



Dignity At Work
Policy & Procedures

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1. Policy Statement

Community First is committed to encouraging diversity and equality amongst our workforce. Our aim is that each employee feels respected and able to give of their best. To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on the grounds of any protected characteristic as defined in the Equality Act 2010.

Community First actively practices equal opportunity and anti-discriminatory procedures. It aims to achieve these through:

- providing a secure environment for all to enjoy and be accepted, by valuing and respecting whatever participation they make;
- including and valuing the contributions of all in our understanding of equality and diversity;
- providing positive non-stereo typing information about gender roles, diverse make up of families, ethnic and cultural groups and people with disabilities;
- improving our knowledge and understanding of issues of anti-discriminatory practice, promoting equality and valuing diversity;
- making inclusion and equality a thread that runs through all of our services that are offered on a day to day basis;
- remaining up to date and informed about changing practice and legislation to ensure we are able to respond to need or changing good practice.

This policy is fully compliant with the guidance provided by Acas on equality, diversity, discipline and grievance at work.

For further information on the Equality Act 2010 please follow the link below:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/what-is-the-equality-act/>

2. Objectives And Scope

Community First is committed to creating an environment of positive working relationships. To preserve and protect such an environment, Community First has policies and procedures that set out standards of conduct that must be observed and enables staff to raise concerns, to be provided with a response and for those concerns to be addressed in an appropriate forum and to obtain an appropriate remedy. Community First believes that every employee has the right to be treated with dignity and respect in the workplace and is committed to providing a supportive working environment to foster such a culture. By addressing unacceptable behaviour and promoting positive behaviour this policy and procedure fully underpins our vision, values and beliefs. All employees have the right to be treated with dignity and respect and the right to seek redress about language or behaviour that they feel contravenes this policy and does not respect their dignity at work or the dignity of fellow workers.

For further explanation of the terms used in this policy please refer to the glossary in Appendix 1 attached to this policy.

3. The Legal Framework

Under the Equality Act 2010 it is unlawful to discriminate directly or indirectly against someone. This Act which came into force on 1 October 2010, sets out the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Harassment now includes treatment which creates an offensive environment for an employee even though it is not directed at them. Employers' liability for third party harassment is also expressly extended beyond sexual harassment to other protected characteristics. It is clear that harassment now applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

Under the Equality Act 2010:

- employees can complain of behaviour that they find offensive even if it is not directed at them;
- complainants need not possess the relevant protected characteristic themselves;
- employees are protected from harassment because of perception and association;
- third party harassment (which already applied to sex) applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

Community First therefore has an obligation to treat issues that contravene this Policy seriously and will enable and support employees to resolve issues either informally or formally through the Procedure.

Independent of the provisions of the Equality Act 2010 employees have the right to be treated with dignity and respect. Bullying is harmful; it causes distress and can lead to accidents, illness, and poor performance. Bullying is defined as any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual involved. No form of bullying will be condoned at work or outside work if it has a bearing on the working relationship. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

All staff in Community First have a responsibility to comply with this Policy

4. Inappropriate Language or Behaviour

Community First acknowledges that language or behaviour which creates a threatening or intimidating work environment has a serious negative impact on individuals and the services it provides. Therefore, Community First will not tolerate language or behaviour which contravenes the Dignity at Work Policy and may treat such incidents as disciplinary offences where this impacts on workers and the working environment.

Language or behaviour which could contravene this Policy takes many forms and could occur on a variety of grounds and may be directed at an individual or group of individuals. Language or behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Inappropriate language and behaviour can arise from a single or a combination of factors and includes using language or behaviour that is intended to result in physical, mental or psychological hurt.

Direct inappropriate behaviour is aimed at a particular individual whereas indirect could be an overheard comment or discussion. However, it is not only the acts or the words that need to be considered, but how the person on the receiving end perceives the behaviour. If it is behaviour that is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed.

Inappropriate behaviour can range from violence to less obvious forms such as ignoring someone. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant.

Community First aims to ensure that there will be a fair and systematic approach to the implementation of standards of conduct affecting all grades of employee within the organisation. To this end the Discipline and Dismissal Procedure at Appendix 3 will apply.

5. Considerations Before Making a Complaint

Where an employee raises a complaint in good faith or they assist in an investigation, any action of intimidation, victimisation, retaliation or discrimination will not be tolerated. This also covers witnesses and the person against whom the complaint is being made and applies whether the complaint is upheld or not.

