

THE ABBEYFIELD FERRING SOCIETY LTD POLICY & PROCEDURE/GOOD PRACTICE GUIDELINES

Policy Ref:	AF017	Effective date:	March 2019
Owner:	Abbeyfield Ferring Society	Review date:	March 2020

Title:	Dignity at Work Policy and Procedure
1. Background	<p>The Equality Act 2010 protects people from discrimination in the workplace and in wider society. It replaced previous discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.</p> <p>The Equality Act protects you from discrimination on the grounds of:</p> <ul style="list-style-type: none"> • Age • Being or becoming a transsexual person • Being married or in a civil partnership • Being pregnant or having a child • Disability • Race including colour, nationality, ethnic or national origin • Religion, belief or lack of religion/belief • Sex • Sexual orientation <p>These are called ‘protected characteristics’.</p> <p>It is every employee’s moral and legal right to be able to carry out their work without fear of being harassed, bullied, victimised or discriminated against. All employees are required to conform to acceptable standards of behaviour towards fellow colleagues, irrespective of status. It is important that those making complaints do so in the honest and genuine belief that they are being bullied or harassed.</p>
2. Objectives	<p>This policy sets out Abbeyfield Ferring Society’s commitment to create a work environment free from hostility, harassment or bullying in which individuals are valued for their contribution and can develop to their full potential. Abbeyfield Ferring Society expects everyone to relate to each other professionally, in a manner which recognises everyone’s right to dignity at work.</p>
3. Scope	<p>This policy applies to all Abbeyfield Ferring Society staff and volunteers.</p> <p>Formal disciplinary action will be taken against any individual(s) whom Abbeyfield Ferring Society reasonably believes have bullied or harassed any other individual employed by or connected to the Society.</p> <p>This policy and procedure should be read in conjunction with the Equality and Diversity Policy and Procedure.</p>
4. Policy	<p>General Principles</p> <ul style="list-style-type: none"> • All staff, customers, partners and visitors have the right to be treated with dignity and respect

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	<ul style="list-style-type: none"> • All complaints of harassment will be treated seriously, in confidence and as quickly as possible • All forms of harassment at work are unacceptable • Everyone has an obligation to respect, act in accordance with and promote the Equality and Diversity Policy and this policy • It is the responsibility of all to implement this policy and ensure that appropriate action is taken to comply with it • Anyone making such a complaint will not be victimised • Anyone subject to a justified formal complaint will be disciplined <p>Abbeyfield Ferring Society will not tolerate bullying and harassment of any kind, on any grounds. All formal allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Employees found guilty of harassment or bullying will face disciplinary penalties, up to and including dismissal, and could be personally liable to pay compensation in legal claims. Harassment may also amount a criminal offence.</p>
4.1.	<p>What is Bullying and Harassment?</p> <p>The terms bullying and harassment are wide ranging and this policy covers all forms of harassment including, but not limited to, victimisation, bullying, discrimination on the grounds of age, race, ethnic origin, nationality, religion or belief, colour, disability, gender, transgender and sexual orientation; and any unwanted conduct relating to any other personal characteristic which:</p> <ul style="list-style-type: none"> • Has the purpose of violating a person’s dignity or creating an intimidating, humiliating or offensive environment for that person; or • Is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating, or offensive environment for them, even if this effect was not intended by the person responsible for the conduct. <p>Employees should be aware that what is acceptable to them may not be acceptable to other staff. Bullying can occur even where it was not intended as it is defined not necessarily by what has been said or done but rather by the effect it has on the recipient.</p> <p>It should be noted that this policy is not restricted to normal office hours. Any work-related event, such as a training course or an office party, is also subject to the Dignity at Work Policy. The policy also covers situations where harassment arises out of any matter which has its origins in a work-related incident.</p>

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4.1.1

Harassment and Bullying

Harassment takes many forms, from casual comments to actual physical violence.

Examples of harassment include, but are not limited to:

- Unwelcome and/or insensitive comments or gestures
- Sexual innuendo
- Insensitive jokes and pranks
- Verbal abuse
- Threatening behaviour
- Unwanted physical contact
- Social media
- Exclusion/silence
- Differential treatment
- Promoting treatment
- Promoting false rumours or gossip
- Sending offensive/insensitive messages or pictures via internal or external mail or via e-mail

Workplace bullying can range from extreme forms such as violence or intimidation to less obvious actions, like deliberately ignoring someone at work. Examples of bullying include, but are not limited to:

- Persistent criticism
- Spreading malicious rumours
- Constantly undervaluing effort
- Spontaneous rages, often over trivial matters
- Withholding information or supplying incorrect information
- Setting individuals up to fail by imposing menial tasks
- Blocking applications for promoting training

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email and phone calls.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated.

Harassment at work may be unlawful and may constitute gross misconduct which would result in dismissal without notice or pay in lieu of notice. In certain circumstances and where practical, the person being harassed or bullied, may be transferred to separate them from the harasser.

