

TITLE: Dignity at Work Policy	REF: HR002	VERSION: 1.1
APPROVAL BODY: Group Executive Team	DATE: 26 June 2018	REVIEW DATE: 26 June 2021
LEAD PERSON: Group Director of Human Resources & Organisational Development		
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VERSION	REVIEWER/APPROVAL	REVIEW NOTES
1. Reviewed February 2018	Group HR Director & external legal advisors	No amendments needed to content. Clarified that complaints will be resolved using the Grievance Procedure Some minor amendments to text to improve clarity
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DIGNITY AT WORK POLICY

1. Introduction

- 1.1. We aim to deliver the highest quality learning experience to our students, to inspire and develop the change-makers of the future. To succeed we expect our employees to lead by example and adhere to exemplary standards of behaviour and conduct at all times. Activate Learning has a firm commitment to equality and diversity and as such will not tolerate the harassment or bullying of one member of its community by another.
- 1.2. The purpose of this policy is to assist in developing a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about harassment and bullying, should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly.
- 1.3. The policy outlines the procedures to be followed if an employee feels they are being harassed or bullied in the course of their work or employment by Activate Learning.

2. General Statement of Policy

- 2.1. This policy relates to all staff of Activate Learning. Advice to students on harassment and bullying is also detailed in the Student Handbook.

2.2. Activate Learning welcomes diversity and respects the right of all individuals to work and study in an environment which is free from harassment. All staff, students and visitors are entitled to pursue their legitimate business at any Activate Learning establishment without exposure to unsolicited contact, comment or gesture, which may cause offence or distress.

2.3. This policy should be considered in conjunction with the Group policies for Equality and Diversity, Disciplinary, Employment Related Concerns and Staff Professional Code of Conduct.

2.4. Managers have an obligation to tackle issues of poor performance and therefore harassment and bullying is to be distinguished from a manager legitimately and appropriately invoking approved performance management or disciplinary procedures in accordance with Activate Learning policy.

3. Definitions

3.1. For the purpose of this policy 'harassment' may be defined as:

- Behaviour which is unwarranted, hostile, uninvited and offensive to the recipient.
- Behaviour which creates a hostile atmosphere or distress to the recipient.

3.2. Harassment may include:

- Physical contact, e.g. unjustified touching, patting, assault or gestures, intimidating or aggressive behaviour.
- Verbal, e.g. unwelcome remarks, suggestions and propositions, malicious gossip, insults, ridicule, jokes and banter.
- Non-verbal, e.g. offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation, threatening or intimidating language in emails and exclusion from social activities when any of these cannot be justified.

3.3. The basis for these actions may be sex, race, sexual orientation, disability, age, health, appearance, background, marital status, personal or political beliefs or religion.

4. Specific Responsibilities

4.1. Activate Learning welcomes diversity and believes every member of staff has a right to study and work in an environment which encourages harmonious relationships. Activate Learning is committed to preventing harassment and bullying and it is the responsibility of all managers to make sure that their staff are aware of and understand the context of the Dignity at Work Policy.

4.2. Every manager should aim to promote a working environment in which harassment and bullying cannot flourish. They should take immediate action if harassment and/ or bullying is suspected or identified, whether or not a complaint had been made. Allegations of harassment and bullying received either formally or informally through this policy must be taken seriously and dealt with promptly and sensitively.

- 4.3. In addition to its commitment to equality, Activate Learning has a legal obligation to ensure that harassment on the grounds of someone's race, sex, disability, sexual orientation, gender identity, religion or belief, age or harassment on any other grounds does not take place at work or in the working environment.
- 4.4. Every student and member of staff is also personally liable under legislation (Protection from Harassment Act). Allegations of harassment and bullying will be treated seriously by Activate Learning and could result in disciplinary action being taken against the perpetrator.
- 4.5. As allegations of harassment and bullying are serious matters, Activate Learning will treat any such allegations proven to be malicious as a disciplinary matter.

5. General Principles

- 5.1. The over-riding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and, where possible, in confidence.
- 5.2. A member of staff who feels that he/ she is the subject of harassment (either by a colleague, a student or anyone else whom they come into contact with in the course of their work), should make a note of incidents, dates, times and any witnesses for future reference. Any member of staff who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter may be resolved.
- 5.3. Should harassment occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and to take speedy action to stop any such activity. It must be made clear to the perpetrator that such behaviour is unacceptable at Activate Learning and will not be tolerated.
- 5.4. Silence or inaction can be seen as conclusion and endorsement of such behaviour.

