

9. Grievance

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The aim of the Code of Practice

The aim is to:

- 1 provide a clear and effective process which will enable staff to raise a grievance or problem about work, including any incidents of harassment or bullying;
- 2 enable the College to address grievances in a way that is timely, reasonable, fair and lawful;
- 3 enable senior managers to review decisions to ensure that the organisation deals fairly with staff;
- 4 set out in practical terms, the processes required for the College to implement its Statutes and Ordinances covering grievance¹.

However, this Code of Practice cannot be used² to raise matters:

- 1 over which the College has no discretion or authority;
- 2 which do not affect:
 - the employee *as an individual*;³ or
 - the employee's *personal, private* dealings or relationships with other staff;
- 3 which have been taken under:
 - any of the College's other HR Codes of Practice;
 - another College procedure that encompasses the statutory rights of staff to raise a grievance⁴
- 4 for which the College has a separate and specific procedure, for example, complaints by or about students, academic misconduct such as plagiarism, "whistleblowing"³, etc..

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1. *Statute 21, paragraph 19 covers grievances. Ordinance C2(l) sets out the College's arrangements for dealing with grievance procedures. In any dispute about interpretation, the Statutes and Ordinances take priority over this Code of Practice.*
 2. *In any dispute about whether a matter is excluded, the parties can take advice from the Director of HR (or another person they nominate).*
 3. *The College has a separate "whistleblowing" procedure to enable confidential reporting of any serious concerns - even if these do not affect the employee personally.*
 4. *The Employment Act 2002 and Statute 21 set out minimum requirements for grievance procedures. In practice, these provide for an employee who lodges a grievance in writing to:*
 - *be invited to a meeting to discuss the matter;*
 - *be given the decision in writing;*
 - *have a right of appeal to an appropriate appeal panel.*

HR Code of Practice

Grievance

Key points



It is good practice and *usually more effective* to deal with issues:

- 1 as close to the point of origin as possible;
- 2 as informally as possible;

Normally, an employee will:

- 1 when raising the grievance, state:
 - the problem they are seeking to resolve;
 - the remedy they are seeking;
 - whether they want the matter to be handled using a “no blame” approach¹;
- 2 attempt to resolve problems at work or grievances informally with management (usually the line manager although if the complaint is about that person, it may be raised with the manager’s manager.)
- 3 raise the matter as a formal grievance only if informal steps have failed to resolve the issue. They may do this, for example, if they are dissatisfied with:
 - the steps taken to resolve the matter; or
 - the time taken to progress the matter; or
 - the outcome.

If an employee raises a formal grievance without exhausting informal processes, the head of department may decide, in consultation with HR, to refer the matter back so that an informal remedy can be sought.

Managers will:

- 1 tackle employee grievances promptly and within time scales;
- 2 distinguish between cases which can be handled using a “no blame” approach and those which cannot¹, taking into account the wishes of the employee;

1. *Sometimes, the employee may simply want a decision to be changed or the treatment they are complaining about to stop. Normally, the College will respect an employee’s request for a “no blame” approach, since seeking to apportion blame may raise the stakes and thus get in the way of finding a practical and effective remedy to a grievance. However, in some cases, the College may have an over-riding duty to take action under the disciplinary procedure or to involve audit, or other external agencies such as the police. Such cases are not appropriate for a “no blame” approach. If an employee originally raises a matter as “no blame” grievance but is over-ruled by the College, the employee being complained about will normally be informed of this.*



- 3 understand and apply the College's provisions to support relevant¹ employees, through:
 - trade union or other representation;
 - Occupational Health Service;
 - the Employee Assistance Programme;
 - the opportunity for mediation or counselling (where appropriate);
- 4 ensure that appropriate notes and records are kept and shared with the parties involved;

Confidentiality

Managers will:

- 1 keep the matter as confidential as possible, limiting those informed of the issue to those that need to know in order to handle and remedy the matter;
- 2 recognise the right to confidentiality of any person being complained about but:
 - support the employee making the complaint and keep them informed of any action to be taken as a result of an investigation;
 - support other affected staff and keep them informed as appropriate;

Special Cases

Grievances about action taken under another Code of Practice

Some staff may raise a grievance about the fact that a manager is disciplining them or managing their performance. In such cases, all the issues will normally be considered in a single meeting. In practice the issues raised in the grievance are likely to form part of the employee's defence and/or appeal.

