

Scope: Staff/Users	Effective Date: 01/10/2021	Responsible: Trustees
Last updated by/date: Trustees/Sept 21	Next Review Date: 01/10/2023	

Dignity at Work Policy & Procedure

Statement for Trustees, Staff, Volunteers, Tenants, Users and Visitors

1. Statement

- 1.1 Tang Hall Community Centre is committed to providing an inclusive, accessible and welcoming environment which supports a diverse and culturally rich community. We will inspire our users, volunteers and staff to value equality, diversity and inclusion.
- 1.2 To fully achieve these commitments set out within our values and the Equality, Diversity and Human Rights policy, the relationship between the Community Centre and its staff must be conducted in a manner which values, unconditionally, respect for the dignity of staff as individuals. Any form of bullying and harassment is, therefore, unacceptable.
- 1.3 All staff are expected to behave towards staff, managers and other members of the Centre community in an appropriate manner in accordance with the principles highlighted below. In return, the Centre expects the same of its users, customers, volunteers and external organisations in their dealings with Tang Hall Community Centre staff. Staff should refer to the Dignity at Work procedure where they have any concerns about the behaviour of those whom they come into contact with during the course of their work.

2. Dignity at Work Principles

- 2.1 Tang Hall Community Centre is committed to the following Dignity at Work Principles:
 - Raising awareness of the effect of behaviour on others.
 - Assisting staff to find effective ways to deal with behaviour they find difficult and / or unreasonable.
 - Eradicating discriminatory practices and guaranteeing equal treatment and opportunity irrespective of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
 - Dealing with behaviour that undermines an individual's self-esteem, confidence or mental health.
 - Providing working conditions that respect each member of staff's health and safety at work.
 - Being honest in communications with staff and open in sharing information limited only by legal and commercial constraints.
 - Listening to and, where possible, acting on staff's ideas and requests.
 - Engaging in fair procedures in dealing with complaints from or against members of staff.
 - Engaging in discussions, in good faith, when conflicts arise.

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3. Responsibility for Dignity at Work

3.1 This Policy and Procedure places a responsibility on managers and staff to create and maintain a positive working environment. All staff have a role to play in creating a work climate free from harassment and bullying.

3.2 All members of the Tang Hall Community Centre, staff, volunteers and users are responsible for helping to ensure that individuals do not suffer any form of bullying or harassment, and that they are encouraged and supported in any legitimate complaint.

3.3 Every member of Community Centre staff will be accountable for the operation of the principles of this policy, as they carry responsibility for their own behaviour and actions.

3.4 Managers are responsible for seeking to prevent any infringement of the Policy amongst the staff for whom they are responsible and for investigating complaints in accordance with the procedure set out below.

3.5 To ensure a fair process, it will be necessary to provide the person alleged of the wrongful behaviour with enough information about the allegation to be able to defend themselves.

3.6 It is important that the complainant feels confident that their complaint will be treated confidentially. The complaint should not be discussed with anyone except those detailed in the above procedure .

4. Definitions of Bullying and Harassment

4.1 The terms bullying and harassment are often used to mean the same thing. In general, they can be defined as behaviours directed towards an individual that are unwelcome, unwarranted and causes a detrimental effect. It is important to remember that bullying and harassment can occur for many reasons. However, there is additional protection within law for people who are harassed due to a particular personal characteristic. Appendix 1 provides further guidance on these specific definitions of harassment and examples of unacceptable behaviour.

5. Raising a Complaint of Bullying or Harassment

5.1 All members of the Tang Hall Community Centre are entitled to work in an environment free from intimidation, harassment and discrimination. If an individual feels they are being subjected to such behaviour it should not be ignored, as if left unchecked it may not go away. Any complaint made under this procedure will be taken seriously.

6. Informal Resolution

6.1 Tang Hall Community Centre is committed to dealing with issues affecting staff effectively, without unreasonable delay and in an atmosphere of shared trust and confidence. It is the policy of the Centre to resolve the vast majority of complaints informally. Appendix 2 provides additional practical guidance for managers on how to receive and

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respond initially to a report of bullying or harassment.

6.2 Where the complainant feels able to do so, they should raise the problem immediately with the person concerned, directly or in writing. A note should be kept detailing the incident, date(s) of the conversation with the individual and what was said. This may be needed as evidence should the problem continue or subsequently reoccur.

6.4 Where the complainant feels unable to approach the individual on their own, they should raise their concern with their manager so that the matter can be addressed and resolved informally.

6.5 Where the concern relates to the actions of the staff members manager the staff member should discuss the matter informally with the Chair of Trustees (or other, as appropriate).

