

St Mary's
University
Twickenham
London

Dignity at Work Policy

Dignity at Work Policy to address bullying and harassment

	Page
1. Introduction	3
2. Aims and objectives	3
3. Code of conduct.....	4
4. What is harassment at work?	5
5. What is bullying at work?	6
6. The legal context.....	7
7. Complaints procedure.....	8
• Stage 1	8
• Stage 2.....	9
• Guiding principles.....	10
8. Appeals Procedure	11
9. Malicious Complaints	12
10. Confidentiality.....	12
11. Support for anyone involved in a complaint.....	13
12. Monitoring and policy review	13
Appendix 1	15
Key roles	15
Confidential Contacts	15
Senior Member of the Human Resources Department.....	15
Investigator	16

1. Introduction

- 1.1 St Mary's University is a Catholic Foundation with a mission to provide high-quality academic and professional higher education within a collegial ethos inspired and sustained by Christian values. The University is committed to its policy of equal opportunity and non-discrimination for reasons of age, colour, disability, ethnic origin, gender, national origin, race, sexual orientation, religious belief or any other reason.
- 1.2 The University accepts that all staff members have a statutory right to be treated with dignity and respect at work in an environment free from bullying and harassment.
- 1.3 All staff members have a clear role to play in helping to foster an environment of respect in the workplace in which harassment or bullying behaviour is unacceptable. In particular, staff members should be aware of their own conduct and cooperate fully in any complaints procedure. Managers and supervisors have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and develop a workplace culture where inappropriate behaviour is not tolerated.
- 1.4 'What is at stake is the dignity of the human person, whose defence and promotion have been entrusted to us by the Creator, and to whom men and women at every moment of history are strictly and responsibility in debt.' John Paul II, *Sollicitudo Rei Socicalis*, 47.
- 1.5 The University advocates a more positive stance in developing a Dignity at Work Policy and notes The 1948 Universal Declaration of Human Rights where article 1 states: "All Human Beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".
- 1.6 A number of roles have been identified to address complaints of harassment and bullying in the workplace. These are Confidential Contact, Human Resources Manager and an Investigator. An explanation of the responsibilities for each of these is included in Appendix 1.
- 1.7 This policy will be communicated to staff members using a variety of methods including leaflets and training.

2. Aims and objectives

- 2.1. The primary aims of this policy are to promote dignity and respect at work and to prevent behaviour that could be construed as harassment or bullying in the workplace. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence.
- 2.2. The objectives of this policy are to:

- Clarify the positive behaviours which are expected of staff members;
- Ensure that all staff members are aware of examples of negative behaviours that may constitute bullying and harassment and their responsibilities for preventing such behaviour;
- Ensure that all staff members understand that the University will not tolerate the behaviours outlined and if any allegations are proven, it could result in dismissal;
- Promote a climate in which staff members feel confident in bringing forward complaints of harassment or bullying without fear of victimisation;
- Ensure that all allegations of harassment or bullying are responded to quickly, positively and in confidence;
- Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and respect the rights and confidentiality of all those involved;
- Explain how harassment and bullying are covered by existing legislation.

3. Code of conduct

- 3.1 St Mary's expects all staff members to conduct themselves in a reasonable and responsible manner when undertaking their duties and responsibilities including involvement in professional and social activities undertaken during the course of University business.
- 3.2 Staff members may also be bound by other codes of conduct laid down by the relevant professional regulatory bodies.
- 3.3 St Mary's promotes the following workplace values:
- Respect and support for the rights and dignity of all staff members;
 - Open and constructive debate that respects the views of others;
 - A collaborative and co-operative approach based on mutual trust;
 - Recognising and valuing diversity in the workplace as a strength on which to build professional behaviour and working relationships with colleagues, students, customers and suppliers which ensure the highest quality service standards.
- 3.4 The following Standards of Behaviour are expected of all staff members of the University.

(i) Relationships with People

Staff members should:

- Act with integrity, honesty, fairness, impartiality and diligence when dealing with colleagues, students, customers and suppliers in the course of University business;
- Show mutual respect between staff members for productive and supportive working relationships.
- Work within the University on a collaborative and co-operative basis;

(ii) Responsibility for University Service Provision

Staff members should:

- Through agreed procedures and without fear of recrimination, bring to the attention of the appropriate level of management any deficiency in the provision of the service;
- Report to the appropriate manager any suspected impropriety or breach of University policy or procedure in line with the requirements of the Prevention of Fraud Policy and the Policy on Serious Malpractice and Abuse.

