

Dignity at Work Policy

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1. Our Commitment

Hyndburn Borough Council is committed to creating a safe working environment for all staff where all employees are treated with dignity and respect, and feel valued for the different skills and abilities they bring to the workplace.

Harassment, bullying or victimisation of any kind are unacceptable and we will not tolerate this.

The Council will take appropriate action, which could include dismissal for gross misconduct in certain cases, against any employee who violates this policy. This may also include anyone who makes what are found to be vexatious and malicious claims.

2. Purpose and Scope

The policy outlines what bullying and harassment is and the legal position, advises what steps to take should you believe you are being bullied or harassed, how the Council will deal with the complaint, and the process of the investigation leading to the outcome.

The policy applies to all employees. There are certain cases where the policy does not apply; these are:

Complaints about bullying or harassment by elected members, or the Chief Executive, should be directed to the Executive Director (Legal & Democratic Services), who has the statutory role of Monitoring Officer.

If an allegation of harassment or bullying involves a council employee and an individual working for a partner agency, the complaint should be handled jointly by the council and partner agency, taking account of the respective policy arrangements.

3. Definition of Harassment and Bullying

- 3.1 Harassment is defined in law by two pieces of legislation. The Protection from Harassment Act 1997 defines harassment as repeated behavior that causes “alarm or distress”. Its main purpose is to protect people from what became popularly known as ‘stalking’ by making it a criminal offence.

The Equality Act 2010 outlines three definitions of harassment:

- unwanted conduct that has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person that is related to age, disability, gender re-assignment or identity, race, religion or belief, sex, marriage or civil partnership, being pregnant or maternity or sexual orientation; unwanted conduct of a sexual nature (sexual harassment); or
- treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender re-assignment/ identity.

- 3.2 Harassment can take many forms and may include:

- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;
- making sexist, racist and homophobic comments or innuendo; derogatory remarks about disability or age; slogans, insults, comments of a personal nature; suggestive remarks, inappropriate jokes or language;
- unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering;
- display, storage or circulation of offensive material (including information held on computer);
- conduct that belittles, threatens, ridicules, intimidates or abuses, or undervalues an individual because of characteristics such as sex, sexual orientation, disability, race, age or religion or belief including offensive comments about appearance or dress;
- unwanted sexual attention or advances;
- suggestions that sexual favours may help career advancement or some other employment benefit (or that refusing them could have negative consequences); and
- unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on characteristics such as age, culture, disability, ethnic origin, sex, gender identity, race, religion or sexual orientation.

- 3.3 Harassment includes behaviour that might not be specifically directed at an individual (e.g. “banter” in an office that is not directed at an individual). If an individual finds that the behaviour is creating an intimidating, hostile, degrading, humiliating or offensive environment then it can be harassment.

- 3.4 Bullying is not specifically defined in law, but Acas gives the following definition: “Bullying may be characterised as offensive, intimidating, malicious or insulting , an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone”.

- 3.5 Harassment usually relates to matters such as race, sex, disability, sexual orientation, age or religion or belief, gender reassignment or identity, pregnancy or maternity and marriage or civil partnership. Bullying is a more general form of behaviour that is not based on any one clearly identifiable aspect of

the person concerned. It is usually persistent (i.e. more than a one-off incident). Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. An occasional raised voice or argument of itself may not constitute bullying.

3.6 Examples of bullying include:

- persistently criticising someone unnecessarily;
- shouting at colleagues in public or private;
- deliberately ignoring or excluding a person;
- withholding information or removing areas of responsibility without justification;
- spreading malicious rumours;
- making inappropriate personal comments;
- blocking leave or training applications without reason;
- setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- spontaneous rages, often over trivial matters;
- undermining a person's self respect by condescending or threatening treatment that humiliates, intimidates or demeans;
- inappropriate behaviour at a function arranged by the Council;
- "Cyber-bullying": the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices; or
- deliberate manipulation designed to assert control over another person ('gaslighting').