Grievances raised by former employees

In such cases, the College will respond to the grievance using a simplified procedure. Normally, the matter will be dealt with by the employee's line manager with a right of appeal to the head of department.

1. This includes the employee making the complaint **AND** anyone being complained about.

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Grievance

Outline of procedure

The process is as follows.

Informal Complaint and Grievance Meeting

The employee will raise the matter with an appropriate line manager who will meet the employee and seek to resolve the issue.

Formal Complaint and Grievance Meeting

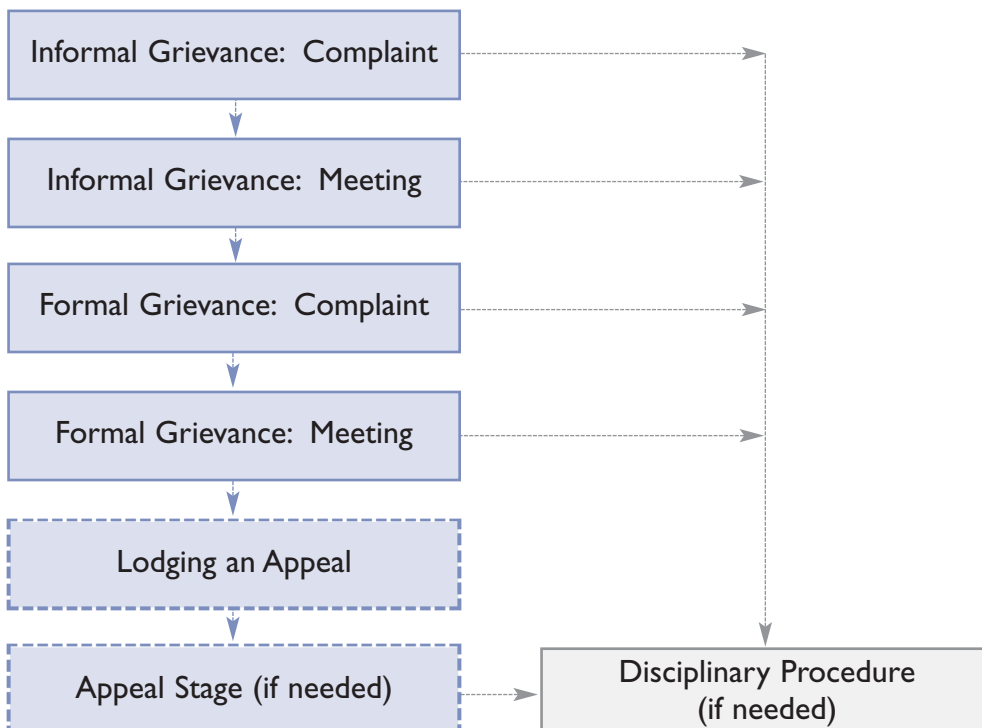
If the employee is not satisfied with the remedy offered at the informal stage, they may raise the matter as a formal grievance, provided they do so within timescales. Normally, the Head of Department will meet the employee and seek to resolve the issue.

Appeal

If the employee is not satisfied by the remedy offered at the formal stage, they have the right of appeal.

Discipline

Unless a no-blame approach is being followed, the College may take disciplinary action against those being complained about - if its rules or procedures have been breached.



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Timescales¹

Raising an informal grievance	Staff will normally raise matters promptly. The College reserves the right to exclude an incident or issue if: <ul style="list-style-type: none"> - the employee fails to raise it within three months of its coming to their attention; - the employee raises the matter but then, following management's response, allows it to lapse for a period of three months or more; - a former employee fails to raise the matter in the three months after their employment ends.
Making a formal written complaint	As above.
Dealing with a Grievance (both at informal and formal stages)	Managers and staff will co-operate to ensure that the initial meeting normally takes place within 20 working days; the employee is entitled to reasonable notice of the meeting, normally at least 5 working days.
Written decision/action plan with reasons	Normally within 5 working days of the completion of the initial meeting; and of any subsequent meetings at which a course of action in response to the grievance is decided.
Lodging an appeal	Within 10 working days of the written outcome of the meeting, or of any further written notification of action in response to the grievance.
Appeal Hearing	Managers and staff will co-operate to ensure that the appeal is arranged without unreasonable delay.
Final decision with reasons.	Normally within 5 working days of the written outcome of the meeting.

