occasions where it would not be appropriate to use the procedure and the complaint should be made to the manager.
- We recognise that people who are being or who have been harassed may be helped by receiving support and advice from an independent person. Any requests for additional support will be treated sympathetically.
- All allegations of harassment will be thoroughly investigated and dealt with as quickly as possible. The Organisation will undertake to take all reasonable steps to ensure that the investigation is completed within four weeks.
- If it has been found that an allegation of harassment has been made maliciously, the matter will be treated very seriously and disciplinary action taken against the person who made the allegation.
- Whatever the outcome of a complaint of harassment, no one who has made a complaint should be allowed to suffer victimisation for having made the complaint.

Procedure for Dealing with Complaints of Harassment

To aid the handling of allegations of harassment and recognising the sensitive and confidential nature of such allegations, the Organisation expects that the manager will be consulted in every case. The manager will be able to discuss, advise, counsel and initiate the appropriate action. If the allegation is being made against the support co-ordinator the complaint should be directed to the manager.

- All allegations of harassment should be treated seriously and confidentially. A full investigation should be carried out by the line manager, where appropriate.
- A statement should be provided by the victim. In some cases it may be appropriate for a statement to be taken by another person, e.g. the manager. In some cases it would be sensible if this other person was someone of the same sex. Statements should be taken / required from any witnesses.
- After the allegation has been made, care should be taken to ensure that the complainant is able to continue working without embarrassment or anxiety. It may be that arrangements can be put into place to minimise contact between the two staff or volunteers.

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If, on the basis of these statements, it appears that harassment may have taken place, the allegations should be put to the alleged harasser and an opportunity given to him or her to comment on their conduct. It is probably advisable to deal with the evidence on the basis of statements rather than having the witness present. However this will mean that there may have to be adjournments to obtain a response from witnesses to any serious conflict of evidence.

- At the end of this process, the person conducting the investigation has to decide whether harassment has taken place and on the seriousness of the harassment.
- If harassment has taken place, disciplinary action should be taken. The action taken will depend on the seriousness of the harassment; see the Disciplinary Policy and Procedures.
- Where appropriate, the victim should be informed of the action taken.
- If the harasser remains in employment, it is important to check that the harassment has stopped and there has been no victimisation or retaliation.

If the offence is of a criminal nature, it should be reported to the Police immediately after the internal investigation has been completed.

All forms of harassment are unacceptable and are covered by the Dignity and Respect at Work Policy.

Racial Harassment

In the case of racial harassment this covers an incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality. It includes any unwanted verbal or physical abuse and / or behaviour, which is racially motivated.

A racist incident is any incident, which is perceived to be racist by the victim, or any other person.

Discrimination by Association

Discrimination by association occurs if you are treated less favourably because you are linked or associated with a protected characteristic. You do not need to have the protected characteristic yourself, but you are treated less favourably

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than others because you have a friend, spouse, partner, parent or another person associated to you who do have that protected characteristic.

Raising a Complaint Against Other Employees or Volunteers

If you need to raise a complaint against another employee you should use the organisation's Resolution Procedure or Harassment Procedure. Serious complaints against the organisation's employees may also require the Disciplinary Procedure and other procedures to be used. In the first instance you should raise your concerns with the manager.

Reporting

Reporting incidents provides important information, this includes the ability to identify if repeated issues are occurring in a particular service may require further examination. There is also a legal obligation regarding the reporting of occurrences of harassment and other violent incidents.

Harassment is considered to be within the scope of 'violence' in the context of Health & Safety recording of incidents. If you experience or witness harassment or other types discriminatory or treatment which you find offensive and unacceptable you should inform the manager.

Other Assistance

If you experience abusive behaviour there are additional actions that you may wish to consider, these include:

- Taking civil action, under the Protection from Harassment Act 1997, to seek to prevent the other party from carrying out a 'course of conduct' that amounts to harassment.
- Making a report to the Police to seek criminal action against the other party in accordance with the Protection from Harassment Act 1997.
- Seeking an Injunction to Prevent Nuisance and Annoyance (IPNA). IPNAs replaced the Anti-Social Behavioural Orders (ASBOs).

Specific Responsibilities

All members of staff and volunteers have a responsibility for promoting equality.

Employees and Volunteers

All employees and volunteers have a responsibility to observe the organisation's' Dignity & Respect at Work and Equality and Diversity Policies

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when carrying out their duties. This includes taking action to record and report and/or challenge incidents of harassment or other prejudicial treatment that you witness or that are reported to you.

Manager

The manager will take appropriate action to challenge and address all offensive and unacceptable behaviour immediately that you become aware of it. It is essential that you protect and support employees, volunteers and service users from violence, harassment and other forms of discrimination or prejudicial treatment.