3.7 For harassment or bullying to happen, there does not always have to be a deliberate intention to cause distress or hurt. It is the impact the behaviour has on the complainant – their perceptions and feelings – that should be considered when investigating whether bullying or harassment has taken place. Differences in attitude and culture or misinterpretation of social signals mean that what may cause embarrassment, distress or anxiety to one person may not do so to another. However, in employment law, the concept of reasonableness is taken into consideration when determining whether the behaviour complained of amounts to harassment or bullying.

Difference between Management and Bullying

3.8 Bullying must be distinguished from the right of, and obligation placed on, managers to exercise proper supervision of employees in the course of their duties, which may include legitimate, constructive and fair criticism of an employee's performance or behaviour at work. Managers are entitled to be decisive, have expectations around performance and conduct, and to use disciplinary and capability procedures when appropriate. It is perfectly acceptable for a manager to request a one-to-one meeting with an employee to discuss work issues. Similarly, reasonable (although perhaps unpopular) requests by a manager of his/her employees in the normal course of their duties will not be viewed as acts of harassment or bullying.

3.9 However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Managers must exercise their supervision in a fair, constructive, consistent and reasonable manner that does not compromise the employee's dignity.

Reporting criminal offences to the police

3.10 Those forms of bullying and harassment which are criminal offences, including hate crimes, may be reported to the police. Any employee found guilty of such would be personally accountable for their

actions under the law. Internal investigations and disciplinary action may still take place within the Council, whether or not the police decide to proceed, although not usually until a police investigation has concluded. The Council would always try to consider the legitimate concerns of the complainant about involving the police.

4. Dealing with a Complaint

Taking Advice

- 4.1 The Council recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied are encouraged to discuss their situation before deciding what action to take. Employees can discuss the matter with their manager, senior manager, a member of the HR team, the Friendly Faces team or a Trade Union representative on an informal basis. Further guidance is outlined in [Appendix 1](#).
- 4.2 The aim of taking this advice is to:
- help individuals consider objectively what has happened;
 - discuss what outcome the individual would wish to see;
 - draw attention to available procedures and options;
 - help weigh up the alternatives; and
 - generally assist the individual in dealing with the situation.
- 4.3 Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are serious, however, the Council reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/ bully's behaviour. The Council will, as far as possible, protect a complainant's wish for confidentiality, though where a complaint identifies unlawful discrimination, a safety concern or a potentially criminal act, the Council has a legal responsibility to take appropriate action which might mean confidentiality cannot be preserved. In such circumstances, the Council will provide the complainant with support and assistance.

Solutions

- 4.4 It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal. On occasions mediation may also be offered as an alternative way to resolve a complaint ([further information](#) on this process is available on the Hytranet or via HR).

Informal

- 4.5 An informal approach will usually be the most helpful way of dealing with concerns around dignity at work. It alerts the other individual to change aspects of their behaviour whilst hopefully maintaining constructive working relationships in the longer term.
- 4.6 Sometimes it may be possible to address concerns informally in an indirect way. For example, by:
- asking a colleague to help to find ways of bringing the topic of bullying or harassment into a conversation in the presence of the person causing the offence; or

- asking for bullying and harassment, or the Council's Dignity at Work Policy, to be discussed at a team meeting to ensure all colleagues are aware of the issues.
- 4.7 Employees can choose to solve the matter themselves by approaching the alleged harasser or bully, informing him or her that their behaviour is unwelcome and that it must stop. This could be done face to face or in writing.
- 4.8 These situations maybe too difficult or embarrassing to raise the issue directly with the person creating the problem, a work colleague or a union representative or HR can offer support, and can accompany the employee when speaking to the alleged harasser or bully.