If the allegations are sustained in whole or in part, any subsequent action will not be detrimental to the person making the complaint or the report unless the investigation or hearing identifies matters which need to be investigated separately. If so the appropriate procedures will be followed.

Malicious complaints will not be tolerated and will be pursued in order to determine whether action could be taken for a disciplinary offence.

Staff may choose to take advice from a trade union representative.

Confidential counselling may be made available through Community First.

In appropriate circumstances, and with the agreement of both parties, Community First can make a referral to formal mediation in an attempt to establish more positive working relationships.

6. Raising the Matter

An employee who believes the conduct of another employee is in breach of the Policy may choose to:

- deal with the matter themselves informally;
- involve a third party (e.g. a colleague) to assist in dealing with the matter informally;
- if necessary consider mediation;
- pursue the matter formally.

Every attempt must be made to resolve complaints at the earliest possible stage. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

7. Informal procedure

Informal action can be taken in the following ways;

- by approaching and explaining to the person considered to have used the inappropriate behaviour or language why it is unacceptable and requesting them to stop and referring them to this policy;
- if the complainant feels unable to approach the person they can put in writing to them the points that need to be covered;
- the complainant may ask someone else to approach the person on their behalf or to accompany them;
- records of any approaches made and any letters sent should be kept by the complainant.

In the interests of an informal resolution being reached it is not expected that the individual who has been complained about would be accompanied or represented at any meetings held under the informal stage.

8. Formal Procedure

Community First recognises that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect, the organisation's policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

Where a grievance cannot be dealt with informally, the Complaints and Grievance Procedure at Appendix 2 should be adopted where an employee has a grievance

arising from their employment.

Any member of staff may also use the grievance procedure at Appendix 2 to complain about discriminatory conduct. If the matter relates to sexual or racial harassment or harassment on the basis of disability then the grievance may be raised directly with the Chief Executive. No individual will be penalised for raising such a grievance, unless it is untrue and made in bad faith in which case the Discipline and Dismissal Procedure at Appendix 3 may be used.

9. Responsibilities of Managers

Managers are expected to promote positive working relationships and standards and eradicate inappropriate behaviour or language by:

- setting appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner;
- fostering a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships;
- ensuring all employees under their control maintain a high standard of conduct with all colleagues and are advised of what is and is not deemed to be acceptable behaviour at work;
- using their judgement to identify and correct standards of inappropriate language and behaviour with staff and to remind them of Community First's policy;
- taking complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally;
- investigating complaints about inappropriate behaviour or language and making staff aware that where necessary appropriate action will be taken which could include using the disciplinary procedure;
- making staff aware of the actions they can take, the support available if they feel victimised, and the opportunity to discuss matters with management and, where agreed, for trained mediators to be used;
- providing supervision relating to equality and diversity;
- identifying relevant training and development for all employees as and where necessary;
- dealing with unacceptable levels of discriminatory behaviours displayed by staff members and individuals.

10. Responsibilities of Individuals

All employees are expected to treat colleagues, volunteers and clients with dignity and respect by:

- dealing with them in a fair and reasonable way and with consideration and politeness;
- engaging positively in measures designed to support your performance such as induction, appraisal and professional development;

- participating in procedures where managers are addressing matters of performance, attendance and conduct;
- not aiding or colluding in any contravention of this policy and to report any such instances;
- ensuring your colleagues are aware if their conduct or behaviour is a cause of concern;
- providing support to someone who is subject to such conduct or behaviour;
- setting a good example by always displaying and retaining a non judgemental and empathic attitude towards all other employees, volunteers and all bodies that Community First work with and therefore demonstrating professionalism surrounding equality and diversity;
- seeking supervision where you feel challenged, concerned or have a query relating to equality and diversity;
- reporting any incidents of discriminatory behaviours displayed by other employees, volunteers or bodies that Community First work with directly to the Manager.

Please note that discriminatory behaviour displayed by staff can result in immediate dismissal and termination of employment with the organisation.

11. Responsibilities of Others

Trustees are expected to:

- ensure that the policy is reviewed and ratified on a regular basis;
- support Managers as and where necessary in the implementation of the policy;
- work with the Chief Executive in the event where illegal or extreme levels of discriminatory behaviours by individuals or employees have been displayed/reported.

