



Your Homes
Newcastle

- **Being yourself**
- **Being respected**
- **Safe and healthy**
- **High morale**
- **Feeling valued**
- **Being productive**
- **High performing**
- **Good attendance**
- **Self respect**

**Dignity and
Respect at
Work?**

Dignity and Respect at Work Policy

August 2014

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1. Introduction

Statement of commitment

“We must ensure the contribution of all employees is valued, regardless of where a person is employed or what they are employed to do, and that people work together effectively by being encouraged to get involved in the decision making process. Equally, all employees should experience a workplace culture that is free from bullying or harassment, and where all employees treat each other with dignity and respect”.

John Lee, Chief Executive, Your Homes Newcastle

Our commitment

- We (Your Homes Newcastle) are committed to promoting a positive, safe and non-threatening working environment and culture where dignity and respect, to which all employees are entitled, is not undermined; as well as creating a working climate that is free from bullying and harassment and is non-hostile.
- We are opposed to and will work to prevent any form of bullying, harassment, discrimination, victimisation or unacceptable behaviour towards an individual or group. This policy applies particularly in issues of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. These are referred to as **‘protected characteristics’** which are outlined in the Equality Act (2010).
- We have a zero tolerance approach towards bullying, harassment or any form of intimidation either in or out of the workplace, during activities either linked to work or people with whom you have a working relationship or linked to your employment with YHN.
- We are committed to building a safe work environment in which staff feel confident to raise concerns.
- We will empower staff to challenge harassment and/or bullying.
- We will continue to take steps to protect employees from all types of harassment.

2. Purpose

The purpose of this policy is to support a working environment and culture in which bullying and harassment is not tolerated as these are unacceptable behaviours, and to support employees to take action against bullying and harassment. All complaints will be treated with due regard and without prejudice to the employee or their career.

3. Scope of the policy

This policy applies to all employees of Your Homes Newcastle (YHN), including fixed term members of staff, trainees, secondees and apprentices.

This policy also applies to volunteers, agency workers, or contractors, suppliers and staff from other organisations working on YHN’s premises.

This policy will apply to all YHN premises and all YHN personnel working in other premises including any place where the occasion can be identified with either the requirements of YHN, or with social events linked to YHN.

Individuals are also protected from harassment while applying for a job, while in employment and in some circumstances after the working relationship has come to an end (for example, in connection with the provision of a verbal or written reference). There is also protection for people against harassment on the basis of their protected characteristic, membership or non-membership of a trade union and protection from harassment which comes from a third party (for example, a customer).

Staff members who are accused of disrespectful behaviour or allegations under the scope of this policy should act honestly and co-operatively at all times.

3.1 What we will do

- We will make sure all employees know what is expected of them and are aware of the policy and associated procedures and the implications of certain behaviours through induction, training and other processes.
- We will take any allegations made by employees seriously and, so far as possible, will manage complaints speedily and confidentially.
- We will make every effort to resolve complaints informally; however where this is not appropriate or possible, we will hold a formal investigation.
- We will support employees who are experiencing difficulties in a range of ways by offering:
 - Codes of behaviour and conduct
 - Access to work life balance policies
 - Advice from Human Resources
 - Support provided by Optum
 - Support of independent counsellors
 - Use of informal or formal Mediation
 - Instigation of a formal complaint under this policy

Guidance and counselling can be offered to people whose behaviour is unacceptable, as well as those affected by being harassed. YHN recognises that individuals may not understand how their behaviour is affecting their colleagues and may require additional support.

- We will not accept people being victimised because they have made a complaint about bullying and harassment. We will treat and deal with all complaints of bullying and harassment appropriately and this may result in disciplinary action for misconduct which may lead to summary dismissal if allegations are founded. If however a complaint turns out to be without foundation, following investigation, or is found to be malicious or vexatious or submitted in bad faith, then disciplinary action may be considered against the complainant.
- This policy is intended to deal with real allegations of behaviour that undermines dignity and respect, which is unacceptable behaviour in the workplace

- We will monitor any incidents anonymously within the Human Resources department, to identify potential problems and areas for improvement to ensure individual's complaints are resolved and no victimisation occurs.
- We will review this policy regularly in consultation with staff and trade unions to ensure that it reflects up to date Employment and Anti-discrimination Law, Government policy and European directives and regulations.