1. If any of the above timescales cannot be met, the appropriate manager or the Secretary to an appeal panel will keep the employee informed of the:

- 1 timetable for dealing with the matter,
- 2 the progress so far; and
- 3 the reason for any delay.

Managers may also defer investigating or hearing any matter raised by the employee under this Code of Practice that is the subject of, or related to action initiated by management under another Code of Practice.

HR Code of Practice

Grievance

Authority to make decisions



Line Manager ¹	Dealing with an informal grievance and agreeing any action plan to resolve the matter.
The head of department or institute (or another person they nominate)	Dealing with a formal grievance and agreeing any action plan to resolve the matter.
Principal (normally delegated to the Director of HR)	Initiating a formal hearing by a panel . Authority to defer hearing a grievance related to a matter already being considered under another Code of Practice.
Appeal Panel	Determining appeals against decisions and actions determined by a manager.

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1. The line manager will be an appropriate person to handle a grievance only if they have authority to remedy the matter being complained about. It may be that a very junior supervisor will not have such authority, in which case the issue should be handled by a line manager with sufficient authority. If a complaint is about an employee in another department, the grievance will normally be handled by the manager of the person being complained about, since they are likely to have authority to resolve the matter. In any dispute about who should deal with a grievance, the parties can take advice from the Director of HR (or a nominee).



Informal complaint (and statement of remedy sought)



<i>The employee is:</i>	<i>The manager will:</i>
<p>❖ responsible for:</p> <ol style="list-style-type: none"> 1 raising the matter with their manager¹ as an informal grievance 2 stating in writing or orally: <ul style="list-style-type: none"> - the remedy they are seeking; - whether they wish the matter to be dealt with using a “no blame” approach²; - their initial view about the best way to resolve the matter, for example, through mediation, arbitration, training, disciplinary action, etc.; 3 co-operating with arrangements to investigate, discuss or hear the complaint; 4 the timely provision to the manager of any supporting documents in the employee’s possession. 	<ol style="list-style-type: none"> 1 acknowledge receipt of the complaint; 2 if need be, consult the HR department; 3 take the matter seriously and arrange to deal with the matter promptly as an informal grievance; 4 arrange a meeting³ with the employee (normally to take place within 20 working days); 5 adopt an even-handed approach and apply the same rights and entitlements to the person making the complaint and any person being complained about.

1. If the complaint is about the manager, the employee can raise the matter with the manager’s manager. (See also footnote 1 on page 9:6.) In some cases which are particularly complex or difficult, it may be appropriate to deal with the matter from the start as a Formal Grievance. The Director of HR (or a nominee) will decide whether this is appropriate.

2. See footnote 1 on page 9:2

3. Unless the Director of HR agrees that the matter should be deferred until action under another HR Code of Practice is completed. Normally, however, grievances in response to, say, disciplinary action, will be dealt with at the same time as the disciplinary action. The form and purpose of grievance meeting are discussed in Appendix 1 on page 9:13 - 9:15.

HR Code of Practice

Grievance

Informal grievance meeting



The manager¹ will, in an informal setting:	The employee is entitled to:
<ol style="list-style-type: none"> 1 meet promptly with the employees concerned to explore the issues² (normally within 20 working days); 2 take stock and decide if: <ul style="list-style-type: none"> - they can deal with the matter informally; - the allegation warrants formal management action; - a no blame approach is appropriate; 3 ensure that any case requiring formal action is referred to a manager with authority to deal with it 4 where appropriate develop a plan of action with all the parties³ to resolve the matter (which will include reasonable time scales); 5 make notes for use later if the procedure moves to a formal stage; 6 if the grievance was lodged in writing, give their decision in writing and explain that the employee may raise a formal grievance if the remedy does not satisfy them. 	<ol style="list-style-type: none"> 1 state what remedy they are seeking and how they want the matter to be handled; 3 put their side of things⁴; 4 be accompanied by another person⁴; 5 be taken seriously⁴; 6 be told the purpose of any meeting they are called to⁴; 7 be told what action management intends (if any is appropriate) to remedy the matter⁴; 8 if they are not satisfied with the remedy offered, move the matter to the formal stage by putting the grievance in writing⁵ and giving it to management¹, normally within 10 days of the manager's decision.



1. If the complaint is about the manager, the employee can raise the matter with the manager's manager. See also footnote 1 on page 9:6.