Chief Executive is expected to:

- ensure that Senior Management Team members and line managers in all departments have access to appropriate training;
- ensure that robust monitoring and evaluation systems are in place as a method of measuring how well this policy and its procedures are being implemented and maintained;
- ensure that the Board of Trustees is informed on best practice and changing practice and policy around equalities.

12. Promoting Equality and Diversity

Accessibility to Services – Community First will:

- ensure its services are open to the whole community to which they are aimed;
- advertise its services as widely as possible;
- ensure marketing and publicity material reflects equality and diversity;
- provide information clearly and concisely, and where necessary find material translating information in a specific language;

- make sure that partners are made aware of this policy by allowing them access to it where necessary;
- gather information as appropriate on the needs of individuals attending services so that it can plan ahead to ensure that specific needs are met as well as humanly possible;
- regularly monitor and evaluate accessibility relating to equality and diversity in accordance with relevant policies. This is to ensure that the organisation continues to develop and deliver services that are accessible to all and meeting the needs to the individual and their community as much as possible depending on available resources.

Employment – Community First will:

- ensure that posts are advertised and all applicants are judged against specific, explicit and fair criteria relevant to the job description and person specification, in accordance with the Recruitment and other related policies and procedures;
- ensure that all job application packs include its Dignity at Work policy;
- regularly monitor and review all policies relating to the employment of new staff so that they are fair and accessible.

Training and Promotion – Community First will:

- seek out training opportunities for all staff and volunteers to enable them to develop anti-discriminatory and inclusive practices, which enables access to its services;
- review and reflect on its practices to ensure that it is fully implementing its policy for equality, diversity and inclusion;
- promote policies and practices that will at all times reflect the need to be fair and objective.

Attitude – Community First will:

- welcome the diversity of lifestyles and work to support its employees where possible with a healthy work/life balance;
- encourage all staff to take part in the development of the organisation and the service by consulting with them and finding out about their support and service needs;
- adopt an emphatic and non judgemental culture within both the ‘workplace’ and with the communities it supports and works alongside.

Meetings, Consultation and Governance – Community First will:

- welcome contributions from all communities to take part in the development and shaping of services;
- ensure that information is communicated in a variety of ways – written, verbal and where necessary provide a translation of materials.
- work with community groups and organisations to ensure that their cultural and other specific needs (eg dietary) are met as and where necessary.

13. Monitoring

All employees and job applicants will be asked to complete a form denoting their sex, race, ethnic origin and disabilities. Community First guarantees that this form will be used solely for the purpose of monitoring the effectiveness of its Dignity at Work policy and procedure.

This policy will be monitored on a regular basis. Where there are issues with the way the policy is working, these will be looked at closely and reviewed.

14. Positive Action

The composition of the workforce and of job applicants will be monitored on a regular basis. Should inequalities become apparent, action will be taken to redress the imbalance, including such measures as:

- advertising jobs in ethnic or male/female interest publications, as appropriate;
- introducing assertiveness training;
- encouraging under-represented groups to apply for suitable training posts;
- making contact with disabled people via the local Job Centre or specialist organisations.

Glossary of Terms

Disability	A disabled person is described in the Equality Act 2010 as one who has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities,
Diversity	Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create productive and effective workforce.
Ethnicity	A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics – a shared history which distinguishes it from other groups and a cultural tradition of its own. Sikhs and Gypsies are examples. However, it has come to have a broader meaning and the expression 'ethnic monitoring' is used in reference to groups defined by colour, race or national origin as well.
Gender	The word 'gender' is often used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for 'gender re-assignment' – see below) but 'sex discrimination' and 'gender discrimination' are generally interchangeable.
Gender Reassignment	<p>Gender reassignment is a personal, social, and sometimes medical, process by which a person's gender presentation (the way they appear to others) is changed.</p> <p>Not all transsexual people undergo medical supervision to change their gender. People who decide to live in the gender opposite to that assigned at birth, but do not undergo any medical procedures, are protected from discrimination under the Equality Act 2010.</p>
Occupational Requirements	<p>In very limited circumstances, it will be lawful for employers to specify that job applicants must have, or must not have a particular protected characteristic under the Equality Act 2010. This is known as an 'occupational requirement'. The requirement must be:</p> <ul style="list-style-type: none"> • Crucial to the post, and not just one of several important factors • Relating to the nature of job in question, rather than the nature of the employing organisation • A proportionate mean of achieving a legitimate aim
Harassment	Behaviour which is unwelcome or unacceptable and which results in the creation of a stressful or intimidating environment for the victim amounts to harassment. It can consist of verbal abuse, racist jokes, insensitive comments, leering, physical discomfort, unwanted sexual advance, ridicule or isolation.
Liability	Employers have legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonably practicable steps to prevent it.