6. Informal Stage

- 6.1. In the event that a member of staff considers that they are experiencing harassment they should, where possible, speak directly to the individual concerned or write to him/ her expressing their concerns and requesting that the offending behaviour stop immediately.
- 6.2. The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. A formal complaint should only be submitted as a 'final option' and where the informal approach has not achieved satisfactory results, or in exceptional circumstances, where the nature of the incident(s) warrants a more formal approach.
- 6.3. Employees who suffer from chronic pain or other long term illnesses or disabilities may be inaccurately suspected of drug abuse. Group HR Services will actively monitor the

application of the Drugs and Alcohol Policy to ensure that any action taken is always proportionate and that this possibility is considered before action is taken.

7. Formal Stage

7.1. In the unlikely event that the matter has not been resolved, a formal complaint must be registered in writing as soon as possible to the Group Director of Human Resources & Organisational Development.

7.2. A formal complaint of harassment should include the nature of the complaint, with reference to dates, times and places (where possible), in relation to a specific incident(s) and any (unsuccessful) efforts to resolve the matter. The names of any witness(es) to the incident(s) should also be included.

7.3. The procedure for addressing any complaint will be that set out in the Grievance Procedure with the following specific provisions for complaints of harassment or bullying.

- Witnesses can request anonymity and this will be granted if appropriate, but is not encouraged in the interests of openness and 'natural justice'.
- While the formal complaint is under investigation, an alternative location, or timetable for the work of the complainant will be considered where requested (although there can be no guarantees that an alternative location can always be found).
- Where it is necessary to facilitate ongoing professional relations between two parties, other possibilities such as an embargo on one to one meetings between the parties, or meetings without a third party present should be considered and facilitated by the line manager or appropriate senior manager.
- In the event that there has been action which could be perceived as retaliation or victimisation since the complaint was made, this will be considered in the course of the investigation. The record of the meetings will be stored confidentially by Group HR Services and will not be integrated with any individual's personal file.

7.4. Where an allegation is of a serious nature amounting to gross misconduct, consideration will be given to the taking of immediate action under the Disciplinary Procedure, which may include suspension of the respondent from work in accordance with agreed procedures.

7.5. The procedures set out in this document do not inhibit any action that may be taken under Activate Learning's Disciplinary Procedures.

Guidance Notes for Managers – What is Harassment and Bullying?

Harassment is unwanted conduct which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, and in the perception of the recipient of the conduct, it should reasonably be considered as having that purpose or effect.

Harassment and bullying can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Harassment and bullying may consist of a single incident or a series of incidents.

Behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated, or in the context of the staff/ student or manager/ employee relationship.

Harassment and bullying behaviour may not always be intentional, but is always unacceptable, whether intentional or not.

Some of the most prevalent forms of harassment and bullying include the following:

- Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.
- Racial harassment is usually, although not exclusively, directed at people from ethnic minorities. It may include jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/ or prejudice towards individuals or particular groups.
- Harassment of disabled people can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their impairment/ disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.
- Harassment on the grounds of a person's sexual orientations may be aimed at heterosexual people but it is more usually experienced by gay men, lesbians and bisexual men and women. Examples of harassment relating to sexual orientation are homophobic remarks or jokes, offensive comments relating to a person's sexual orientation, threats to disclose a person's sexual orientation to others or offensive behaviour/ abuse relating to HIV or AIDS status. The European Commission code of practice on sexual harassment points out that lesbians and gay men often encounter disproportionate levels of harassment relating to their sexual orientation. The response of lesbians and gay men to harassment may also be complicated by the fact that in order to complain about it or confront it, they may have to be open about their sexual orientation with work colleagues (perhaps for the first time).

- Harassment on the grounds of gender identity may be aimed at transgender people or people who have undergone, are undergoing or intend to undergo gender reassignment. It is recognised that this is a separate issue unrelated to sexual orientation. It is unlawful to discriminate against or harass anyone on these grounds under the Sex Discrimination (Gender Reassignment) Regulations 1999.
- Bullying is the exercise of power over another person through negative acts or behaviours that undermine him/ her personally and/ or professionally. Power encompasses personal strength or power to coerce others through fear or intimidation, which is not always synonymous with status.
- Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning job performance or constant criticism.

Bullying is to be distinguished from vigorous academic debate or the actions of a manager making reasonable (but perhaps unpopular) requests of his/ her staff.

The above list of examples is not exclusive and harassment can also take place on the grounds of a person's age, religion or any other characteristic that makes them different from the majority or from the person who harasses or bullies them.

Although the terms 'harassment' and 'bullying' are not synonymous, the guidance in this document relates to both issues and the term 'harassment' will be used from this point onwards to encompass both.