2. Appendix 1 discusses ways to handle informal grievances.

3. An appropriate plan of action may include arbitration, mediation, or counselling for some or all of the staff involved. Where a "no blame" remedy is appropriate, the manager will not take disciplinary action against the person complained about. Appendix 1 also discusses other ways to handle grievances.

4. These entitlements also apply to an employee being complained about.

5. Appendix 3 gives a check list of the matters that it is helpful to include in a written grievance. A form is also available on the HR web-site.



Formal complaint (and statement of remedy sought)



<i>The employee is responsible for:</i>	<i>The head of department will:</i>
<ol style="list-style-type: none"> 1 setting out the matter in writing including: <ul style="list-style-type: none"> - the kind of action they expect management to take in order to remedy the grievance; - whether they wish the matter to be dealt with using a “no blame” approach; - how they believe the matter can best be resolved, for example, through mediation, arbitration, training, disciplinary action, etc.; - the reason why any remedy at the informal stage does not satisfy them; 2 co-operating with arrangements to meet to investigate, discuss or hear the complaint; 3 the timely provision of any supporting documents to the head of department. 	<ol style="list-style-type: none"> 1 acknowledge receipt of the complaint; 2 if need be, consult the HR department; 3 take the matter seriously and arrange to deal with the matter promptly¹; 4 arrange a meeting² with the employee and any representative they may wish to bring (normally to take place within 20 working days).

1. Unless the Director of HR agrees that the matter should be deferred until action under another HR Code of Practice is completed. Normally, however, grievances in response to, say, disciplinary action, will be dealt with at the same time as the disciplinary action.

2. Sometimes the head of department, in consultation with the HR department, will take the view that the informal processes have not been exhausted and may decide to refer the grievance back to the informal stage. Normally, though, a formal meeting will be necessary. The form and purpose of such a meeting is discussed in Appendix 2 on pages 9:13 to 9:15.

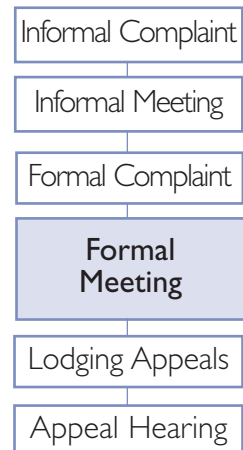
HR Code of Practice

Grievance

Formal grievance meeting¹



The head of department will:	The employee:
<ol style="list-style-type: none"> 1 notify the employee(s), in writing, of: <ul style="list-style-type: none"> - the time, date and place of the meeting; - the form of the meeting¹; - the names of any other people invited to the meeting and the role in which they are attending; - their right to be represented by another person; 2 conduct the meeting as set out in Appendix 2; 3 write to the employee(s) within 5 working days of the meeting, setting out: <ul style="list-style-type: none"> - what action (if any is appropriate) they intend to take to remedy the matter; - the reason(s) for that action; - the timescales for any further action² - their right to appeal if they are not satisfied by the remedy proposed (normally within 10 days of the manager's decision letter). ; 4 ensure that appropriate notes and records are kept. 	<ul style="list-style-type: none"> ❖ is entitled to: <ol style="list-style-type: none"> 1 even-handed treatment in accord with the rights set out in Appendix 1 (pages 9:13-9:15) ❖ is responsible for: <ol style="list-style-type: none"> 1 co-operating with arrangements to investigate or hear the complaint; 2 the timely provision of any supporting documents for any other parties to the grievance.

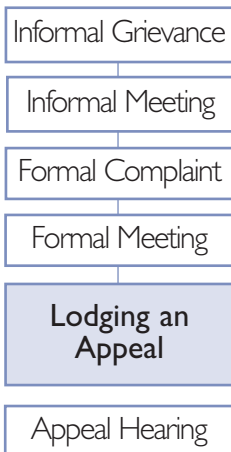


1. The employee(s) and their representatives will need to know in advance if the meeting is to take the form of a "hearing". The difference between a "hearing" and any other "meeting" is discussed in Appendix 2.

2. Similarly, the head of department will write again to cover the same issues within 5 working days of any subsequent meeting or hearing at which a significant element of the grievance is determined.