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	<p>If an employee commits an unlawful act they may be liable and required to pay the victim damages. Certain acts of harassment may also constitute a criminal offence which may result in a fine or imprisonment.</p>
4.2.	<p>Roles and Responsibilities</p>
4.2.1	<p>Line Managers</p> <p>All managers are responsible for upholding Abbeyfield Ferring Society’s Values and working in a way which sets an example to staff and ensuring that each member of their team does the same, specifically:</p> <ul style="list-style-type: none"> • Ensuring their teams know and understand the standards and types of behaviour expected from them • Proactively building an environment where staff and volunteers can work in a way which ensures Abbeyfield Ferring Society’s Values and the principles of equality and diversity are upheld • Acting proactively, consistently and fairly to prevent and address any breach of these values and principles • Treating all members of their team with equal respect and fairness
4.2.2	<p>Employees</p> <p>All employees are responsible for:</p> <ul style="list-style-type: none"> • Taking responsibility for their own behaviour and working in such a way as to ensure Abbeyfield’s Values and principles of equality and diversity are consistently upheld • Respecting all colleagues, managers, people we support and other third parties • Ensuring that their behaviour is not offensive, directly or indirectly, to others. • To bring incidents which breach the Values or principles of equality and diversity to the attention of their line manager or HR immediately • To support any individual who has reported such breaches.
4.2.3	<p>Chief Operating Officer</p> <p>The Chief Operating Officer will advise managers and employees on all aspects of the process. No formal investigation (instigation of a Formal Investigation or suspension under the Disciplinary Procedure) should be taken without obtaining advice from the Chief Operating Officer.</p> <p>In particular, the Chief Operating Officer will be responsible for:</p> <ul style="list-style-type: none"> • Providing advice and guidance to managers and employees regarding appropriate action to take • Confirming when formal action should be taken under the Disciplinary policy and procedure and continuing to guide managers and employees through this

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	employees through this process
4. Finance	None
5. Supporting Appendices	Procedure – see section 10
6. Linked policies	<ul style="list-style-type: none"> • Equality and Diversity • Grievance • Disciplinary
7. Legislation / Regulation	<ul style="list-style-type: none"> • Equality Act 2010 • Employment Rights Act 1996 • Health & Safety at Work Act 1974 • Protection from Harassment Act 1997
8. Review	Annually, subject to any regulatory or legislative updates.
9. Procedure / Guidance 9.1	<p>Informal Procedure</p> <p>Any employee who feels they are being bullied or harassed should make a personal approach to the offending person, clearly stating their objections and the effects their behaviour has on them.</p> <p>If the employee feels they are not confident to make this approach alone, then support can be sought from a work colleague, line manager (or another manager within Abbeyfield Ferring Society) or Chief Operating Officer.</p> <p>Alternatively, the employee can put his/her views in writing to the person telling him or her that their behavior is unacceptable and that it must stop. The employee should always keep a copy of this and any reply they receive.</p> <p>The employee should keep a note of all incidents - records of dates, times, any witnesses and their feelings. Copies of any correspondence that may be relevant should be kept, for example reports, letters, memos and notes of meetings.</p>
9.2	<p>Mediation</p> <p>Mediation may be suitable in some types of cases following an informal or formal complaint where the unresolved issues are related to difficulties with communication and/or understanding.</p> <p>Mediation can also be invoked where the work-related issues have been dealt with by Abbeyfield Ferring Society, but personal issues remain between the parties as they continue to work together.</p> <p>Where it is felt that this would be the best way to resolve the issues, the Chief Operating Officer will make arrangements for a mediator to assist.</p>

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9.3	<p>Formal Procedure</p> <p>Where informal action proves to be unsuccessful, or serious harassment or bullying occurs, the employee can bring a formal complaint to their line manager in the form of a grievance. The procedure will take account of the sensitivities of such situations. The complaint can be made orally in the first instance, but must be confirmed in writing. Where the line manager is the subject of the concerns, the formal grievance should be put in writing to the line manager's manager.</p>
9.4	<p>A full and fair investigation will be undertaken by the line manager (or an appropriate manager/independent person should the line manager be the subject of the complaint), in accordance with the Grievance Procedure, ensuring matters are handled sensitively and confidentially at all times ensuring the rights of both complainant and alleged harasser or bully are protected.</p> <p>Where it has been found that unacceptable behaviour has <u>not</u> occurred, this outcome will be confirmed in writing to all parties.</p> <p>If the employee is dissatisfied with the outcome then he/she has the right to appeal the decision in line with the Grievance Procedure.</p>
9.5	<p>Disciplinary Action</p> <p>If, after the investigation and grievance meeting have taken place, it is clear that unacceptable behaviour has occurred and the grievance is upheld, the matter will be passed to an appropriate manager to conduct a disciplinary hearing with the person who perpetrated the harassment or bullying.</p> <p>The complainant(s) will be notified in writing.</p>
9.6	<p>Follow up meeting</p> <p>Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that the harassment has stopped and that there has been no victimisation or retaliation against the complainant.</p> <p>One month after resolution of either the informal or formal concerns were raised and/or dealt with in accordance with the disciplinary procedure, a follow up meeting should be arranged by the appropriate manager at which all involved parties should be present.</p> <p>The purpose of the meeting is to review what happened since the conclusion of the informal/formal procedure and confirms standards; behaviour and ways of working which were previously agreed are in place and are being adhered to by all parties involved.</p>



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	<p>Where this is the case, no further action will be taken aside to continue to informally monitor the situation, for example through supervision, where appropriate.</p> <p>Where it is found that there continue to be concerns or issues, appropriate action will be discussed and agreed dependent on the individual circumstances by the line manager with advice from the Chief Operating Officer.</p>
9.7	<p>Malicious False Allegations</p> <p>Abbeyfield Ferring Society will treat malicious false allegations very seriously and this may result in disciplinary action against the complainant, as will any witnesses who have deliberately misled Abbeyfield Ferring Society during its investigation.</p>