(iii) Equality of Opportunity

Staff members should:

- Comply with the University policies relating to equality issues and ensure compliance with relevant law. All members of the community, customers and other staff members have the right to be treated with fairness and equity and not to be the subject of the personal prejudices of others;
- Note that a staff member failing to observe the standards will be subject to appropriate action being taken in accordance with the Disciplinary Procedure.

4. What is harassment at work?

- 4.1. Harassment occurs when someone engages in conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 4.2. Firm management will not be considered to be bullying. Behaviour that is considered bullying by one person may be considered as firm management by

another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems.

- 4.3. Harassment or bullying may not depend on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some staff members may cause embarrassment, distress or anxiety to others. However, during any investigation, the investigator will assess whether it was reasonable for behaviour to have had the impact described. Harassment on the grounds of gender, race, disability, sexuality, age or religion or belief is unlawful and will not be tolerated in any form.
- 4.4. ACAS (Advisory, Conciliation and Arbitration Service) provides information about negative and unacceptable behaviour that may constitute harassment although the University recognises that harassment may present in forms not detailed by ACAS.
- 4.5. A racist incident is any incident which is perceived to be racist by the victim or any other person. However, after a thorough investigation it may be clear that the incident is not racially motivated. This ensures that any racial motivation is fully considered during any investigation.
- 4.6. While harassment often involves repeated acts of offensive behaviour, a single incident may constitute harassment under this policy.
- 4.7. Harassment and bullying are not necessarily face to face, they may be by written communications, electronic email, phone and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all staff members or a group of staff members working in the same school/service. However, electronic monitoring will be undertaken on a selective basis to investigate an incident such as inappropriate use of the Internet. In circumstances like these there will be an audit trail and a standard of proof prior to any investigation commencing. Such monitoring will not be deemed to constitute bullying or harassment.

5. What is bullying at work?

- 5.1. Although harassment is often related to matters such as age, disability, gender, race, religion or belief or sexuality it is apparent that a more general form of harassment may take place that is not based on any one clearly identifiable aspect of the person concerned. This form of harassment may be described as bullying or aggressive or intimidatory behaviour by one person towards another.

- 5.2. Bullying is increasingly recognised as a serious management issue and is often unreported. People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it.
- 5.3. Bullying can be defined in many ways but is generally behaviour that is characterised as offensive, abusive, intimidating, malicious or insulting behaviour. It is usually persistent (i.e. more than a one-off incident).
- 5.4. Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on the recipient.
- 5.5. At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary procedure.
- 5.6. ACAS provides information about negative and unacceptable behaviour that may constitute bullying although the University recognises that bullying may present in a number of other forms.
- 5.7. Legitimate, constructive and fair criticism of a staff member's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument in itself may not constitute bullying.
- 5.8. It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results while ensuring that staff members are treated with dignity and respect.

6. The legal context

- 6.1 Behaviour that can be construed as harassment, bullying and/or victimisation, and the failure to deal with such incidents or allegations, may expose the University and individual staff members to a number of legal consequences.
- 6.2 Harassment based on race, gender, sexuality, disability, age and religion or belief and/or bullying are serious employment issues and may be in breach of legislation. The University may be liable for the actions of staff members, whether or not they are carried out with the University knowledge or approval. This is in addition to the staff member's individual liability for his/her own actions. Liability for harassment amounting to unlawful discrimination and can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.
- 6.3 Staff members complaining of racial or sexual harassment, or harassment on the grounds of age, disability, gender or religion or belief may have direct recourse to the law through an Employment Tribunal. While other forms of harassment may not be in breach of the law, they are likely to contravene University policy and as such are unacceptable.

7. Complaints procedure

- 7.1 The purpose of this procedure is for all complaints to be dealt with effectively and fairly for all concerned. The University will treat all allegations of harassment or bullying seriously and, as such, will deal with all cases formally as part of a two stage procedure.
- 7.2 The first point of access for a staff member who is considering making a complaint under this policy will be to meet with one of the nominated Confidential Contacts. The purpose of this contact is to discuss confidentially, either by telephone or at a convenient time and place, what the staff member has experienced and to assist the staff member to consider various courses of action. This contact will be confidential as outlined at Section 10.

