



# DIGNITY AT WORK POLICY AND PROCEDURES

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## **DIGNITY AT WORK POLICY AND PROCEDURES**

### **Section 1 - Guidelines and Procedures**

#### **1. Summary Statement**

- 1.1 This procedure applies to all CAFCASS employees, and supersedes any other procedures that may have been in operation either with CAFCASS or with former employing bodies.

#### **2. Aim**

- 2.1 The overall aim of this procedure is to ensure that all employees are treated with dignity and respect whilst at work, and are able, and encouraged to meet their full potential by working in a non-threatening environment free of harassment and/or bullying. Harassment and bullying by service users is dealt with in accordance with Appendix 1.
- 2.2 CAFCASS will not tolerate acts of harassment and or bullying by one employee(s) to another, and will take steps to ensure that such behaviour is treated as a disciplinary offence. In addition, the behaviour may also constitute a criminal offence, as sexual and racial harassment, and harassment on grounds of disability, religion, and sexual orientation, are all prohibited by law.

#### **3. What is Harassment And Bullying?**

- 3.1 There has been considerable research that demonstrates that bullying and harassment are very real problems for many employees. For example in a 2004 survey by the Chartered Institute of Personnel and Development (CIPD), entitled 'employee well being and psychological contract', 13% of respondents reported being bullied and/or harassed in the previous 12 months.

#### **4. Definitions**

- 4.1 **Bullying** – 'to persecute or oppress by force or threats; to pressure or coerce someone to do something' (Oxford dictionary).
- 4.2 Bullying is the misuse of power against a person, often persistently, which has an effect on that person by undermining, humiliating, denigrating or injuring them. The misuse of power can be linked to structural issues such as race, gender, disability, and/or linked to positions within the organisation.

#### 4.3 **Examples of Bullying:**

- Persistently criticising an individual in a negative manner and without justification;
- Shouting at colleagues in public or private;
- Deliberate isolation by ignoring or excluding a person;
- Withholding information without justification;
- Spreading malicious rumours;
- Making inappropriate personal comments;
- Undermining a person's self respect.

Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not bullying.

4.4 Harassment – to trouble and annoy continually or repeatedly; make repeated attacks on. (Oxford dictionary).

4.5 Harassment is also unwanted behaviour, both persistent or as an isolated incident, which affects the dignity of the individual and is unacceptable to them. This is often linked to personal characteristics of the individual e.g. race, gender, sexuality, disability, size or age.

#### 5. **Examples of Harassment:**

- Harassment always involves unwanted conduct of a discriminatory and or intimidating kind, which may be directed at an individual, group, culture, religion or lifestyle.
- Harassment frequently promulgates material or creates conditions in the workplace, which are oppressive and or offensive to one or more individuals.
- Harassment frequently involves a display of power, which undermines, intimidates, isolates or degrades the victim.
- Harassment always involves some form of behaviour by which an individual or group is treated in a detrimental way on improper grounds.
- CAFCASS will determine whether or not an instance or situation constitutes harassment by the seriousness and frequency of the actions, and the impact upon the victim. Harassment is not determined by the perception of the person who is doing it. In some cases a single instance will constitute harassment.

5.1 Harassment can take several forms, which generally fall into three main categories. The following are some examples: -

## 5.2 Verbal forms of harassment

- Verbal and written statements or innuendo, which are meant to ridicule or insult someone;
- Subjecting someone to insults or ridicule because of their sexuality, gender, disability, race, status etc;
- Making **unwelcome** verbal or written sexual advances or lewd, suggestive and over familiar remarks;
- The use of jokes, threatening or offensive language, gossip, slander, etc.

## 5.3 Physical forms of harassment

- Physical contact ranging from touching to assault;
- Suggesting to someone that sexual favours may benefit their career or that refusal may damage it;
- Persistent invasion of personal space;
- Intrusion by pestering, spying on, following or stalking.

## 5.4 Offensive material

- Displaying or distributing material which degrades or offends, including posters, graffiti, flags, emblems and material of a sexist, racist, sexual or pornographic, etc. kind;
- Bringing into the workplace badges or other insignia, which are intended or are likely to create hatred or fear based on sexuality, gender, disability, race, etc.