4. Guidance and Procedures

4.1 What is dignity and respect at work?

Dignity and respect at work is about how we treat people. It is about our behaviour as an organisation and as individuals towards fellow employees and all those with whom we work. It is about respecting yourself and others as individuals, valuing their qualities and their differences.

When we don't value and respect people, our behaviour can undermine the dignity and respect to which we are all entitled. It can result in the following psychological and physical health problems for individuals as well as having negative effects for the organisation:

Effects for the individual	Effects for the organisation
<ul style="list-style-type: none"> • Reduced engagement • Low self-esteem • Loss of respect • Low morale • Loss of motivation • Increased absence • Stress related illnesses • Sleeplessness • Lethargy • Loss of appetite • Migraines • Mood swings • Anxiety • Skin problems • Fearful of making decisions • Fearful of using initiative • Stomach problems • Loss of confidence • Panic attacks • Increased consumption of alcohol and tobacco • Accidents • Depression • Individuals are less satisfied with 	<ul style="list-style-type: none"> • Individuals have a low opinion of their managers and senior managers • Relationships between current and future employees, as well as customers can be damaged • Cost of potential litigation • Damage to the organisation's reputation and public image • Conflict in the workplace • Money lost through absenteeism • Premature ill health and retirement • High turnover • High recruitment costs • Less effective and productive workers

their work	
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Behaviour that undermines dignity and respect is unacceptable and can be a problem in any organisation if it is allowed to continue. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Bullying and harassment can also have a negative impact on the observers as it does on the people being bullied. This can be very upsetting and impact on individual's health, to the extent that observers may choose to leave the employer, particularly if they do not perceive the employer to be dealing with the bullying and harassment in a satisfactory manner.

4.2 Definitions of bullying, harassment and victimisation

We describe in detail what standards we expect from our staff, and what their rights and responsibilities are in respect of working together and for the organisation, in YHN Code of Conduct and YHN Competency Framework.

Unacceptable behaviour towards an individual or a group can take the form of:

Bullying; Bullying is not specifically defined in law, but in their advice leaflet for employees¹, Acas (2013) give the following definition: 'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.

Harassment; Harassment in legal terms as defined by the Equality Act (2010) is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Employees are also protected from harassment because of perception and association. For example, if an employer denies an employee a promotion because he/she is taking care of a disabled relative and the employer thinks that the employee will not have any time for new duties, this could amount to associative discrimination as disability is one of the specified protected characteristics. Similarly, if an employer harasses an employee because his/her brother is gay, this would be unlawful as associative harassment as sexual orientation is another of the protected characteristics. In addition, a male/female employee may look much older than his/her age. If the organisation does not allow him to make presentations to clients because his line manager thinks that he/she is too old, the employee has been discriminated against because of a perception of the protected characteristic of age, even though he/she may be relatively young. Similarly, if an employee is called names and made fun of because his colleagues believe that he/she is a transsexual, he/she may have a claim for perceptive harassment related to the protected characteristic of gender reassignment, even though he is not a transsexual.

Discrimination; is about treating a person or group less favourably than another person or group because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation.

Victimisation; is where we treat a person or group less favourably than others because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so.

These types of behaviour can come in many forms and may happen once or more than once, a single incident can be harassment if it is sufficiently serious. However, regardless of frequency this behaviour is always unacceptable.

4.3 The Legal Context

Harassment can be a form of discrimination which is unlawful under the Equality Act (2010) which aims to strengthen and harmonise existing provisions to give a single approach to equality legislation. This requires equal treatment in access to employment as well as private and public services, regardless of age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.

At present there is no separate piece of legislation in place in the UK which specifically deals with the issue of workplace bullying in isolation. However, the Equality Act (2010) provides employees with protection from discrimination, harassment and victimisation on the grounds of the relevant protected characteristics. Additionally, bullying might be part of discriminatory behaviour, or related to a myriad of different legal principles. The following acts exist which have been published in order to reduce or restrict certain anti- social behaviours:

- Health and Safety at Work Act 1974 – we have a responsibility for the welfare of our employees at work.
- The Criminal Justice and Public Order Act 1994 - Provides legal redress against those who intentionally cause another person harassment, alarm or distress through the use of threatening, abusive or insulting words, or behaviour.
- The Protection from Harassment Act 1997- Extends both criminal and civil provisions for harassment and stalking.
- The Religious and Racial Hatred Act 2006 – Makes provision about offences involving stirring up hatred against persons on racial or religious grounds.