Quotas	It is unlawful to select a person for a job on the basis of their gender or race in order to achieve a fixed quota of employees of that gender or race.
Protected characteristics	A protected characteristic is a group which is protected from discrimination under equality legislation. The Equality Act 2010 covers nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
Reasonable Adjustments	Reasonable adjustments are those measures put in place to remove barriers that prevent a disabled person from integrating fully in the workplace, and prevent disadvantage to disabled employees.
Sexual orientation	Whether a person is attached to people of their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexual orientation are also covered by law.
Transsexual	Transsexual is an adjective used to describe people who have such a powerful sense of discomfort with the gender of their body and subsequent social role - a condition called gender dysphoria – that they undertake a personal, social, and sometimes medical, transition to live in the gender identity of their personal conviction.
Victimisation	If a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so, or it is suspected that they intend to do so.

Complaints and Grievance Procedure

Procedure

1. Where an employee has a grievance arising from employment he or she should initially raise the matter in writing with his or her immediate line manager.
2. The line manager should invite the employee to attend a formal hearing to discuss the grievance. The employee has a statutory right to be accompanied at the hearing by a work colleague of his or her choice or a trade union official. A trade union official means a full time official or a lay official certified by the union as having experience of, or having been trained in, acting as a companion at a grievance hearing.
3. After due consideration, the manager will give a decision in writing, if possible within five days of the grievance hearing, and offer the right of appeal.
4. If the matter is not resolved, the employee may raise the matter with a more senior manager, who will obtain the line manager's record of grievance, record any additional information and hear the grievance within five working days. The employee again has the statutory right to be accompanied by a work colleague of his or her choice or a trade union official at the meeting. A decision will be given in writing, if possible, within five working days of the date of referral.
5. Grievances concerning an employee's line manager should be referred to a more senior manager (or to the HR department).

Appeals

6. The employee may appeal in writing to the Chief Executive against any grievance decision within five working days of receipt of the letter confirming the decision taken. The employee must state the specific grounds for the appeal.
7. An appeal hearing will be held. The appeal will normally be heard by a manager senior to the disciplining manager, who was not previously involved in the disciplinary procedure. In circumstances where this is not possible, alternative arrangements will be agreed with the employee and his or her companion.
8. The employee will have the right to be accompanied at the appeal hearing by a work colleague of his/her choice or a trade union official. A trade union official means a full-time official or a lay official certified by the union as having experience of, or having been trained in, acting as a companion at disciplinary hearings. It should be noted that neither spouse/partner nor solicitor are suitable companions.
9. Following the hearing, the appeal decision will be confirmed in writing.
10. The decision at the end of the appeal is final though without prejudice to the parties' statutory rights and obligations.

11. The decision may include:

- the original decision is upheld
- the original decision is withdrawn
- disciplinary action

Disciplinary and Dismissal Procedure

Please note this procedure does not form part of the employees contract of employment, but sets out the process the organisation will normally follow unless there is a valid reason for doing otherwise.

Procedure

1. Informal Discussion

- 1.1 Minor breaches of discipline, misconduct, poor time-keeping, etc may result in an informal discussion with the employees immediate line manager.
- 1.2 Although an informal warning will not form part of the formal disciplinary procedure, it will be recorded.
- 1.3 It is expected that in most cases an informal discussion will resolve most difficulties. Where an employee commits a more serious act of misconduct or fails to improve and maintain that improvement with regard to conduct, behaviour or job performance, the formal steps detailed below may be taken.