## 6. How individuals and groups may experience harassment

### 6.1 Some of the ways in which groups and individuals may experience harassment are as follows: -

- a) **Lesbians and gay men** often suffer harassment in the form of hostility, ridicule, jokes, innuendos, teasing and insults relating to their sexuality. They can also be isolated in the workplace because others may not wish to associate with people who are lesbian or gay. Lesbians and Gay men may therefore feel forced to be secretive about their sexuality because they fear this might lead to discrimination or harassment.
- b) **Men and women** may experience sexual harassment through unwanted sexual attention. However in most cases sexual harassment in organisations is usually directed at women. In addition, female employees can suffer harassment through a

demonstration of power by male managers or vice versa or where the harasser seeks to influence them and or undermine their confidence through threats and intimidation.

- c) **People with disabilities** may experience harassment through being ignored during workplace discussions, or by being taunted and ridiculed in the workplace or where the focus is on their *disability* rather than on their *ability* – for example, where the line manager or the culture of the organisation regards the employee's disability as a nuisance.
- d) **People whatever their ethnic origin** may experience racial harassment. However, in most cases, racial harassment in organisations is usually directed at black people by white people. Black and other ethnic minority people may suffer harassment because of their race, ethnicity, nationality, perceived differences, and various prejudiced assumptions and stereotypes about black people. It can range from physical abuse to racially abusive insults, disguised as jokes. Harassment of black and ethnic minority people in organisations can also take the form of them being spoken to or treated by white people in a dismissive, inferior or unequal way.
- e) **Nationality, culture and religion** are grounds on which employees may suffer harassment. For example, Irish, Spanish, Greek, Turkish and Italian employees can be pressurised to accept jokes and behaviour, which ridicule or undermine them on the basis of their nationality. Employees may also experience cultural and religious harassment through a variety of means, ranging from overt ridicule of their culture and religion to a quiet but visible relegation of their religion and culture to a lesser, inferior status or through pressure to conform to the norms and standards of another religion or culture.

## 7. Who can be Harassed or Bullied?

7.1 Employees in the workplace may be subjected to harassment or bullying based on any of the following: -

- Sexuality
- Gender
- Disability, sensory impairment and or learning difficulty
- Real or suspected infection with the HIV (AIDS) virus
- Race, ethnicity, skin colour and or nationality
- Culture and religion
- Class
- Political beliefs
- Willingness to challenge harassment against others

- Membership or non membership of a trade union
- Status as an ex-offender
- Age (young or old)
- Their physical height or size
- Facial disfigurement

This list is not exhaustive.

## **8. Who can Harass or Bully?**

- 8.1 Employees can be harassed or bullied by peers and subordinates as well as by managers or supervisors. Harassment and bullying can also occur between people of the same sex, sexuality, race, etc. In practice however, there are frequently actual or perceived differences between the harasser and the victim. In addition, experience shows that the risk of harassment is increased for employees who are, or are perceived to be, less powerful in the workplace.

## **9. The effects of Harassment and Bullying**

- 9.1 Sustained harassment and bullying can have a devastating effect on the lives of victims. Individuals can suffer fear, anxiety and stress, which can cause or exacerbate physical illness, reduce their work performance, increase absenteeism and even cause them to resign from work.
- 9.2 If unchecked, harassment will also damage the workplace by creating tension and conflict, which can lead to poor staff morale, divided teams, absenteeism, reduced productivity and high staff turnover.