6.6 The manager or nominated trustee should seek to resolve the matter without delay, speaking to both parties and undertaking further investigation, if necessary. Mediation may be one option for consideration, please see below for further information. At all times, the manager or nominated trustee should ensure the staff member is kept informed of developments.

6.7 The person concerned may be unaware that their behaviour is inappropriate and oblivious to any objection to it. The informal approach gives an opportunity for the individual to be made aware of the impact of their behaviour and adapt it accordingly.

6.8 If it is not possible to resolve the complaint informally or if it is not appropriate, the formal complaint procedure may be invoked.

7. Mediation

7.1 When an individual raises a concern it may be appropriate to consider whether mediation should be proposed as a means of addressing the complaint. Advice can be sought from the nominated Trustee member about the appropriateness of such a step. Equally, at any subsequent stage in this procedure, the parties may request that the matter be referred for mediation.

7.2 Mediation involves the appointment of a third-party mediator who will discuss the issues raised by the complaint with all of those involved and seek to achieve a solution.

8. Formal Complaints

8.1 If the complainant feels unable to follow the informal procedure detailed above, or if informal methods have not succeeded, they should make a formal complaint to the nominated member of the Trustees.

8.2 If the complaint is about a nominated member of the Trustees, then this should be referred to a second nominated trustee.

9. Investigation

9.1 On receiving a formal complaint, the nominated Trustee (or other, as appropriate)

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will appoint an appropriate Investigating Officer who will be of at least the same level of seniority as the alleged perpetrator.

9.2 The investigation shall be carried out promptly to discover all the relevant facts.

9.3 Any investigation should be completed as soon as reasonably practical and without undue delay. When commencing the investigation, the perpetrator should be notified of the allegation and that an investigation will be started to establish the facts.

- i. Staff being interviewed as part of an investigation may be accompanied by a colleague.
- ii. Total confidentiality should always be maintained by all the parties involved. Where maintenance of confidentiality may inhibit the investigation, this should be discussed with the complainant in the first instance.
- iii. Breach of confidentiality by any party may in itself be a disciplinary offence.
- iv. Those investigating complaints must ensure that the rights of the person against whom the complaint is made are protected as well as those of the complainant.
- v. Following completion of the investigation, both parties will be informed of the outcome within 15 working days. All parties will be kept up to date on timescales during the investigation and any potential delays in providing the outcome report.
- vi. Following subsequent disciplinary action taken as a result of the investigation will be dealt with under The Centre's disciplinary policy.

9.4 Parties involved at the investigation stage may present evidence to a subsequent disciplinary hearing but may not be involved as a member of any disciplinary panel.

9.5 In exceptional circumstances the member of staff who appoints the Investigating Officer, may recommend to the Chair of Trustees the suspension of one or both of the parties involved for the duration of the investigation and, where necessary, any subsequent formal process. Such circumstances may arise where the continued presence of one or both parties may impede a full and thorough investigation; or where a continued presence of one or both parties is disruptive to the normal working of the Centre. In such circumstances it must be explained that suspension is not a form of disciplinary action and does not imply judgement of either party. Any decision to suspend will be confirmed in writing. Suspension will be on full (basic) pay while the investigation proceeds. This payment would normally continue until the procedure has been exhausted unless the staff member fails to participate in the procedure.

10. Result of Investigation

10.1 Depending on the result of the investigation the following options are available:-

- i. If the allegation is admitted or a clear-cut case, relevant disciplinary procedures may be invoked.
- ii. If no obvious case for establishing the allegation is made out or the allegation is unproven a confidential record of the complaint and the response will be made by the person receiving the report (in most instances this will be the complainant's manager). A copy of the record will be circulated to both parties and a copy kept on both personal record files.

10.2 It should be noted that false or malicious allegations made in bad faith may themselves become the subject of the disciplinary procedure.

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11. Appeal

- 11.1 In the event of no action being taken the complainant may initiate an appeal against the decision.
- 11.2 The individual should submit their appeal in writing, stating the grounds of appeal, to the Chair of Trustees within 10 working days of receipt of the outcome. The appeal will be considered by an appropriate member of Board of Trustees.
- 11.3 The complainant must be given reasonable notice of the appeal meeting and advised of the entitlement to be represented by a colleague. The appeal will involve a review of all documentary evidence and must include a discussion with the complainant.
- 11.4 Once all evidence has been considered, the member of Board of Trustees considering the appeal, who will notify the complainant of the outcome in writing within 5 working days. There will be no further right of appeal.