2. Formal Warnings

- 2.1 A disciplinary hearing conducted by the Line Manager or nominated senior officer will be held. In good time before the hearing the employee will be advised in writing of the reason(s) for thinking that the employee is guilty of misconduct or unsatisfactory job performance, provided with any evidence such as copies of witness statements and informed of the right to be accompanied at the hearing by a work colleague of his or her choice, or a trade union official. A trade union official means a full time official or a lay official certified by the union as having experience of, or having been trained in, acting as a companion at disciplinary hearings. It should be noted that neither spouse or partner nor solicitor are suitable companions.
- 2.2 At the disciplinary hearing, the employee will be invited to state his or her case and to answer the allegations against him or her. If, following the hearing, it is decided that disciplinary action should be implemented; the employee will be told of the decision and given a letter in confirmation of this within five working days.
- 2.3 In the case of a first offence, or if further offences have occurred following an informal warning, the employee will, following a disciplinary hearing, be given a first written warning. The written warning will state that it constitutes the first formal stage of the organisations disciplinary procedure and:
 - a) the nature of the misconduct or poor performance.
 - b) the change in behaviour or improvement in performance that is required
 - c) the time scale for change / improvement
 - d) how long the warning will remain current on the employee's file for disciplinary purposes.
 - e) that the employee has the right to appeal against the warningthat any further misconduct of any kind, or a failure to improve performance to a

satisfactory level, will result in a further disciplinary hearing and a final written warning which, if unheeded, may result in dismissal with notice.

- 2.4 In the case of a more serious offence, or if a further offence occurs within the currency of a first written warning, or if the employee has failed to improve his / her performance to a satisfactory degree within the agreed timescale, the employee may be given a final written warning. Written confirmation of the warning will be as above for a first written warning.
- 2.5 The final decision to dismiss can only be taken by the Chief Executive when satisfied with the facts of the case, the relevance of any mitigating factors and after interviewing the employee concerned.
- 2.6 Alternative disciplinary actions short of dismissal may be considered. These are:
 - a) suspension without pay up to a maximum of seven days;
 - b) demotion to a suitable job, if one is available;
 - c) transfer to another section or department or to another unit or branch of the organisation;
 - d) loss of seniority, pay increment or discretionary bonus.