## **SECTION 2 - Dealing with Harassment and Bullying**

### **10. Responsibilities of Managers**

- 10.1 Managers are obliged to act fully in accordance with this procedure at all times. This includes creating a work environment, which neither condones nor gives support to any kind of acts of harassment and/or bullying and ensuring that this procedure is clearly communicated to all employees.
- 10.2 Where a manager becomes aware of or receives a complaint about an alleged case of harassment and/or bullying affecting one of their staff she/he should;
- Treat the complaint seriously;
  - Listen and be sympathetic to the complainant;
  - Try to get the offending behaviour to stop;
  - Try to establish from the employee, the nature, seriousness and impact of the alleged harassment and or bullying
  - Advise the employee of the sources of support available to them;
  - Consider, with advice from the Human Resource Advisor if the matter should be dealt with formally or informally. (If it can be dealt with informally, advise the employee as at Section 3, Point 16. If the matter needs to be dealt with formally, ask the employee if they wish to make a formal written complaint. (See Section 3 Point 17.)
- 10.3 If the behaviour could constitute misconduct, and/or is witnessed independently, it is the manager's responsibility to take action in accordance with the performance and conduct procedure, without the need for the employee to make a formal written complaint.
- 10.4 There may be cases where a manager believes that an employee is being harassed and/or bullied but the employee either denies it or insists that they want no action taken about it. In such cases the manager may not pressure the employee to complain or request action. However, the manager should consider other ways in which they can stop the behaviour.

## **11. Responsibilities of Employees**

### 11.1 Employees should:

- Be aware of the issue of harassment and/or bullying, of the forms it can take, and of the damage it can do to colleagues and CAFCASS;
- Be aware of their own conduct and the impact it may have on other people;
- Not be afraid to stand up against harassment and or bullying or to support a colleague who is being harassed and/or bullied.

11.2 Talk in confidence to any colleague that you believe is being harassed and/or bullied and inform them of this procedure. It is possible that the colleague may be reluctant to have the matter dealt with formally. If so, be encouraging but sensitive to their wishes.

## **12. Responsibilities of the Human Resources team.**

12.1 The Human Resources team will actively promote The 'Dignity At Work' procedure amongst managers and employees. HR will play a key role in advising managers, complainants and the person being complained against on the operation of the procedures. Regional Advisors will ensure that complaints are handled speedily, sensibly and sensitively and provide clear advice and support. All cases will be monitored to ensure that the procedures have been adhered to.

## **13. Key Contacts**

### **Trade Union Representative.**

13.1 Trade union representatives are able to offer support and advice to any of their members who have been bullied or harassed. CAFCASS encourages all trade union members who are concerned about harassment or bullying to speak to their trade union representatives.

CAFCASS recognises that members of a Trade Union are entitled to representation at every stage of the procedure and would encourage staff to seek this assistance at the earliest possible opportunity.

13.2 CAFCASS will support the trade union's activities in raising awareness and tackling the issue of harassment and bullying amongst its members. Stress at work in general contributes to workplace bullying, and CAFCASS is committed to jointly agreeing with the trade union ways of tackling work-related stress. CAFCASS will consult with the trade unions in good time over any proposals, which could increase the potential for stress or harassment and bullying at work.

### **13.3 Mediators**

13.4 CAFCASS will work towards creating a pool of skilled mediators in each region who may be called upon to achieve a mediated resolution to employee complaints. Mediation can be used informally before a formal complaint has been made or as an initial approach if a formal complaint has been made. Mediators will normally work in pairs and will maintain strict confidentiality. Mediators will generally be allocated a case in a different team/region from their own.

### **SECTION 3**

#### **14. Harassment and/or Bullying Procedures**

14.1 If a Manager has sufficient grounds to believe that serious misconduct may have taken place, the matter must be dealt with in accordance with the performance and conduct procedures.

#### **15. Informal Procedure**

If you believe you are being harassed and or bullied you should do the following: -

- Tell someone else about it. If you are feeling uncomfortable about a situation and are not sure if it is harassment or bullying still try to talk to someone about it;
- Keep a written record of the offending behaviour. Write down the dates, times and places when events occurred and what was said or done. If anyone else witnessed any of the instances make a note of whom it was.
- Make it clear to the person who is harassing or bullying you that their behaviour is unwelcome and that you want it to stop. In most cases, once the person knows that her/his behaviour is unwelcome, they will stop.

You can do this in various ways:

- Ask someone or a mediator to be with you when you speak to the person;
  - If you prefer you can ask your line manager or Human Resources Advisor to talk with you and the person who is harassing or bullying you about the effect that their behaviour is having on you and ask for it to stop;
  - If the behaviour continues, talk to your manager or trade union representative. You may need to make a formal complaint.
  - If it is your manager or supervisor who is harassing you or bullying you, speak to their line manager or your Human Resources Advisor.
- 15.1 If you feel you are being harassed or bullied and you wish it to be dealt with formally, you can make a formal complaint. You can do this as soon as the first instance of harassment or bullying occurs or at any subsequent time. Formal complaints must be made in writing to the Regional Director and must set out the specific way(s) in which you feel you have been harassed and/or bullied. Formal complaints will be investigated fully and may lead to disciplinary action against the person

being complained about in accordance with the performance and conduct procedures.