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APPENDIX 1

Definition and Examples of Harassment

Legislation

Legal protection from harassment is enshrined in the Equality Act 2010 and in other legislation. The Equality Act defines harassment 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, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation. The complainant need not possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

The perceptions of the recipient of the harassment are very important and harassment can have been deemed to have occurred even if the intention was not present, but the complainant felt that they were being harassed. In deciding whether conduct has had an intimidating, hostile, degrading, humiliating or offensive effect the perceptions of the recipient must be taken into account along with the other circumstances of the case and whether it is reasonable for the conduct to have had that effect.

What is Harassment?

Harassment can take many forms and may be directed against persons of any gender, towards people because of their age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation. It may involve action, behaviour, exclusion, comment or physical contact which is found objectionable or which causes offence and can result in the recipient feeling threatened, humiliated, intimidated, patronised, demoralised or undermining their confidence in their ability. It is for the person on the receiving end of any behaviour to decide whether they find it unacceptable.

Examples of unacceptable conduct include:

- verbal abuse or insulting behaviour;
- sexist jokes, racist jokes, or jokes about an individual’s age, disability, gender identity, religion or belief, culture or sexual orientation;
- unwanted physical contact ranging from touching to serious assault, including unwelcome offers of help and uninvited touching of a disabled person;
- unsolicited or unwelcome sexual advances, touching, staring or comments;
- requesting, pressuring or inducing a person to grant sexual favours or submit to sexual attentions by the use of threats or inducements;
- inappropriate or unwanted questioning about a person’s particular characteristic;
- display or circulation of suggestive or abusive material (including graffiti);
- bullying, coercive or menacing behaviour;
- ridicule or exclusion of an individual;
- deliberately outing another in relation to their sexual orientation or gender reassignment;
- inappropriate language or content of emails or postings online or through social media.

Protected characteristics

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The following provides some examples of harassment related to the specific areas covered by the Equality Act 2010. This is not an exhaustive list.

1. Harassment related to gender

- 1.1 Requesting, pressuring or inducing a person to grant sexual favours or submit to sexual attentions by the use of threats or inducements arising from positions or duties within the Centre, including employment, and conditions of employment or promotion.
- 1.2 Unsolicited or unwelcome sexual advances, touching, staring or comments where:
 - a) the behaviour is repeated or continued after it has been made clear that it is unwelcome; or
 - b) it is part of a pattern of offensive behaviour by the same person; or
 - c) an assault is involved.
- 1.1 Sexual 'jokes' or stories, comments on a person's appearance or dress, of a sexually suggestive or offensive character and the display or circulation of sexually suggestive or offensive material.
- 1.4 Harassment may also include jokes, assumptions or offensive language etc relating to gender stereotypes.

2. Harassment related to race

- 2.1 Any hostile or offensive act or expression by a person of one racial group against a person of another racial group, or incitement to commit such an act, or utter such expression, motivated by racial dislike or hatred;
- 2.2 Any inappropriate act or expression motivated by perceptions based on racial or cultural stereotypes, including 'jokes', and assumptions or intrusive questions about cultural practices.

3. Harassment related to disability

- 3.1 The term 'disability' can cover physical and sensory impairments, mental illness, long-term health conditions, learning difficulties and social or communication impairments.
- 3.2 Examples of inappropriate behaviour towards disabled people include verbal and non-verbal abuse.
- 3.3 Verbal abuse includes use of offensive or patronising language, including 'jokes', asking intimate questions about a person's disability, inappropriate assumptions about a disabled person's social life outside work.
- 3.4 Non-verbal abuse includes assuming people with a physical impairment have a mental impairment, the "does he take sugar" effect of not addressing the person directly, exclusion from social events, and uninvited touching.

4. Harassment related to gender reassignment

- 4.1 Gender reassignment is a personal, social, and sometimes medical, process by which

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a person changes their gender. Anyone who takes these steps, or who is perceived as taking these steps, is protected from discrimination under the Equality Act. An individual does not need to be accessing trans healthcare to be protected. So, for example, a person who was assigned female at birth but who identifies and decides to present as a man without undergoing any medical procedures would be covered. The Equality Act is not clear about the protection of people who do not identify as either male or female (e.g. non-binary, gender-queer), however they are protected in the Dignity at Work policy.

4.2 Harassment includes behaviour that is offensive, frightening or in any way distressing. It includes any hostile or offensive act or expression, or incitement to commit such an act, or utter such expression, motivated by disapproval, discomfort, dislike or hatred of people who undergo gender reassignment.