If these legal requirements are contravened both the individual concerned and YHN can expect their actions and decisions to be challenged in internal disciplinary and appeal hearings and could also be potentially liable to external legal proceedings in courts and Employment Tribunals. However, if YHN can illustrate that it has taken the necessary steps to prevent acts of harassment or to deal with harassment issues brought to the attention of YHN, only the individual would be considered liable. Individuals can be personally liable to pay compensation and can be prosecuted under criminal as well as civil law. Employers and individuals can be ordered to pay unlimited compensation where discrimination-based harassment has occurred, including the payment of compensation for injury to feelings.

4.4 Appropriate and Fair Management

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

Your Homes Newcastle recognises that the normal process of supervisory control where managers allocate work, draw attention to errors and poor quality, monitor performance and, importantly, highlight high standards of work does not constitute bullying and harassment behaviour, unless that behaviour is deemed by the employee to have the effect of demeaning, degrading or humiliating them. Behaviour that is considered unacceptable by one person may be considered appropriate and fair management by another. YHN recognise that appropriate and fair management does not constitute bullying and harassment. Managers who carry out appropriate and fair management and follow YHN's policies and procedures should not be in fear of claims of harassment and bullying by their staff.

The differences between a manager who is firm but fair and a manager who is bullying and harassing staff are often ambiguous. The below framework demonstrates clear distinctions between the two management styles:

Behaviours of firm but fair manager	Behaviours of a bullying or harassing manager
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results, but reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their own ideas, but willing to consult with colleagues and staff before drawing up proposals	Believes that they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions
Insists upon high standards of service in quality of and behaviour in the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper, regularly degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Tells people what is happening, does not listen

Appropriate and fair management within agreed procedures to deal with staff whose behaviour is in question is not harassment or bullying. However, it is if the manager's behaviour is outside what we would consider to be 'appropriate and fair management action' such as:

- Deliberately undermining a competent worker by giving them more work than they can cope with,
- or
- Withholding information, or supplying incorrect information in order to deliberately humiliate the employee or cause them to fail in their work.

Then we could consider the manager as having harassed or bullied the employee concerned.

4.5 How can we recognise unacceptable behaviour?

YHN also recognises that it is possible for staff to harass and bully their managers as well as for managers to harass and bully their staff. Bullying at work can take many forms, some can be directed at you personally, others relate to work activities. Bullying and harassment may be by an individual against an individual or involve groups of people. Whatever form it takes, it is unwarranted and unwelcome to the individual. It may be persistent or an isolated incident. The key is that the actions or comments are perceived as demeaning, threatening or unacceptable to the recipient.

Examples of unacceptable behaviour include the following, particularly when they apply to one or more of the protected characteristics: (This list is not exhaustive):

- Spreading malicious rumours, or insulting someone.
- Copying memos or e mails that criticise someone to others and persistent unwarranted criticism.
- Getting involved in other people's issues without being given their permission.
- Ridiculing or demeaning someone by picking on them, setting them up to fail, embarrassing and unwelcome remarks or jokes at personal expense, or comments about such things as a person's dress, appearance, faith or sexual orientation.
- Deliberately excluding or isolating someone.
- Verbal abuse including comments related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation (these do not have to be directed or related to a specific individual).
- Asking someone to carry out inappropriate tasks.
- Displaying offensive materials such as posters or graffiti including pornography, racist or homophobic material and obscene gestures.
- offensive language, gossip or slander
- Overbearing supervision or misusing power or position or setting impossible deadlines and unreasonable targets.
- Unwelcome sexual advances such as leering, touching, standing too close, demands or coercion for sexual favours.
- Physical assault including touching or other unwanted physical contact such as poking.
- Making threats or comments about job security without good reasons
- Constant criticism.
- Preventing career progression by intentionally blocking promotion or training opportunities.
- failure to safeguard confidential information
- shouting and bawling
- removing responsibilities without justification

Please see **Appendix 1** for example scenarios of bullying and harassment.

Unacceptable behaviour is sometimes hard to recognise because:

- It may be insidious and not obvious to others.
- We may feel it is normal behaviour, which is culturally acceptable.
- We often ignore it for fear of showing weakness.
- We often ignore it for fear of colleague's perceptions of us, i.e that we cannot do our job.
- We worry about overreacting and not being believed.
- It may happen outside of work or it is not face to face.