3. Summary Dismissal

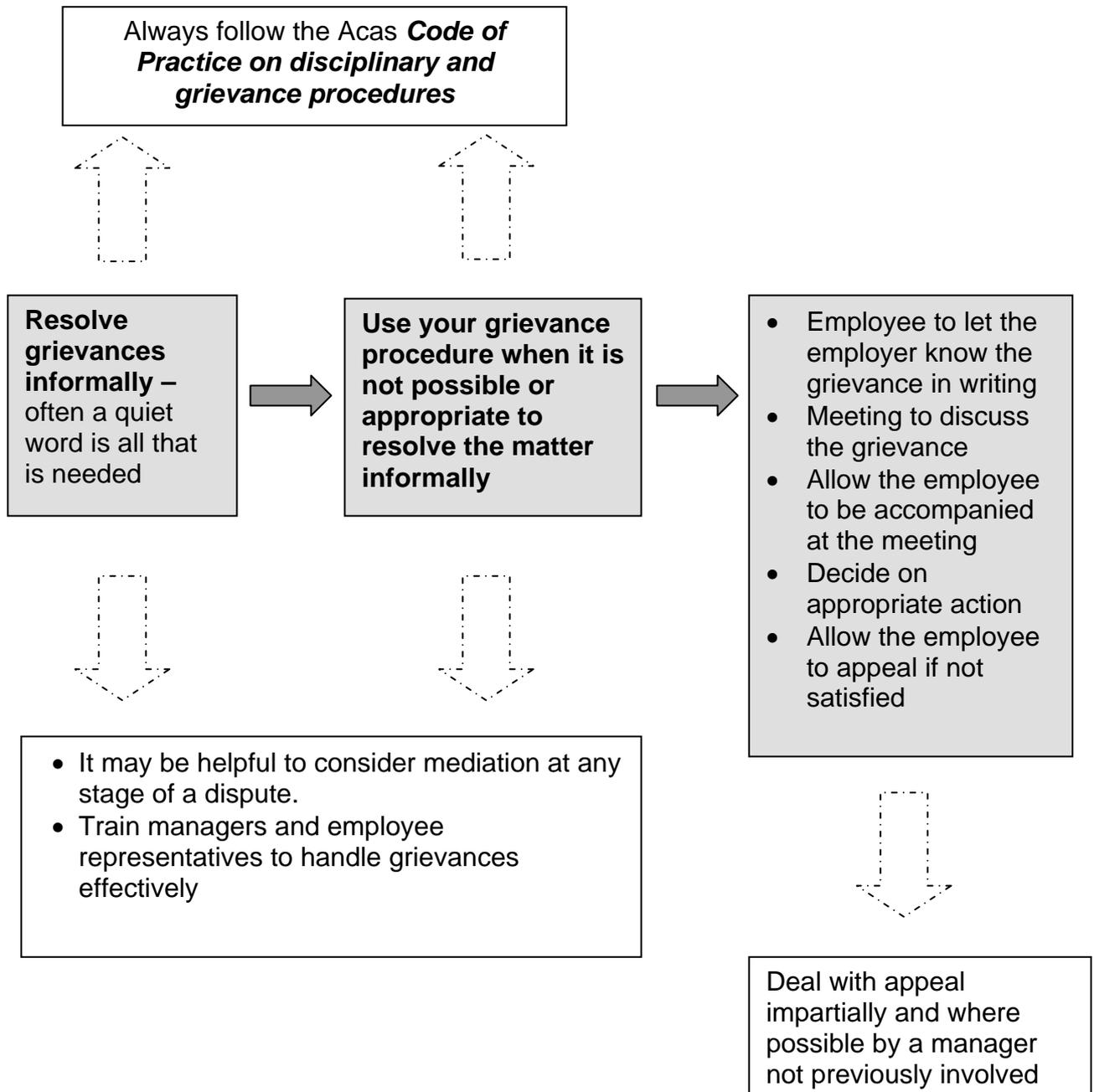
- 3.1 Employees may be summarily dismissed if it is established, after investigation and hearing the employee's version of the matter, that there has been an act of gross misconduct, major breach of duty or conduct that brings or might bring the organisation's name into disrepute.
- 3.2 Gross misconduct includes (but not limited to):
 - a) serious acts of insubordination;
 - b) serious breaches of health and safety rules;
 - c) theft;
 - d) fraud and deliberate falsification of records;
 - e) being under the influence of alcohol or drugs during working hours;
 - f) serious negligence (even a single error where the actual or potential consequences are extremely serious), which causes, or likely to cause, unacceptable loss, damage or injury;
 - g) flagrant failure to follow the organisation's documentary procedures and regulations;
 - h) breach of duty regarding non-disclosure of confidential information;
 - i) deliberate or negligent damage to the organisation's property;
 - j) disorderly or indecent conduct;
 - k) fighting on the charity's premises or threatening physical violence;
 - l) acts of incitement or actual acts of discrimination or harassment on the grounds of sex, trans-gender status, marital status, civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability or age;
 - m) misuse of the employer's computer system, including misuse of email and internet access.

4. Suspension

- 4.1 The employee may, at the Chief Executive's discretion, be suspended with pay while the circumstances of any complaint or allegation are investigated.
- 4.2 In cases of where potential gross misconduct has been identified, suspension with pay will be automatic. (Refer to 3.2)
- 4.3 Such suspension does not constitute a disciplinary sanction but is instigated in order to allow the charity to investigate the conduct in question properly.

Appeals

- 1.1 The employee may appeal in writing to the Chief Executive against any disciplinary action within five working days of receipt of the letter confirming the action taken. The employee must state the specific grounds for the appeal.
- 1.2 An appeal hearing will be held. The appeal will normally be heard by a manager senior to the disciplining manager, who was not previously involved in the disciplinary procedure. In circumstances where this is not possible, alternative arrangements will be agreed with the employee and his or her companion.
- 1.3 The employee will have the right to be accompanied at the appeal hearing by a work colleague of his/her choice or a trade union official. A trade union official means a full-time official or a lay official certified by the union as having experience of, or having been trained in, acting as a companion at disciplinary hearings. It should be noted that neither spouse/partner nor solicitor are suitable companions.
- 1.4 Following the hearing, the appeal decision will be confirmed in writing.
- 1.5 The decision at the end of the appeal is final.
- 1.6 The decision may include:
 - the original decision is upheld;
 - the original decision is withdrawn;
 - suspension without pay;
 - demotion;
 - re-instatement where the employee has been dismissed.



- Always follow the Acas **Code of Practice on disciplinary and grievance procedures**
- It may be helpful to consider mediation at any stage