4.3 Harassment may also include inappropriate acts motivated by perceptions based on stereotypes of people who are transitioning/have transitioned from the gender assigned at birth, such as 'jokes', and assumptions, purposefully ignoring someone's preferred pronoun (he/ she), denying a trans person or people access to the appropriate single-sex facilities such as toilets or changing rooms or prurient questions about the process of transitioning.

4.4 Trans individuals should be free to choose who they tell and when about their transition (planned, ongoing or completed). Some staff may be comfortable for some colleagues to know and not others and therefore it is not appropriate to assume that others know about a colleague's transition. Deliberately outing another will also be considered as harassment.

5. Harassment related to sexual orientation

5.1 In accordance with the Equality Act the term 'sexual orientation' covers a sexual orientation towards persons of the same sex, persons of the opposite sex, or persons of either sex. Tang Hall Community Centre includes sexual orientation towards persons of a different gender (non-binary).

5.2 Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle and secretive. It may involve nicknames, teasing, name calling or other behaviour which is not with malicious intent but which is upsetting. It may be about the individual's sexual orientation (real or perceived) or it may be about the sexual orientation (real or perceived) of those with whom the individual associates. Bi-phobia would include 'banter' about being "greedy" or promiscuous. This could amount to bullying or harassment related to sexual orientation.

5.3 Lesbian, gay, bi and all non-heterosexual staff should be in control of who they are out to and when. Some staff may be comfortable for some colleagues to know and not others and therefore it is not appropriate to assume that others know about a colleague's sexual orientation. Deliberately outing others will also be considered as harassment.

6. Harassment related to religion or belief

6.1 'Religion or belief' covers any religion, religious belief or similar philosophical belief

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as well as non-belief.

6.2 Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle, repeated, ongoing and long term. It may involve nicknames, teasing, name calling or other behaviour which is not with malicious intent but which is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates.

7. Harassment related to age

7.1 Harassment on the grounds of age may include behaviour based on assumptions about what a person of a particular age can / cannot do, excluding a person from consideration for training, promotion or specific activities, referring to a person's age in an appropriate way etc. It may also include 'jokes' and name-calling and the expression of age-related stereotypes.

8. Harassment related to Pregnancy/maternity

8.1 Harassment on the grounds of pregnancy or maternity may include If a pregnant employee is subjected to disciplinary action or is dismissed as a result of pregnancy-related illness, such as morning sickness, this could give rise to a claim for discrimination.

9. Harassment related to Marital/Civil partnership

9.1 Harassment relating to marital/civil partnership may include situations where you may be overlooked for promotion because managers are against civil partnerships and choose not to promote you because you're in such a partnership. A further example could be when a woman applies for a senior job and mentions at her job interview that she is going to get married. She doesn't get the job because the employer thinks it's too demanding for a married woman.

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APPENDIX 2

Dealing with Complaints of Harassment – General Guidance

Receiving a Complaint

In the event of someone wishing to report an instance of harassment, bullying or other inappropriate behaviour you should take the following actions:

- a) Make sure that the conversation takes place in a private place where you will not be overheard or interrupted. Ensure that you have sufficient time to enable the individual to talk without feeling rushed. There is a possibility that the person making the complaint will be upset or angry so be prepared to respond appropriately to them.
- b) Reassure the individual that Tang Hall Community Centre takes complaints of harassment and inappropriate behaviour seriously and will deal with their complaint as a priority. Any information that they give will be treated confidentially and not shared with anyone who is not directly involved in any subsequent investigation of their complaint.
- c) Ensure that the individual is aware of the Dignity at Work Policy & Procedure and understands both the formal and informal processes. Explain clearly what will happen next.
- d) Make sure that the individual is aware of the support that they may access various national support groups.
- e) Follow up the conversation in writing.

Points to Note

The following points should be borne in mind when dealing with a complaint of harassment or inappropriate behaviour:

The effects of discrimination, harassment and inappropriate behaviour can be severe and it is not uncommon for individuals to have a strong emotional reaction to being the recipient of such treatment, particularly if, as a member of a protected group, they have had such hurtful experiences in the past. It is important that they feel that their complaint is being listened to with respect and taken seriously.

The way in which we deal with their complaint may have a significant impact on the complainant, their ability to recover from the incident, and their perception of Tang Hall Community Centre. A proactive and supportive response can do much to help the individual to feel better and to redeem the reputation of the Centre.

It can take considerable courage for someone to raise a complaint of harassment and at the point of disclosure it is important that the individual does not feel that the person they are disclosing to is making a judgement on the validity or otherwise of the complaint. At this stage the priority is to let the complainant know that Tang Hall Community Centre is concerned that they feel aggrieved and is committed to taking action.