Stage 1

- 7.3 Complaints should where possible be resolved at Stage 1 of the procedure.
- 7.4 The Confidential Contact may take minimal notes during the conversation with the staff member as an 'aide memoire' at a later date of what was discussed. The staff member will be advised that these notes will be destroyed after the situation has been resolved, or has moved to Stage 2 of the process when the Confidential Contact ceases to be involved.

- 7.5 Having discussed the situation with the Confidential Contact and established that this Policy is appropriate, the following options may be considered:

The complainant may feel able to talk to or write to the person pointing out that the behaviour is inappropriate or offensive to them and asking for it to stop. This can be done alone or with the Confidential Contact.

- The staff member may ask to meet the person accompanied by a colleague (so long as they notify the person against whom they wish to raise a complaint in advance of any meeting), The person who they are seeing may also wish to be accompanied by a colleague.
 - The complainant may wish to raise the issue with their line manager, or the line manager of the person they are complaining about, either alone or together with the Confidential Contact, asking them to help resolve the situation by intervening.
 - A written complaint may be made to Human Resources under Stage 2 of the process.
- 7.6 There may be other methods of resolving the problem depending on the circumstances and these can be fully explored at this stage. For example, this could include the use of professional mediation to help the parties find a solution

themselves; whether a review of working arrangements would be appropriate; what training needs may need to be addressed etc. The staff member should be encouraged by the Confidential Contact to consider what might be most appropriate and, if appropriate, to speak to the line manager themselves, accompanied by the Confidential Contact if they wish, to help find a solution.

- 7.7 In all cases, if the Confidential Contact attends a meeting with the staff member, they will be there as an impartial third party and facilitator, not as a representative of the complainant.
- 7.8 The purpose of resolving complaint at Stage 1 is for the alleged inappropriate behaviour to be brought to the attention of those concerned as soon as possible after the incident has occurred and to establish acceptable standards of working for the future. Any recurrence will then become an organisational responsibility. The University has a responsibility to deal with any subsequent incidents/occurrences as misconduct using the disciplinary process.
- 7.9 In situations where the staff member and the Confidential Contact, in consultation with a senior member of the Human Resources Department, decides that a complaint cannot be easily resolved at Stage 1, or where the allegation is of a serious nature, the staff member will be advised to follow Stage 2 of the procedure outlined below.
- 7.10 The Confidential Contact's role only applies at Stage 1 of the process, and they have no involvement as a Confidential Contact in Stage 2.

Stage 2

- 7.11 In order for the matter to be dealt with at Stage 2, the case must be stated in writing by the complainant to a senior member of the Human Resources Department. If possible, it should include as much of the following information as possible: -
- clear, specific allegations against the named person or people;
 - where possible, dates, times and witnesses to any incidents with direct quotes;
 - factual description of events;
 - an indication of how each incident made the complainant feel;
 - any documentary evidence, and;
 - details of any action that the complainant, or others, has already taken.

A statement taken at Stage 1 of the Complaints Procedure would also be sufficient.

- 7.12 The line manager of the person against whom the allegations have been made will be made aware that the complaint is to be dealt with at Stage 2 of the procedure. He/she will be responsible for ensuring the full cooperation of those staff members concerned in order to expedite the investigation.
- 7.13 Once a written complaint has been received, a letter of acknowledgement must be issued within 5 working days by a senior member of the Human Resources Department. A senior member of the Human Resources Department who will arrange a separate individual meeting with the complainant and the person against whom the allegations have been made and their representatives to outline the procedure, inform the parties of who will conduct the investigation and answer any questions they may have. A letter confirming the details of this meeting will be sent to both parties.
- 7.14 An external investigator will normally be assigned to carry out the formal investigation. However, the University may appoint a member of the Human Resources Department and an appropriate Manager to carry out the formal investigation. These staff will normally be independent having no prior knowledge of the case and in any event would not normally be the manager who may subsequently hear any disciplinary case.

Guiding principles

- 7.15 Every effort shall be made to protect the legitimate rights of all parties involved. In particular the following principles shall be adhered to:
- The rules of natural justice shall apply to all investigations in that those involved in the process will have the right to explain or defend their actions, there will be the right to be represented and both parties shall have a right of appeal;
 - The principle of confidentiality shall apply in relation to the details of the case and investigation in accordance with Section 10.
 - During the whole of the investigation process, the complainant, the person against whom the allegations have been made and any others interviewed shall be entitled to be accompanied at any stage of the investigation by a union representative or a colleague;
 - That all complaints will be dealt with promptly;
 - Allegations will be considered against the principles of reasonable belief and the balance of probabilities (the “balance of probabilities” standard is met if the proposition is more likely to be true than not true).
- 7.16 In accordance with the Procedure for the Suspension of Staff, the question of whether or not to suspend the person against whom the allegations have been made should also be considered.