In order to seek to avoid incidents relating to violence, harassment or discrimination, you must:

- Ensure that the risk of violence/harassment is assessed and all practical control measures are in place.
- Ensure all employees and volunteers are aware of the standards of behaviour expected of them and service users.
- Ensure service users are aware of the standards expected of them in terms of their behaviour towards employees and volunteers.

It is also essential that you make employees and volunteers aware of the appropriate complaints and reporting procedures. Employees should be encouraged to raise concerns regarding their treatment or that of others.

There are a number of ways in which you can respond to incidents of violence, harassment and prejudicial treatment that occur whilst employees are working.

Examples include:

- Advise and support employees who experience discriminatory or inappropriate treatment.
- Ensure proper recording and reporting of incidents takes place.
- Ensure incidents of violence and complaints of harassment or other prejudicial treatment are investigated quickly and sensitively.
- Monitor incidents and follow up to establish to ensure that identified preventative or supportive measures are put in place.
- Provision of training to address any identified development needs arising from the incident.

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Management Action & Support

The level of support and action you need to take will depend on the circumstances and, to a large extent, on the wishes of the individual. You will, through discussion with the person, need to determine the best course of action, the kind of support required and the level of risk involved. In any event you should arrange to meet the individual within sufficient and reasonable time, in any case within three working days.

Risk Assessment/Personal Safety

Risk assessment of all activities needs to take account of all situations where violence may occur. The assessment is based on a recognised likelihood (previous history, case notes) of risk of a particular experience or potential conflict/sensitivity of ethnic, disability or gender issues.

Controls identified would need to include support and procedures in place, pre and post incident information and available training.

Risk assessments and supporting material should be regularly reviewed to ensure that they adequately fit current working practices.

Assault or threats of violence

If you are made aware that there has been physical contact, significant/serious threat or abuse violence or threats of violence, you should meet with the individual at the earliest possible opportunity (and within 24 hours) to determine the level of risk and any immediate action required to prevent any further exposure to the perpetrator.

Support

Whatever the circumstances, you must respond promptly and sensitively to enable employees to deal with negative experiences at work. Specifically, when meeting or discussing an incident, you should:

- Allow the individual to describe the incident/event and express their feelings.
- Take into account what action the individual wishes to take and agree next steps.
 - Offer advice about practical steps, such as providing guidance and information on Reporting/recording the incident.
 - Working arrangements including temporary adjustments – taking into account any personal safety concerns.

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- The Resolution Policy and Procedure.
- Managing future contact with the alleged perpetrator.
- Risk assessment.
- Support services.
- Training opportunities.
- Consider contact with other agencies where appropriate (e.g. Partner agencies, Police).

Withdrawing Services

In certain cases of harassment, such as where there has been a threat of violence or assault or a campaign of unacceptable behaviour from a service user, a group or a member of the public, the manager will take immediate action to prevent the employee from experiencing any further abuse. Where the harassment has been perpetrated by a service user, it may be appropriate for you to consider the withdrawal of services, where this is possible, or other actions short of the withdrawal of services e.g. (reallocation of work or relocation with the individual's agreement).

All policies and other written documents

It is the responsibility of the Policy administrator to ensure that when a document is revised, a copy of the original is forwarded to the Manager. Once revised policies and other written documents are approved, the Manager will pass on to all employees.

Staff will be notified of newly approved/revised policies, procedures and guiding documents within one week of approval by the manager.

Non-compliance with this Policy

In the unlikely event of a member of staff not respecting the policy, the organisation's manager should attempt to resolve the situation informally in the first instance. Ultimately, repeated breaches of the policy will result in disciplinary procedures and may lead to dismissal.

Policy Implementation

It is the responsibility of the Policy administrator to keep all policies and procedures up to date. The manager will identify how any policy or written

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document will be implemented. This will include liaising directly with the policy administrator in order to ensure that staff training requirements have been highlighted. Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with the organisation's Manager.

Information on the policy will be:

- Circulated to all staff
- Provided to all new employees and volunteers

Training

All new staff will be required to read all policies as part of their induction process.

Review Process

The Manager requires that certain policies must be reviewed annually. These are:

- Safeguarding policy
- All other policy documents must be reviewed no later than three years after initial approval and regularly reviewed on the same basis thereafter.
- Documents will be reviewed more frequently if changes in legislation or the service requires it.
- It is the responsibility of the policy administrator will ensure that documents are reviewed in line with their review dates.

Where a review necessitates considerable change to the previous document, the process will be treated as though it is a new document.

Minor amendments can be notified by distributing copies of the policy to appropriate recipients, with a cover sheet with the changes are and their implications. This sheet should be kept with the original.

Review of Policy

This policy will be reviewed on a three yearly basis or at an earlier date if changes are required due to changes in government advice.