Formal

- 4.9 Where informal solutions fail, or the allegations of harassment or bullying are particularly serious, employees can bring a formal complaint. The procedure is set out below.
- 4.10 Witnesses who are employed by the Council will be required to cooperate with the investigation.
- 4.11 Complaints will be investigated as swiftly as possible. Timescales will differ depending on issues such as the complexity of the case and availability of witnesses. The complainant and subject of the complaint will be updated on progress and likely completion date of the investigation.
- 4.12 Employees and witnesses can be assured that they will not be victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

4.13 Step 1: Lodging a formal complaint and conducting an investigation

- The employee should put the complaint in writing and a form is provided at [Appendix 3](#) for this purpose. This should outline the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully, as well as details of informal action that has already been taken.
- If the employee needs help in setting out their complaint in writing, then they should contact the HR department who will provide assistance.
- The completed form should be returned to Human Resources.
- An independent investigating officer will be appointed and will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses.
- An investigating officer will normally be supported by a member of the HR team.
- All those being interviewed have the right to be accompanied by a work colleague or trade union representative.
- The investigating officer will submit a full report to the complainant's Head of Service, unless the complaint is about them in which case an alternative will be appointed to deal with the matter.

4.14 Step 2: Meeting to discuss the outcome

- The Head of Service will invite the employee to a meeting to inform them of the findings of the investigation.
- The employee may be accompanied by a work colleague or trade union representative.

- At the end of or after the meeting, the Head of Service will inform the employee of their decision as to whether or not their complaint has been upheld and what actions, if any, are proposed.
- The employee will be notified of their right to appeal against that decision.
- The decision will be confirmed in writing.

4.15 Step 3: Hearing the appeal

- If the employee wishes to appeal, they must inform the Head of Policy and OD in writing within 10 working days of written notification being sent. The letter must state the grounds for the appeal.
- The purpose of the appeal is to consider whether the process of the investigation was fair and/or whether the conclusions and recommendations are reasonable in all of the circumstances. The purpose is not to reinvestigate the complaint.
- The employee will be invited to attend a further meeting.
- The employee may be accompanied by a work colleague or trade union representative.
- The appeal panel will comprise an independent Service Manager from outside the employing service, a member of the Human Resources team and a Trade Union representative.
- The decision of the appeals panel will be confirmed in writing within 5 working days and will be final.

Disciplinary action

- 4.16 If the complaint is upheld and disciplinary action is considered appropriate, the matter will be passed to the appropriate line manager. The outcome of a disciplinary process will remain confidential. This means that if a warning is issued, the complainant will not be told, as this is a matter between the Council and the employee being disciplined.

Support

- 4.17 The Council recognises that all employees involved in harassment or bullying at work may experience emotional or psychological reactions to their experiences. This includes the complainant, the person against whom the allegations have been made and any witnesses who may be involved in the process. Support and / or counselling will be offered as appropriate through the Council's HR team, EAP, Friendly Faces and Occupational Health provider.
- 4.18 Guidance for those accused of bullying or harassment is included as [Appendix 2](#).

Malicious complaints

- 4.19 Where a complaint is found to be untrue and may have been motivated by spite, or an intention to bully or harass on the part of the complainant, or for some other unacceptable motive, the complainant will be subject to the disciplinary procedure, as will any witnesses who have deliberately misled the Council during its investigations.

Appendix 1: Additional Guidance - What to do if you feel you are being bullied or harassed

Bullying and harassment are often clear cut but sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you there are a number of things to consider, including:

- Has there been a change of management or organisational style to which you just need time to adjust – perhaps because you have a new manager or work requirements?
- Can you talk over your worries with HR, your line manager / supervisor, union representative or colleagues?
- Can you agree changes to workload or ways of working that will make it easier for you to cope?

If you believe that you are being bullied or harassed, then there are a number of options to consider, and these are set out below. You should take any action you decide upon as quickly as possible. It is usually more difficult to investigate and prove an allegation about something that took place some months or years ago.

It is useful to go to see someone with whom you feel comfortable to discuss the problem. This may be your manager, someone in HR, or your trade union representative. Alternatively, you can seek advice elsewhere, perhaps from a Citizens Advice Bureau, or by ringing the ACAS helpline (0300 1231100), or by ringing Samaritans 116123, or National Bullying Helpline 0845 2255787 or the Vivup platform

Keep a diary of all incidents – records of dates, times, any witnesses, your feelings, etc. Keep copies of anything that is relevant, for instance emails or notes of meetings.