Lodging an appeal



<i>The employee:</i>	<i>The Director of HR will:</i>
<ul style="list-style-type: none"> ❖ is entitled to: <ul style="list-style-type: none"> 1 lodge an appeal against a decision made at the formal stage of the process. For example, the employee may lodge an appeal on one or more of the following grounds¹: <ul style="list-style-type: none"> 1 the procedure was applied incorrectly; 2 the findings at the first hearing were unfair; 3 the action taken was inappropriate in the circumstances of the case; ❖ is responsible for: <ul style="list-style-type: none"> 1 setting out the grounds of appeal in full and in writing; 2 lodging the appeal with the Director of Human Resources within 10 working days of the date they receive the written decision and the reasons for it. 	<ul style="list-style-type: none"> 1 reject any appeal that is out of time; 2 appoint an appropriate panel (and a Secretary to it) to hear the case without unreasonable delay.

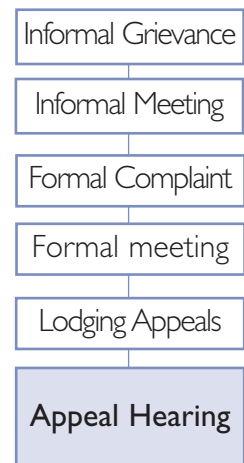
1. The employee may support their grounds of appeal with any new evidence that comes to light after the original hearing.

HR Code of Practice: Grievance

Appeal hearing



The panel hearing the case will:	The employee³ is entitled to:
<ol style="list-style-type: none"> 1 conduct the meeting to establish the relevant facts, ensuring good order and natural justice; 2 decide any disputes about procedure; 3 allow all the parties to: <ul style="list-style-type: none"> - put their side of the matter; - hear the case put by the other side; - ask questions, bring evidence and call witnesses; 4 consider any valid grounds of appeal¹; 5 reject any ground of appeal that is not valid and explain the reason for the rejection; 6 explore any options which may permit the issue to be resolved 7 decide if they should declare the case frivolous, vexatious or invalid; 8 if they uphold the complaint, determine a fair and proportionate course of action for redressing the matter taking into account interests of the College, and the employee(s); 9 notify the employee(s) of their decision and the reasons for it, in writing², within 5 working days. 	<ol style="list-style-type: none"> 1 reasonable written notice (normally at least 5 working days, but less by mutual agreement) of the date of the meeting; 2 the opportunity to be represented by another person; 3 postpone the meeting to another reasonable time within 5 working days of the original date - if their representative will not be available at the time proposed; 4 hear what the other employee has to say, put their own side of the matter and contribute to any action plan that may resolve the matter; 5 be given the decision in writing.



1. Examples of valid grounds of appeal are set out on page 9:11.
 2. For academic and academic-related staff, the secretary to the panel will also arrange for the appeal panel decision to be reported to Council.
 3. These entitlements apply equally to the employee making the complaint and any employee being complained about.

HR Code of Practice: Grievance

Appendix 1: Conducting Informal Grievances



Handling an informal grievance

Advantages of the informal stage

At the informal stage managers and staff have the most freedom to remedy the grievance without following a prescribed format:

- ❖ there is no requirement to give minimum periods of notice for meetings so managers can meet quickly with staff (slow processes may lead to resentment);
- ❖ often there is no requirement for prior investigation - the issues can be explored directly with the parties in the meetings;
- ❖ often staff are willing to deal with a matter personally, without involving other parties (although they still have the right to be accompanied);
- ❖ the matter can be handled locally, before positions become entrenched or adversarial;
- ❖ grievances about the way the grievance has been handled have not had the opportunity to accumulate. As a result, all the parties can focus on the outcome or resolution to the grievance rather than argue about the process.

Minimum standards at the informal stage

However, even at the informal stage, there must be at least one meeting with the employee. This must take place promptly and within the 20 working day time-scale. The meeting should:

- ❖ explore the issues: and
- ❖ consider the merits of the grievance; and
- ❖ if appropriate, consider ways to resolve it.

If the grievance is about another person, normally the manager will also meet with them, either separately or in the presence of the person who has made the complaint. In many cases the manager will:

- ❖ meet with the parties separately
- ❖ attempt to find a resolution acceptable to both
- ❖ meet with parties together to finalise the arrangement.

HR Code of Practice: Grievance

Appendix 1: Conducting Informal Grievances

Where working relationships have been damaged, and no simple remedy is available, the manager may consider the value of arranging another process to resolve the matter. This may include arbitration, mediation, counselling or some other support for some or all of the parties.