Unacceptable behaviour does not always happen face to face. It may be by:

- Written communications.
- E-mail.
- Gossip in or out of work time.
- Social networking sites, or
- Phone calls or texts.

When writing e-mails, bold, red and capital letters as well as offensive and/or antagonistic language can be seen to be aggressive and are not appropriate. We should not send anything by e-mail that we would not say in person.

YHN recognises that 'cyber bullying' can take place. As such, detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying. As this would be seen to have its origins in the workplace, the employer could be liable. When engaging in discussion or making comment, on social networking sites (e.g. Facebook, Twitter), even in your own time, you should be aware of the potential impact that comments may have on relationships with colleagues in the workplace. Unacceptable incidents of this nature may be regarded as bullying and harassment and may lead to disciplinary action including the possibility of dismissal.

Inappropriate behaviour may lead to complaints of bullying and harassment, whether they occur at the workplace or at other venues during work related events. Recent tribunal cases have made it clear that work related events are considered under the law as a continuation of the workplace and that inappropriate behaviour which occurs at training courses or social events such as Christmas parties, or in the pub after work, could constitute unlawful discrimination in the same way as if it had occurred in the workplace. An employer could be liable for events which take place on these occasions unless they can show they took reasonable steps to prevent harassment.

5. Responsibilities

All staff have personal responsibility for their own behaviour and for ensuring that they comply with this policy. Individuals have a responsibility to behave in ways which support a non-hostile working environment for themselves and their colleagues. All employees are expected to play their part in making this policy a reality and be prepared

to challenge inappropriate behaviour and take action if you observe or have evidence that someone is being harassed.

All staff are expected to:

- Treat your colleagues politely, fairly and with dignity and respect and in accordance with YHN's Code of Conduct and YHN's Competency Framework.
- Value differences in others and the contribution they make.
- Be aware of how your behaviour impacts on others and change it if it is likely to cause offence.
- Challenge inappropriate behaviour constructively and bring unfair treatment you have witnessed, or if you suspect, to the attention of managers.
- Co-operate with investigations into allegations made under this policy and maintain confidentiality as agreed.
- Ensure that training is attended and be aware of your responsibilities to your colleagues in relation to this policy.
- Be aware that disciplinary action may be considered if you make false or malicious allegations.
- Support others where possible as the lodging of a complaint and any associated investigation can be extremely difficult and distressing for both the complainant and the subject of the complaint.

All managers, as part of their managerial responsibilities, have a particular responsibility. Where bullying and harassment is brought to the attention of a manager they must take appropriate action. Managers have a legal obligation to eliminate harassment of which they are, or should be, aware. Managers are themselves expected to demonstrate and act as a role model for high standards of behaviour which support a culture of dignity and respect.

All managers are expected to:

- Manage people effectively and in a fair and consistent way and refer to what is required by the management competencies and the Management Charter and is available from your line manager or Organisational Development.
- Ensure this policy is implemented and all their staff are aware and understand this policy, follow it and realise the implications of unacceptable behaviour.
- Lead by example, set high standards and be open to feedback.
- Be available to staff to discuss their problems or concerns and to provide appropriate support.
- Take allegations seriously and manage any investigation speedily and confidentially.
- Pass any investigation to Human Resources staff only when it is inappropriate for the manager to deal with it themselves because they may be implicated in some way.
- Ensure that employees, who have raised concerns are not victimised as a result of their actions.
- Be aware that any failure to act on a complaint will be treated as misconduct in itself.

- Complete the monitoring information as and when required to facilitate corporate reporting.
- formally refer any member of staff to Occupational Health if the health of that member of staff is being affected by the situation.

In addition, if someone has complained about your behaviour you should:

- Listen carefully to the person making the complaint and to the particular concerns they tell you.
- Respect the person's point of view and apologise for any offence caused.
- Deal with any issues as soon as you can and if necessary modify your behaviour.
- If the complaint against you is upheld, on a balance of probabilities, a disciplinary sanction may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the organisation may decide to transfer you to another post without any form of protection of pay.
- If a complaint is made against you that is not upheld and the organisation has good grounds for believing that the complaint was not made in good faith, the organisation will take disciplinary action against the person making the false complaint.