Ask the person to stop whatever it is they are doing that is causing you distress. Often people are genuinely unaware of the effect of their actions and will stop. Honest two-way communication may resolve the problem and even if it doesn't and you later make a formal complaint, you will have some evidence that the other person knew there was a problem.

If you find it difficult to tell the person yourself, you may wish to ask someone else – a colleague, HR, trade union representative – to act on your behalf. Alternatively, you could consider writing to them to make it clear what it is you object to in their behaviour. Keep copies of this and any reply.

Be firm, not aggressive. Be positive and calm. Stick to the facts. Be prepared to describe what happened, even if you find it embarrassing.

If you do decide to make a formal complaint, follow the procedure outlined in the Dignity at Work Policy. This tells you who to complain to and how we will deal with your complaint.

If you have access to a union representative or other adviser, ask them to help you state your grievance clearly, as this can help in its resolution and reduce the stress of the process.

After an investigation it can be useful to consider different ways of resolving your complaint, such as [mediation](#) or counselling.

The Council may decide to take disciplinary action against the bully / harasser in accordance with the disciplinary procedure. We may also consider disciplinary action against someone who makes an unfounded and malicious allegation of bullying or harassment.

Finally, but importantly, don't forget that support is available via your manager, HR, Friendly Faces or your trade union if you are a member.

Appendix 2: Guidance for those accused of harassment or bullying

If you are told that a person views your own behaviour as offensive and demeaning, you should:

- read this Policy in full;
- respect the right of all employees to work in an environment that is free from harassment or bullying;
- remain calm and listen carefully to the complaint and to the particular concerns expressed – remembering that, in the first instance, it is the other person's reaction to the behaviour which is important, not the reaction you think they should have had or that you would have had;
- try to agree on how to deal with the situation productively;
- consider whether the complaint can be justified in any way, and whether it is appropriate for you to apologise and / or change your behaviour; and
- make sure that, if you are in a position to change your behaviour or conduct easily, you do so immediately rather than persist with something the other person considers unwanted.

You should also bear in mind that:

- the first indication you may have that there is a problem is when a colleague tells you that they are offended or upset by certain aspects of your behaviour and want you to stop behaving in that way;
- all employees have the right to ask a person to stop behaving in a manner which is unwanted;
- if approached by someone informing you that an informal or formal complaint has been made against you, remember that the complainant may actually feel unable or unwilling to raise the issue with you first;
- differences of attitude, background, lived experience or culture may lead to a misinterpretation of intended social signals, so what is perceived as offensive or degrading by one person may not be or seem so to another. Even though you may consider your behaviour harmless, ultimately what is important is what a third person might reasonably consider to be the nature of your conduct;
- you may wish to ask a Trade Union representative or work colleague to support you. HR will also be able to discuss any support needs with you.

If you are a manager of the complainant:

If, after reflection, you feel the complaint against you is a response to reasonable management action on your part, then you should explain this. For instance, you might consider whether it is possible to further clarify why you requested a certain piece of work or deadline, or why you gave some particular feedback on the person's performance. You may be able to reach a mutual agreement on how this will be done in future in a way that is acceptable to both of you. You may still need to ask for the same thing, but asking in a different way might avoid future conflict, show that you have listened and lead to a better working relationship.

Appendix 3: Advice for staff who witness bullying or harassment

Role and responsibility

Research shows that when we witness bullying or harassment, we tend to fall into one of a number of different roles. All of these can contribute significantly to what takes place.

These include

- “assistants” who join in and assist the bully;
- “reinforcers” who do not actively attack the victim but give positive feedback to the bully, providing an audience by laughing and making other encouraging gestures;
- “outsiders” who stay away, not taking sides with anyone or becoming involved, but potentially allowing the bullying to continue by their “silent approval”; and
- “defenders” who show anti-bullying behaviour, comforting the victim and trying to stop the bullying.