- 15.2 Where a case is resolved informally no written records will be kept on the complainant or person(s) being complained against file, or disciplinary action taken.
- 15.3 Outcomes that may be achieved in cases where complaints are resolved informally include:
- A letter of apology;
  - A face to face apology;
  - A mediated solution regarding the future working relationship;
  - A request for the working environment to be changed;
  - Relocating the complainant if this is their wish. (Nb the person being complained about cannot be relocated without their consent at the informal stage).

## **16. Formal Procedure**

- 16.1 Allegations of harassment or bullying will be dealt with formally where:
- Informal attempts have not been successful, or;
  - The employee wishes the matter to be dealt with formally, i.e. wishes to make a formal written complaint;
  - Management considers the behaviour to be of a sufficiently serious nature that it breaches the performance and conduct policy and procedures.
- 16.2 Formal complaints must be made in writing to the Regional Director (or to the Corporate Director where it is the Regional Director that is the subject of the complaint, or to the Chief Executive Officer (CEO) where the Corporate Director is the subject of the complaint. Complaints against the CEO will be referred to the Board). For the purpose of this procedure the person hearing the complaint will be known as the Deciding Officer.
- 16.3 The complaint should state;
- a) The name(s) of the person being complained about;
  - b) The nature of the harassment/bullying;
  - c) The dates, times and places where the harassment/bullying took place;
  - d) The name(s) of any person(s) who witnessed any of the incidents of harassment/bullying.

- e) Details of any action taken by the complainant or others to stop the harassment/bullying;
- 16.4 The Deciding Officer in consultation with the Human Resources Advisor will appoint an impartial investigating officer to carry out an investigation of the alleged bullying/ harassment within 15 working days of the original complaint. The Regional Director will ensure that the investigating officer's existing workload is managed, in order to enable them to carry out a thorough investigation as quickly as possible.
- 16.5 The Human Resources Advisor will advise the Deciding Officer on how to proceed with the case and will ensure that procedures are adhered to, the case is handled sensitively and without undue delay, and that the outcome of the case is monitored. The Human Resources Advisor will also play a key role in advising both the complainant and the person being complained about on the operation of the procedures.
- 16.6 Any employee who is invited to attend a meeting with the investigating officer may be accompanied by a trade union representative or colleague and may inform the investigating officer of any witnesses that should be seen as part of the investigation.

## **17. The investigation**

- 17.1 The investigating officer will:
- Give the complainant the opportunity to expand on their complaint;
  - Enquire into the circumstances and background surrounding the complaint;
  - Give the person(s) being complained about an opportunity to hear the complaint, and specific allegations, and to offer an explanation by responding to questions and/or submitting a written statement;
  - Take a fair and impartial view of the information that emerges;
  - Listen to any witnesses and take statements from them;
  - Present all the evidence in the form of a written report to the Deciding Officer (within 20 working days of being appointed to the case) where possible to enable the Regional Director to reach a decision.

## **18. Counter Allegations**

- 18.1 Where following a complaint of harassment or bullying against a person that person then makes a counter allegation against the complainant, the investigating Officer will consider the counter allegation within the same investigation as the initial complaint.

## 19. Action after the Investigation

19.1 The Deciding Officer on receipt of the report will form a view as to whether there is a case to answer.

The conclusion may be that: -

- There is no case to answer
- Some level of inappropriate behaviour has occurred but it is insufficient to initiate the Performance and Conduct procedures and an alternative resolution must be found;
- The offence is of a serious enough nature to initiate the Performance and Conduct procedures;

19.2 The Deciding Officer will meet with the complainant and person(s) being complained about and their representatives within 10 working days. The purpose of the meeting will be to form a view about how the matter should be dealt with.

## 20. After a decision has been made.

Post procedure conciliation

20.1 On completion of a case, whatever the outcome management is still responsible for maintaining a harassment/bully-free environment for people to work in. This means there should be no victimisation whether intentional or not.