YHN's responsibilities

As a valued employee you can expect to:

- Be treated fairly and know what is expected of you.
- Receive the training and development you need to do your work.
- Discuss your work with the person you report to and raise any matters that you need support with.
- Be consulted about matters that affect you be valued and recognised for your contribution.
- Be encouraged to develop and achieve your full potential.
- Be able to be yourself and not what others may think you should be.
- Be taken seriously if you make an allegation and have your complaint dealt with speedily and confidentially.
- Receive confidential advice and support on the operation of this policy from your manager and where that is not appropriate, our Human Resources staff. This is the case whether you are the complainant or the subject of a complaint.
- Have your complaint resolved informally, and if this is not possible or appropriate, through a formal investigation.
- Be supported in any investigation by your Trade Union representative or a colleague.

6. What can you do if you feel you are being bullied or harassed?

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

If you think you are being bullied or harassed or are a victim of other unacceptable behaviour there are a number of things you can do. It can be extremely upsetting to be on the receiving end of what you perceive to be harassing and bullying behaviour, or to witness it. If you are not sure how to tackle this very awkward subject there are a number of things you can do and sources of support and information.

6.1 Use the incident log sheet. (Appendix 2)

Whichever course of action you take you may find it helpful to keep a written log of the incidents of bullying or harassment giving as much information as possible, including:

- The date
- The place
- The time
- Details of incidents
- Names of any witnesses and
- How you felt.

It is important to gather as much supporting evidence of your experience as possible. Make sure you keep any letters, e-mails and memos and notes of meetings that relate to the situation; this will contribute to a clearer picture of events at a later date, please see Appendix 2. However, this should be done without personal intrusion to the working or personal life of the alleged harasser.

6.2 What are your options?

Think about what you want the end result to be as this could influence the course of action you take. Consider the following:

- Do you want to sort it out yourself?
- Do you want someone else to deal with it?
- Do you want to continue working together?
- Do you want to cease working together?, and/or
- Do you want them to face disciplinary action? (generally out of your control)

6.3 Approach the individual

It may be that the perpetrator does not realise that their behaviour is upsetting, so they need to be given the chance to modify their actions.

- If you feel able, approach the person whom you believe is bullying or harassing you, describe the unacceptable behaviour you've been experiencing, explain how it makes you feel and ask them to stop the offending behaviour.
- You should always make it clear that if it continues you will make a complaint.

- You should be polite, firm and assertive. If you take this step, do not get into any difficult, frightening or dangerous situations. If the behaviour of a person is aggressive, it may be necessary to walk away, making it clear you do not wish to be spoken to in that way.
- You may want to let your manager know you are doing this or you may wish to deal with it yourself without informing them. Whichever you do, make a note of the event, including the response you received.
- You could also make your request in writing instead. We advise you to keep a copy of this correspondence.

If you do not feel able to talk about it yet, make notes including dates and details which will help you recall events clearly at a later date.

7. Support and Advice

Staff can also contact their manager, Human Resources representative, Contact Support Colleague, or Trade Union representative for advice and support. The decision to progress a complaint should always rest with the individual.

7.1 Contact Support Colleague

Contact Support Colleagues are the first point of contact for any member of staff who is experiencing unhappiness at work in order to provide impartial support and guidance. This enables employees to talk in confidence about any intimidating behaviour they have experienced or observed in order to discuss the options available to resolve the problem and decide what action to take. As part of their role, trained volunteer staff provide empathetic assistance to employees with complaints of bullying and harassment, explain how the procedures for making a complaint operate both informally and formally, and help establish and provide support for both alleged harassers and complainants through the process. Their role is not to act as an employee representative but to offer impartial support.

7.2 Employee Assistance Programme (Optum)

Optum is the company currently contracted to YHN to provide a confidential and free advice service to YHN staff on a range of matters. They are there to make life easier to help your life to run more smoothly and to be there for you in times of crises – 24 hours a day, 7 days a week, and 365 days a year. The Optum service is free, independent and confidential and is there for you no matter when or how often you need it. Optum is there as an additional service and it is not compulsory to use it for advice.

You can phone Optum on freephone: **0800 282 193** for a range of information, advice and support services including bullying and harassment.

You can also visit the Optum Health and Wellbeing website which has a range of useful factsheets, links and guides - www.optum-uk.com

You can log in using the following details:

- username: your homes
- password: newcastle

You can also get information on this from the following:

- YHN intranet
- Line Manager
- Human Resources
- Induction Pack
- Leaflets and posters in offices and display boards

7.3 Occupational Health Service

Any member of staff who is involved in a claim of bullying or harassment may find it helpful to talk to the Occupational Health department or counselling service. All employees have the right to self-refer into Occupational Health.