Doing nothing does have a real impact on events and may cause harm. You can end up helping to maintain and even encouraging bullying, even if you are totally against it. Your inaction could be interpreted as silent agreement or support for the alleged bully or harasser, particularly if you are in a supervisory or management role

What you can do and what support you can get

Everyone is responsible for recognising bullying and harassment when it happens and for taking steps to eliminate it. However, this can be an extremely difficult and uncomfortable thing to do and support is available if you find yourself in this situation. People worry that they might make matters worse for the recipient of the bullying, or that they might become the next victim. It is important to seek help if you do not feel confident taking action. You can do this through:

- your line manager (or that person’s line manager if the complaint is about them);
- an HR officer;
- a trade union representative (if you are a member of a union);
- a workplace coach, who can help you explore possible courses of action; or
- one of the Friendly Faces team.

Whoever you approach, you should provide the following information, if at all possible:

- the name of the person or people about whom you are complaining;
- what you find unwelcome about their behaviour (provide examples, where possible, including dates, times and locations of any incidents);
- the impact their behaviour is having on you;
- the actions that have already been taken, if any, to stop the behaviour and the results of those actions.

Whoever you approach, that person will explore with you all the opportunities for you to resolve the complaint informally. This can be a confidential conversation, however, in those rare instances when the person you tell considers the offence too serious to be tackled informally – such as serious bullying, a physical assault or an act of hate crime – they must advise you that formal action will have to be taken, including contacting the police if the alleged conduct constitutes a criminal offence.

If you feel offended or hurt by the behaviour of one colleague towards another, you can challenge that behaviour in a number of ways:

- show support (privately and / or publicly) to the colleague you believe may be being bullied and encourage them to seek help in dealing with the situation;
- signal your disapproval by your body language when comments or incidents occur: even if you do not feel confident speaking out, a simple facial expression can indicate shock, concern, disapproval;
- rehearse what you might say the next time something happens. For example, “that wasn’t very pleasant”, “don’t you think that was rather harsh?”, “I don’t think that sort of language is considered appropriate at work” – something you feel comfortable with;
- talk privately to others who may be inadvertently / passively supporting the unacceptable behaviour, perhaps because they think it’s just “banter”;
- make a note of the incident (date, place, what happened, who was there);
- find ways of bringing the topic of bullying or harassment into a conversation in the presence of the person causing the offence, e.g. ask for the Dignity at Work Policy, to be discussed at a team meeting to ensure all colleagues are aware of the issues;
- speak, or write, directly to the person causing offence and explain, as clearly as possible, what it is you consider unacceptable about their behaviour;

If informal action does not resolve the problem, then you should raise the matter formally under this procedure.

Formal Investigations

If there is a formal investigation, regardless of any action you have or have not taken, you may be interviewed if you are part of the same team as the person making the complaint, or may have been present at the time of an alleged incident. As an employee of the Council, we expect you to co-operate with the request to be interviewed and potentially act as a witness, but we also recognise that this can be difficult and so will offer whatever support possible.

Appendix 4: Formal Complaint Form– Dignity at Work Procedure

Completing this form helps us understand your complaint and what you would like to happen. Please use it to give details of your complaint and return it to HR

HR or your Trade Union representative can help you to complete this.

We will normally pass a copy of this form (or at least extracts of the information) to the person you are complaining about to allow them to consider your points, reflect and respond.

1. Your details

Your name:	
Job role:	
Section:	
Line Manager:	
Trade Union Representative:	
Contact Telephone:	

2. Who is the complaint about?

Name	
Their job role:	
Their section:	

Please describe the incident(s) that have caused you concern. You should include:

- dates, times and places;
- details of the people involved including witnesses; and
- the effect of the incident(s) on you.

You should also attach any documentary evidence, for example copies of emails.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for content that may be continued from the previous page or added on this page.

(Please continue on separate sheets if necessary)

How do you think the harassment and/or bullying could be stopped? What else might help?

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3. Previous Action Taken

Have you taken advice from your manager / HR / TU rep?	Yes/No
Have you approached the person about their unwanted behaviour under the informal stage of the procedure?	Yes/No
If no, would you be willing to consider using the informal stage of the procedure or to explore mediation?	Yes/No
If you are able, please briefly explain your reasons if you do not feel able to explore informal routes. It is helpful for us to understand this.	

Signature:		Date:	
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Date received:	
Received by:	