- 7.17 Consideration will be given to working arrangements of the complainant and the person against whom the complaint has been made for the duration of the investigation.
- 7.18 The investigation should normally take no longer than a maximum of twelve weeks from receipt of the complaint to the preparation of the final report. While every effort will be made to adhere to this timescale, there may be circumstances which will mean that the process may take longer.
- 7.19 On conclusion of the investigation, a senior member of the Human Resources Department will meet separately with the complainant and the person against whom the allegations have been made and their representatives to inform them of the outcome of the investigation provide them with a copy of the draft report and confirm any rights of appeal. The content of this meeting will be confirmed in writing.
- 7.20 Any immediate issues arising from factual errors of the report should be raised with the member of the Human Resources Department who is overseeing the case. Where appropriate, the Human Resources representative will address the concerns and the draft report may be amended as required.
- 7.21 The report of the findings of the investigation will then be submitted to a senior manager at an appropriate level in a School/Service, a Pro Vice-Chancellor or the Vice-Chancellor. He/she will decide on the appropriate course of action. This decision, with supporting justification, will normally be notified in writing to the complainant and the person against whom the allegations have been made within 10 working days of receipt of the report.
- 7.22 Where it is considered that there has been misconduct or gross misconduct by a staff member, the matter may be considered in line with the Disciplinary Procedure.

8. Appeals Procedure

- 8.1 The complainant or the person against whom the allegations have been made has a right of appeal against the decision taken by the person at 7.20 if he/she considers: -
- The process of the investigation to be procedurally flawed and therefore unfair, and/or
 - The course of action taken either because they are not supported by the findings of the report or because the investigation was procedurally flawed.
- 8.2 If action has been taken as outlined at 7.21, any appeal should normally be in accordance with the Disciplinary Procedure. However, the person against whom the allegations have been made will have the right of appeal under The

Dignity at Work Policy if the nature of the appeal relates specifically to the process of the investigation being procedurally flawed and therefore unfair.

- 8.3 The purpose of the appeal is, therefore, 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.
- 8.4 Any appeal should be made in the first instance in writing to the Human Resources Department within 5 working days of receipt of the letter confirming the decision. The appeal will be normally be heard by a senior manager at an appropriate level in a School/Service, a Pro Vice-Chancellor or the Vice Chancellor who did not decide on the appropriate course of action (7.20) and a representative from Human Resources.

9. Malicious Complaints

- 9.1 Where an allegation is not upheld, it does not mean that the complaint was necessarily malicious. The complainant may still feel that they have been subjected to harassment or bullying, but available evidence may not substantiate the allegations. It is equally possible that no harassment or bullying took place.
- 9.2 Having conducted the investigation, an Investigator may consider that the complaint was malicious. That is, that the complaint was entirely false and made with the deliberate intention of having action taken against another staff member. In these circumstances it will be considered to be gross misconduct and dealt with under the Disciplinary Procedure.
- 9.3 If an Investigator considers that the complaint was frivolous and possibly made to annoy or irritate the alleged perpetrator then the matter will be considered to be gross misconduct and will be dealt with under the Disciplinary Procedure.

10. Confidentiality

- 10.1 Claims of harassment and/or bullying will always be treated seriously and dealt with in confidence. Confidentiality is very important to provide all parties concerned with a degree of security and to ensure that all procedural aspects are dealt with sympathetically, impartially and objectively. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.
- 10.2 However, in order that the University can resolve, revise and develop its procedures and practices, key information from cases may be used to assist in this process. This Policy has been devised to provide mechanisms that will help the University improve best practice based on the outcomes of cases whilst protecting any staff member or group of people involved.

- 10.3 It is therefore necessary to make it clear to anyone involved in any part of the process that 'confidentiality' relates to the details of the case and investigation. Appropriate steps will be taken so that only those who are required to know details of a case will have access to information, including both the complainant and the person against whom the allegations have been made. Anonymity cannot be guaranteed, especially where there may be a breach of the law or where a criminal proceeding may be initiated.
- 10.4 At Stage 2 of the Complaints Procedure, it will normally be made clear to all those involved, that their evidence or statement will form part of the report of the investigation and will be read by both sides and may go to a disciplinary hearing or employment tribunal, and could therefore become public.