20.2 **Victimisation** occurs where a person is treated less favourably than another person because s/he has referred to or has asserted their rights under the relevant statutory provision, e.g. the Sex/Race discrimination act, or raised a complaint under CAFCASS procedures. This would cover those bringing cases under the legislation/procedures or acting as witnesses in any investigations or complaint, or being involved in trade union activities.

20.3 Whether the complaint is resolved through mediation or through the formal process the manager must ensure that any action decided upon is properly and fully followed through.

20.4 Managers should not expect everything to be 'back to normal' straight away. The damage to relationships and feelings is often long term and deep and will take time to mend, if it can be mended at all.

20.5 It should be agreed with the complainant and person(s) being complained about how they are going to work together. The overriding concern is that all employees have a right to a safe, working environment. Relocation, redeployment, team building and transitional arrangements may need to be discussed and agreed. It may be beneficial to all concerned for trade unions representatives to be

involved in these discussions. The same is true if an allegation has not been upheld.

20.6 Therefore, following the completion of the procedure the appropriate Manager and Human Resources Advisor need to meet with relevant members of staff and discuss issues in relation to any of the following as soon as practically possible:

- Return to work/relocation
- Support structures
- Team building/conciliation
- External support
- Training issues
- Whether there is a need for future review

## **21. Additional Sources of Support for Employees experiencing Harassment or Bullying**

21.1 The Employee Assistance Programme, Counselling in Confidence is available to all staff. This service is strictly confidential between the counsellor and member of staff and may take the form of telephone counselling sessions or face-to-face sessions. No details or records will be disclosed without the written permission of the member of staff concerned. You may find details of the Employee Assistance Programme on the intranet, or from your Human Resources Advisor.

### **External Contacts (Your HR Advisor will provide you with details of regional contacts)**

Lesbian and Gay Employment Rights, LAGER, Unit 1G, 436 Essex Road, N1 3QP. Tel: 0171 704 8066 (lesbian issues); 0171 704 6066 (Gay issues).

Greater London Association of Disabled People, 336 Brixton Road, London, SW9 7AA. Tel: 0171 346 5800.

Commission for Racial Equality, Elliot House, 10-12 Allington House, London, SW1E 5EH. Tel: 0171 828 7022.

Trades Union Congress, Congress House, Great Russell Street, London, WC1B 3LS, Tel: 0171 636 4030.

Advisory, Conciliation and Arbitration Service (ACAS), Clifton House, 83-117 Euston Road, London, NW1 2RB. Tel: 0171 388 5100.

## **Appendix 1 - Harassment and Bullying by Service Users.**

Employees throughout the organisation may experience harassment and/or bullying by service users or other members of the public. CAF/CASS accepts a clear duty, and wish, to protect employees from such behaviour and to fully support them in such circumstances.

A notice outlining CAF/CASS' position on this issue should be displayed in every office where all visitors can see it.

Examples of such behaviours are:

Abusive telephone calls  
Repeated telephone calls, faxes or e-mails  
Veiled threats/intimidation

All such incidents must be reported and an incident form completed. Reference should be made to CAF/CASS Health and Safety Policies for further advice and information.

When an employee experiences harassment or bullying of this kind, the manager should ensure that all possible advice and support is provided to the employee to enable them to cope with the situation without harmful effects upon them as individuals.

In certain circumstances advice should be sought from CAF/CASS Legal, as CAF/CASS may be able to seek an injunction under the 'Protection From Harassment' Act 1997.

Under the Act there must have been at least 2 incidents of harassment – and 'harassment' is defined to include causing alarm and distress. Evidence must be collated and should detail when and how the incident took place, including what happened and whether the victim suffered injury, fear, alarm, distress etc.

All incidents should be reported to the police and a record kept of their response.

Before issuing any 'Protection From Harassment' proceedings, there should be full discussion with CAF/CASS Legal, who will obtain counsel's advice in the matter.

It is also acknowledged that on occasions the complaints procedure can be used as a means of harassing/bullying of staff. CAF/CASS aims to address complaints in a just and balanced way and will not register or consider a complaint or comment expressed in threatening or offensive language. For further information consult the Complaints Policy and guidance.