If the employee has put their grievance in writing the manager will:

- ❖ set out their decision in writing; and
- ❖ state that if the employee is not satisfied with the remedy they may raise the matter as a formal grievance.

HR Code of Practice: Grievance

Appendix 2: Conducting Formal Grievances



Handling formal grievances

Minimum standards at the formal stage

As a minimum, the manager will:

- 1 meet promptly (normally within the 20 day time-limit) to explore the issues with the employee concerned;
- 2 take stock and decide whether they can deal with the matter using a “no blame” approach¹ (if this is what the employee has requested);
- 3 consider the merits of the grievance and where appropriate, develop a plan of action to resolve the matter (which will include reasonable time scales);
- 4 make notes of the meeting;
- 5 write to the employee (and any other appropriate people) setting out:
 - their decision (which may be to investigate the matter further)
 - the reasons for it
 - any action plan, with timescales;

The action plan may include further:

- 1 meetings; or
- 2 investigations; or
- 3 hearings; or
- 4 a series or combination of the above.
- 5 other appropriate options such as mediation, arbitration, counselling or support.

The difference between *meetings*, *investigations* and *hearings* is discussed on page 9:16. *Action planning* is discussed on page 9:18.

1. *Sometimes, the employee may simply want the treatment of which they are complaining to stop. Normally the College will respect an employee’s wish to deal with a matter using a “no blame” approach, since seeking to apportion blame may raise the stakes and thus get in the way of finding a practical and effective remedy to a grievance. However, in some cases, the College may have an over-riding duty to take action under the disciplinary procedure or to involve audit, or other external agencies such as the police. Such cases are not appropriate for a “no blame” approach. If an employee originally raises a matter as “no blame” grievance but is over-ruled by the College, the employee being complained about will normally be informed of this.*

HR Code of Practice: Grievance

Appendix 2: Conducting Formal Grievances

Employee entitlements during the formal stage



At the formal stage, all the parties are entitled to:

- 1 reasonable written notice (normally at least 5 working days, but less by mutual agreement) of the date of the meeting/hearing;
- 2 be told the purpose of the meeting
- 3 the opportunity to be represented by another person;
- 4 postpone the meeting to another reasonable time within 5 working days of the original date - if their representative will not be available at the time proposed;
- 5 be aware of what the other employee has to say, put their own side of the matter and contribute to any action plan that may resolve the matter;
- 6 access to documents produced by the other parties to the grievance.

Meetings, investigations and hearings

Meetings:

Any *meeting* should:

- 1 explore the issues; and
- 2 consider the merits of the grievance; and
- 3 if appropriate, consider ways to resolve it.

If the grievance is about another person, normally the manager will also meet with them, either separately or in the presence of the person who has made the complaint. In many cases the manager will opt to:

- 1 meet with the parties separately;
- 2 attempt to find a resolution acceptable to both;
- 3 meet with parties together to finalise the arrangement.

Investigations:

An investigation may be a useful way of establishing some or all of the facts outside the confines of a grievance meeting or hearing. Clearly, most grievance meetings will include an element of investigation since some time will be spent establishing the facts. However, a separate investigation may be useful if the case is complex or the facts disputed. At an investigation, the employee has the right to be accompanied but can be required to answer questions directly. The document "Key Concepts" on Grievance includes more information on how a formal, grievance investigation might be carried out.

HR Code of Practice: Grievance

Appendix 2: Conducting Formal Grievances



Hearings

A *hearing* is a form of meeting in which all the parties to the grievance will:

- 1 be present (or be represented) (or both)
- 2 have the opportunity to put their side of the matter;
- 3 have the opportunity to hear the case put by any other parties;
- 4 have the opportunity to ask questions; bring evidence and see that of other parties to the grievance.

For some complaints, holding a full hearing is required because:

- 1 the person making the complaint and the people being complained about should have the right to hear and respond to what is being said about them;
- 2 the manager believes that there is some value in testing the evidence of the people involved by allowing the cross-examination which happens in a hearing..