11. Support for anyone involved in a complaint

- 11.1 The University recognises that all staff members 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. It is therefore considered essential that the management response to these situations is sympathetic and supportive.
- 11.2 The support available to all concerned is as follows: -
- In the case of complaints dealt with at Stage 2, anyone involved can contact an Confidential Contact or Human Resources for advice and assistance;
 - Integration into the workplace following a complaint will require sensitive handling to establish effective working relationships. This may involve professional mediation, a review of job roles etc.;
 - Redeployment may be considered as an option as a result of disciplinary proceedings. However, where as a result of disciplinary proceedings a complaint is upheld, it is advised that only the harasser should be redeployed as opposed to the complainant.

12. Monitoring and policy review

- 12.1 All records of reported incidents of harassment and/or bullying are confidential and as such will be maintained in the strictest confidence and in accordance with the requirements of the Data Protection Act 1998.
- 12.2 The University will periodically publicise the number of complaints that have been dealt with and at what stage a resolution has been reached.

- 12.3 This policy will be reviewed regularly by the Director of Human Resources, and appropriate Committee, taking account of experience gained from its operation or advice obtained from emerging good practice.

Document title	Dignity at Work Policy
Version	1
Person responsible	Jo Blunden
Author	Rachel Libby-Chiaa
Document date	July 2008
Last amended	June 2009
Effective from	September 2009
Review date	July 2011
Impact Assessment date	27 November 2009
History (where discussed / who circulated to / committees considered)	Board of Governors

Key roles

Confidential Contacts

There are a number of staff in the University and Human Resources staff who act as Confidential Contacts under the Dignity at Work Policy.

The role of the Confidential Contact is to be the first point of contact for any staff members who wish to resolve an issue of harassment or bullying.

At Stage 1 of the complaints procedure, the Confidential Contact has a key role to play in helping the person with the issue recognise and articulate their concerns and understand the options available to them in order to try to resolve the issue at this stage.

Senior Member of the Human Resources Department

A senior member of the Human Resources Department is defined as Director of Human Resources, Human Resources Manager, Deputy Human Resources Manager and Human Resources Advisor.

A senior member of the Human Resources Department will act as the Coordinator for those complaints dealt with at Stage 2 of the complaints procedure.

The senior member of the Human Resources Department will be totally independent and will have a number of responsibilities in order to ensure that the procedure is applied consistently in all cases. On receipt of the written complaint, the Human Resource representative will: -

- Check that the details contained in the written complaint are sufficient to initiate the investigation, and to request further detail if necessary;
- Liaise with the School/Service concerned in order to inform the Head of the complaint and make the necessary arrangements to conduct the investigation, including identification of the Investigator.
- Identify and meet with the person or persons investigating the complaint to provide the allegations which will be the basis of the investigation and confirm the procedure to follow.
- Liaise with the School/Service concerned in respect of suspension where necessary, or transfer of either or both party in order to allow the investigation to take place;
- Meet with the complainant and the person against whom the allegations have been made and their representatives.

- These will be separate meetings, the purpose of which will be to explain the procedure, inform all parties of who is conducting the investigation, discuss the possible range of outcomes from the investigation, give an indication of timescales and answer any questions as appropriate. The person against whom the allegations have been made will also be informed of who has made the complaint and the nature of the allegations.
- Confirm in writing the details discussed at this meeting;
- Provide a point of contact for the Investigator during the course of the investigation where clarification is required;
- Monitor the progress of the investigation and keep both parties fully informed at regular intervals;
- Receive a first draft of the report of the investigation and request further investigation or amendments as appropriate;
- Meet separately with the complainant and the person against whom the allegations have been made and their representatives to inform them of the outcome of the investigation, and confirm any rights of appeal. Written confirmation should then be provided.

Investigator

There will either be 2 internal staff (one of whom will be a member of Human Resources) or 1 external Investigator to investigate complaints under Stage 2 of the complaints procedure.

The Investigator(s) will normally be independent in that they will have no prior knowledge of the case. Consideration will also be given to gender and racial mix where necessary.

The role of the Investigator will be to conduct a fair and thorough investigation in accordance with the Dignity at Work Policy.

The Investigator must take all reasonable steps to gather all of the relevant facts surrounding the allegations by interviewing those involved, any witnesses and by gathering any other evidence.

The Investigator(s) will also produce a report of the investigation which will contain a summary of the issues.

The Investigator may be required to present the findings at a disciplinary meeting or subsequent Employment Tribunal.