



East Cumbria Family Support Association

Policy and Procedure for Dignity and Respect in the Workplace

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1 Principles

This Policy and Procedure is based on the following principles.

- 1.1 East Cumbria Family Support Association (ECFSA) is committed to encouraging and maintaining good working relationships within a working environment which fosters team working, and encourages staff and volunteers to give of their best.
- 1.2 Everyone within ECFSA, and those who have dealings with ECFSA, has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others.
- 1.3 Everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work efficiently, effectively and confidently.
- 1.4 ECFSA will provide a safe working environment in which everyone is treated fairly and with respect.

All those working within, or dealing with, ECFSA should not encounter:

- Bullying or harassment of any kind
- Harassment, intimidation or victimisation on the basis of :
 - Gender
 - Race
 - Age
 - Disability
 - Religion or belief
 - Sexual orientation
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity

2 Policy

- 2.1 This policy applies to:
 - All staff, volunteers and trustees working within ECFSA
 - Temporary staff, such as secondees, students, contractors, agency, temporary staff, consultants and any other workers.
- 2.2 It covers the behaviour of staff both within working hours, and outside working hours in circumstances which might impact upon work or working relationships.
- 2.3 ECFSA has a “zero tolerance” policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.
- 2.4 Everyone within ECFSA carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy.

2.5 Everyone in ECFSa has a responsibility to:

- i Act as role models, by operating in accordance with the above principles
- ii Report any instance of bullying or harassment which they witness or which comes to their attention.

3 Bullying

3.1 Bullying is unlikely to be a single or isolated incident. It is usually, but not always, repeated and persistent behaviour.

3.2 The following is a list of what ECFSa considers to be bullying behaviour:

- Intimidating, threatening, or physically abusive behaviour
- Shouting at colleagues
- Denigrating, ridiculing, demeaning or humiliating behaviour
- Victimisation
- Spreading malicious rumours
- Insulting someone by word or behaviour
- Copying correspondence that is critical about someone to others, who do not need to see the correspondence
- Exclusion or victimisation
- Unfair treatment
- Misuse of power or position, including overbearing demeanour
- Unwelcome sexual advances; touching; standing too close; display of offensive materials
- Making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker through work overload, constant criticism unrealistic targets, and behaviour which sets someone up to fail
- Wilfully preventing an employee from progressing by blocking training, promotion, or other work opportunities in the absence of any justification.

3.3 Bullying and harassment can occur through:

Written communications

Visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues),

E mail, telephone, or social media

Recording of telephone conversations

3.4 Bullying and harassment can often be hard to recognise: the symptoms may not be obvious to other members of staff, and may be insidious.

3.5 Those subjected to bullying and harassment might consider such behaviour as normal behaviour in ECFSa.

3.6 Alternatively, they might be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating.

- 3.7 People being subjected to bullying or harassment might appear to be overreacting to something that seems relatively trivial.
- 3.8 There is often fear of retribution if the victim makes a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves.

4 Harassment

- 4.1 Harassment can be an isolated occurrence, or repetitive behaviour.
- 4.2 It is defined by the Equality Act 2010 as unwanted conduct related to what the Act refers to as a person's "protected characteristics", that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person concerned
- 4.3 Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals.
- 4.4 The following is a list of behaviours which ECFSA would regard as constituting harassment:
- Physical contact: ranging from touching, to serious assault, and including gestures, intimidation, and aggressive behaviour.
 - Verbal behaviour, including: unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
 - Non-verbal behaviour, including offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

PLEASE NOTE THAT:

- **The above lists of behaviour are not exclusive, and other action might be considered to constitute bullying and/or harassment.**
- **A clear distinction should be made between reasonable management conduct, in the interests of conducting the business of ECFSA efficiently and effectively, and in the interests of service users, and unreasonable behaviour, which could constitute bullying and/or harassment.**
- ***However, in considering allegations of bullying and harassment, it is the impact of the behaviour of the alleged perpetrator, rather than their intent that is the determinant as to whether bullying and/or harassment has occurred.***

5 Procedure

5.1 Introduction

- 5.1.1 Any employee or volunteer who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager/Family Support Coordinator. Should the issues not be resolved at this stage, or the employee or volunteer feels unable to raise the issue informally, then a formal resolution should be sought.

- 5.1.2 When a complaint of Harassment or Bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under ECFSA's Disciplinary Policy and Procedure.
- 5.1.3 If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then ECFSA will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case.
- 5.1.4 It should be noted, and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.
- 5.1.5 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. However, it will be necessary 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.
- 5.1.6 No employee or volunteer will be victimised or suffer detriment for making a complaint of harassment or bullying, and no manager 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, managers 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.
- 5.1.7 All complaints of harassment or bullying whether raised formally or informally must be recorded in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.

5.2 Informal Resolution

- 5.2.1 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.
- 5.2.2 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.
- 5.2.3 An individual who is made aware that their behaviour is unacceptable should:-
- Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view, and understand that everyone has a right to work in an environment free from harassment/intimidation;
 - Understand and acknowledge that it is the other person's perception, and reaction to another's behaviour that are important;
 - Agree the aspects of behaviour that will change;
 - Review their general conduct and behaviour with workplace colleagues.

- 5.2.4 An independent third person or mediator can sometimes help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they can both agree to. The mediator does not take sides or tell those in dispute what to do. Mediation is most likely to be successful if both parties:
- Understand what mediation involves
 - Enter into the process voluntarily
 - Are seeking to repair the working relationship.

Advice on mediation services is available from Cumbria CVS or Acas.

5.3 Formal Resolution

- 5.3.1 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 formal complaint should be made.
- 5.3.2 Normally, the employer's representative will be the employee's line manager. However, if the employee feels unable to do this they should submit the complaint in writing to the Chief Executive of ECFSA.
- 5.3.3 In the event that the Chief Executive is the subject of the complaint, then the complaint should be submitted in writing, in confidence, to the Chair of the Board of Trustees.
- 5.3.4 When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant manager should:
- i Take full details of the incidents in writing from the complainant and their representative (if appropriate);
 - ii Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - iii 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.
 - iv Keep all parties informed of expected timescales.
 - v Inform all parties in writing of the outcome and any action that may be required.
- 5.3.5 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation, in accordance with ECFSA's Disciplinary Procedure pending the outcome of the inquiry.
- 5.3.6 Should there be a case to answer against the alleged harasser, the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation.
- 5.3.7 Where the complaint is against the Chief Executive, the Chair of the Board will refer the matter to another Trustee for investigation.

- 5.3.8 ECFSA's Disciplinary Procedure 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.
- 5.3.9 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
 - A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
 - Implementation of other sanctions as detailed in ECFSA's Disciplinary Policy.
- 5.3.10 In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the organisation.
- 5.3.11 The complainant may wish to move within ECFSA, depending upon the nature of the complaint, and others concerned. Appropriate consideration should be given to this request and the outcome, with reasons provided to the complainant.
- 5.3.12 If the investigation concludes that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings.

6 Appeals

Appeals should be dealt with as follows:-

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

7 Records

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