Doing what is possible within the time-scale

It may be that, within the 20 working day time-scale, the manager can:

- 1 investigate the case and arrange and hold a meeting or hearing with a view to giving a complete decision; or
- 2 without prior investigation, arrange a meeting to explore the issues and make a complete decision; or
- 3 without prior investigation, arrange and hold a hearing with all the parties (and their representatives) with a view to giving a complete decision; or
- 4 arrange an initial meeting with the employee to explore the issues with a view to planning further action (which must take place within reasonable time-scales). The further action may include, for example:
 - further meetings
 - a hearing
 - an investigation
 - a combination of the above
 - some other way to resolve the complaint such as mediation or arbitration or counselling.

HR Code of Practice: Grievance

Appendix 2: Conducting Formal Grievances

Action planning

If it is not possible to come to a decision or remedy the grievance at the first meeting, an action plan will be required.

This is likely to include further investigation, or meetings or hearings. But as well as planning the process, if the manager decides that the grievance has some merit, they may also need to plan a course of action that will resolve it. Normally such a plan will be jointly developed and, where possible, agreed by those affected by it.

In some cases, it may be appropriate to arrange mediation, support or counselling for any of the parties, if need be from an external or independent source.

Any action plan must have clear timescales. The manager will be responsible for ensuring that the action plan is implemented in a timely way.

Disciplinary action

In serious cases it may be that an investigation shows that it is appropriate to take formal disciplinary action against an employee whose conduct is in breach of College standards. In some cases it may even be appropriate to involve the police, audit or other external assistance. There is no need to delay the start of disciplinary action until the grievance is complete, especially if it becomes clear that:

- ❖ there is a very serious allegation of misconduct to answer; or
- ❖ there is substantial evidence of a breach of the College's rules.



HR Code of Practice: Grievance

Appendix 3: Check list for raising a grievance



Grievance complaints - check list of matters to cover

Staff who raise grievances at both the informal and formal stages often benefit from setting them out in writing¹.

If you set your grievance out in writing, please be sure to include the following matters:

- 1 your full name;
- 2 your job title;
- 3 your department and section;
- 4 your contact details, including your current home address and e-mail address;
- 5 a statement of the remedy you are seeking;
- 6 a summary of the reason why you feel you have been treated unfairly or wrongly (for example, your grievance might arise from the conduct of one or more people, a management decision, the operation of a College procedure or some other substantial reason);
- 7 the name, job title and department of any other people involved in your complaint;
- 8 a chronological description of any incidents including dates;
- 9 an explanation (if one is needed) of the why the incidents are a cause for complaint;
- 10 any steps you have already taken to resolve your grievance;
- 11 your preferred approach to resolving the grievance. For example you might prefer to have the matter dealt with:
 - informally; or
 - in a no-blame setting; or
 - through mediation or arbitration or some other process.

1. Some staff may prefer to use a form. If so, one is available from the HR web-site.

Dignity at Work Statement



Our commitment

The College values diversity and is committed to creating a positive working environment free of harassment and bullying, where all people are treated with dignity and respect. The College will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be promptly and thoroughly investigated and, if appropriate, disciplinary action will be taken.

Harassment or bullying can have very serious consequences for individuals and the College. Harassment or bullying may make people unhappy; cause them stress; affect their health and family and social relationships; may affect their attendance and work performance and could cause them to leave their job.

Effects on the College can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the College's reputation.

Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may constitute a criminal offence. The College will not tolerate victimisation of a person for making good faith allegations of bullying or harassment or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

HR Code of Practice: Grievance

Appendix 4: Dignity at Work Statement



The scope of this statement

This policy statement covers bullying and harassment of or by employees of the College. It will also apply to complaints about employees made by agency staff, contractors and workers working within, but not directly employed by the College. Students wishing to make a complaint about a member of College staff should use the Students Complaints Procedure.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, eg business trips and work-related social events.

Definitions

Harassment is unwanted conduct which has the purpose or effect of

- 1 violating the dignity of a person; or
- 2 creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Note that:

- ❖ a single act can constitute harassment
- ❖ harassment is defined by its impact on the complainant and not simply by the intention of the harasser
- ❖ when considering whether an act constitutes harassment, the test applied will be whether a reasonable person in possession of all the facts would consider the act complained about to constitute harassment. This measure is to protect individuals against frivolous or vexatious complaints from the over-sensitive.

HR Code of Practice: Grievance

Appendix 4: Dignity at Work Statement

Harassment can occur on a variety of grounds which may include, but are not limited to:

- ❖ race, ethnic origin, nationality or skin colour
- ❖ gender or sexual orientation (or perceptions of either)
- ❖ religion or belief
- ❖ membership (or non-membership) of a trade union
- ❖ disability
- ❖ age
- ❖ status as an ex-offender
- ❖ AIDS or HIV status
- ❖ health, physical characteristics or personal beliefs.



It may include:

- ❖ remarks or innuendoes which ridicule, embarrass or insult
- ❖ jokes of a derogatory nature
- ❖ displaying offensive or negative material, such as graffiti, posters or web-sites
- ❖ threatening, abusive, obscene or racist language or gesture
- ❖ violence, threats or intimidation
- ❖ provocative suggestions or sexual advances
- ❖ actions that cause discomfort or embarrass
- ❖ isolation and exclusion from work or work related activities.

Detailed examples of actions or behaviours which may constitute harassment are set out below. These examples are not intended to be exhaustive but to illustrate the types of behaviours which many will find unacceptable.

Examples of sexual harassment

- ❖ **physical conduct:** unwanted physical contact ranging from unnecessary touching, pinching and brushing against another's body to sexual assault and rape
- ❖ **verbal conduct:** unwelcome sexual advances, propositions or pressure for sexual activity; suggestive remarks, innuendoes or lewd comments
- ❖ **non-verbal conduct:** the display of pornographic or sexually suggestive pictures, objects, leering, whistling, etc.

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Examples of racial harassment

- ❖ racially derogatory remarks or jokes, banter, ridicule or taunts
- ❖ graffiti or slogans
- ❖ using a disparaging or offensive tone when communicating with people from certain racial groups
- ❖ avoiding people because of their racial group
- ❖ having unrealistic expectations of performance or imposing excessive workloads on people, based on their racial group

Examples of harassment on the grounds of disability

- ❖ jokes about disability or disabled people
- ❖ mimicking the effect of a disability or speech impairment
- ❖ deliberate or malicious exclusion from conversations or social activity
- ❖ use of inappropriate terms (e.g. cripple, spastic)
- ❖ Excluding individuals with disabilities from professional and social events.

Examples of harassment on the grounds of age

- ❖ use of ageist stereotypes
- ❖ making assumptions about abilities or fitness on grounds of age
- ❖ teasing on grounds of age e.g. "jokey" birthday cards
- ❖ basing selection for training or development on the grounds of age e.g. excluding those approaching retirement
- ❖ correlating career progression with age - e.g the assumption that someone should have reached a certain career point by age 40.

Examples of other common forms of harassment

- ❖ repeated jokes or comments in respect of physical characteristics or personal beliefs
- ❖ practical jokes, invasions of privacy

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Bullying



Bullying is offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power which is meant to undermine, humiliate or injure the other party. Unlike harassment it is not based on membership of any legally protected minority group.

Examples of bullying behaviour include:

- ❖ spreading malicious rumours, or insulting someone
- ❖ sending e-mails or hard copy documents that are critical of someone to others who do not need to know
- ❖ ridiculing or demeaning someone – picking on them or setting them up to fail
- ❖ exclusion or victimisation
- ❖ unfair treatment
- ❖ overbearing supervision or other misuse of power or position
- ❖ making threats or comments about job security without foundation
- ❖ deliberately undermining a competent worker by overloading and constant criticism
- ❖ preventing individuals progressing by intentionally blocking promotion or training opportunities.

Firm management (the use of reasonable measures to improve the quality of work) is not bullying. Examples of reasonable management practices include:

- ❖ setting realistic work objectives, targets and deadlines, monitoring output and supporting staff to enable them to develop
- ❖ setting reasonable standards for work and conduct and monitoring for compliance.

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Victimisation

Victimisation occurs when a person is put at a disadvantage or suffers reprisal for making, in good faith, a complaint of bullying or harassment (or for supporting someone else who has).

Finding Help

Guidance on how to raise concerns about the infringement of your dignity at work is available within the HR Codes of Practice on Grievance and Grievance Key Concepts documents. These are available on the HR web site under "Tackling problems at work".

Making the Policy Work

The policy will be communicated to all staff via internal publications, intranet site and training. It will be issued to all new staff as part of the recruitment process.

The HR Department regularly reviews all formal cases to ensure procedures have been followed and relevant procedures are followed, any learning points noted and incorporated.

Success will be monitored - positive action will be taken in Departments which have high levels of complaints about bullying or harassment.