7.4 Trade Unions

YHN recognises the importance trade unions play in addressing bullying and harassment and members are encouraged to approach these representatives regarding their concerns. YHN will work in conjunction with trade unions in addressing unacceptable and inappropriate behaviour. At all stages of the informal (except in cases of mediation) and formal procedure an employee may involve a Trade Union representative or colleague.

7.5 Mediation

Early intervention is critical to stop problems festering and getting out of hand. Mediation is an increasingly useful tool in managing conflict at work, including harassment cases where difficult personal issues are involved and can sometimes be based on one individual's word against another's.

You may wish to try, or your manager may suggest mediation as a way of resolving the situation. Mediation is a process where an independent person can help you and the person harassing you to look at and understand your differences and, if possible, settle them. You, not the mediator, decide the terms of any agreement. Mediation can be used formally and informally, and can be a very effective way of tackling bullying and harassment.

The mediation service that we use is offered by an outside organisation. This is to make sure that employees have confidence in the mediator as a neutral person.

Responsibilities of mediators

Mediators are specially trained to facilitate confidential, informal outcomes where possible between those who have raised concerns of bullying or harassment, and the people that they have concerns about.

Their duties involve:

- Contacting the employees involved to arrange meetings
- Undertaking the mediation process
- Facilitating an agreement on the way forward for all parties concerned
- Producing this agreement in writing, and ensuring that all parties concerned sign it

Mediation meetings

The mediator will usually meet with each person separately before bringing them together for the mediation session.

At this meeting the complainant will be given the opportunity to explain to the individual the reasons why they consider their behaviour to constitute bullying or harassment. Where possible the matter will be resolved through informal discussion and agreement about future behaviour. The outcome of the mediation will be confirmed in writing which both employees must sign.

If you feel mediation would be useful please contact or ask your manager to contact Human Resources staff.

There are a range of approved mediators, including some that specialise in working with staff from black and minority ethnic groups, disabled and lesbian, gay, bisexual and transgender groups. Participation in mediation is always voluntary.

7.6 Manager action

It is desirable wherever possible that you should deal with the matter informally with your manager in the first instance. In dealing with your concerns your manager will:

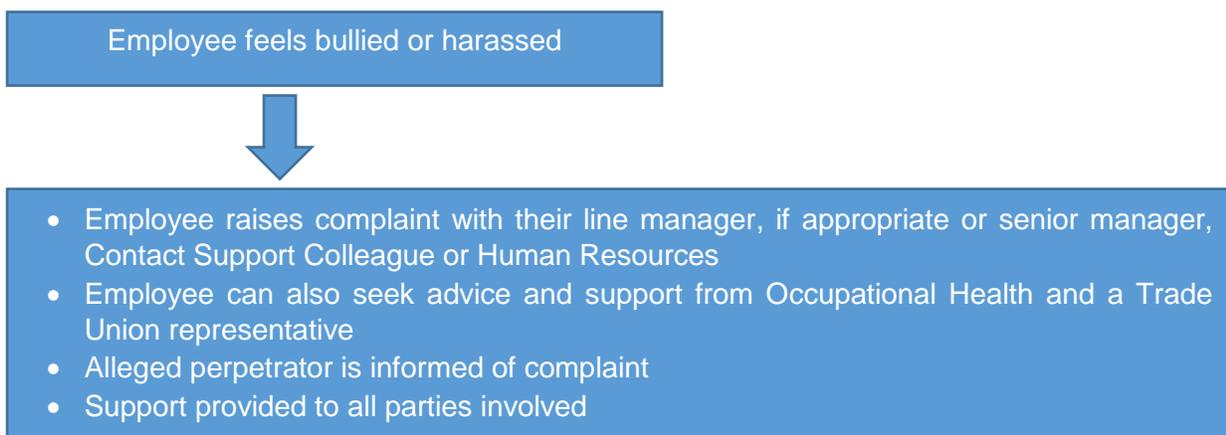
- encourage you to describe examples of the alleged bullying and what outcome you would like to see
- Agree with you a course of action and potential outcomes.
- Investigate your concerns in line with timescales agreed with you at the start of the process.
- Deal with your complaint confidentially.
- Take appropriate action which could include:

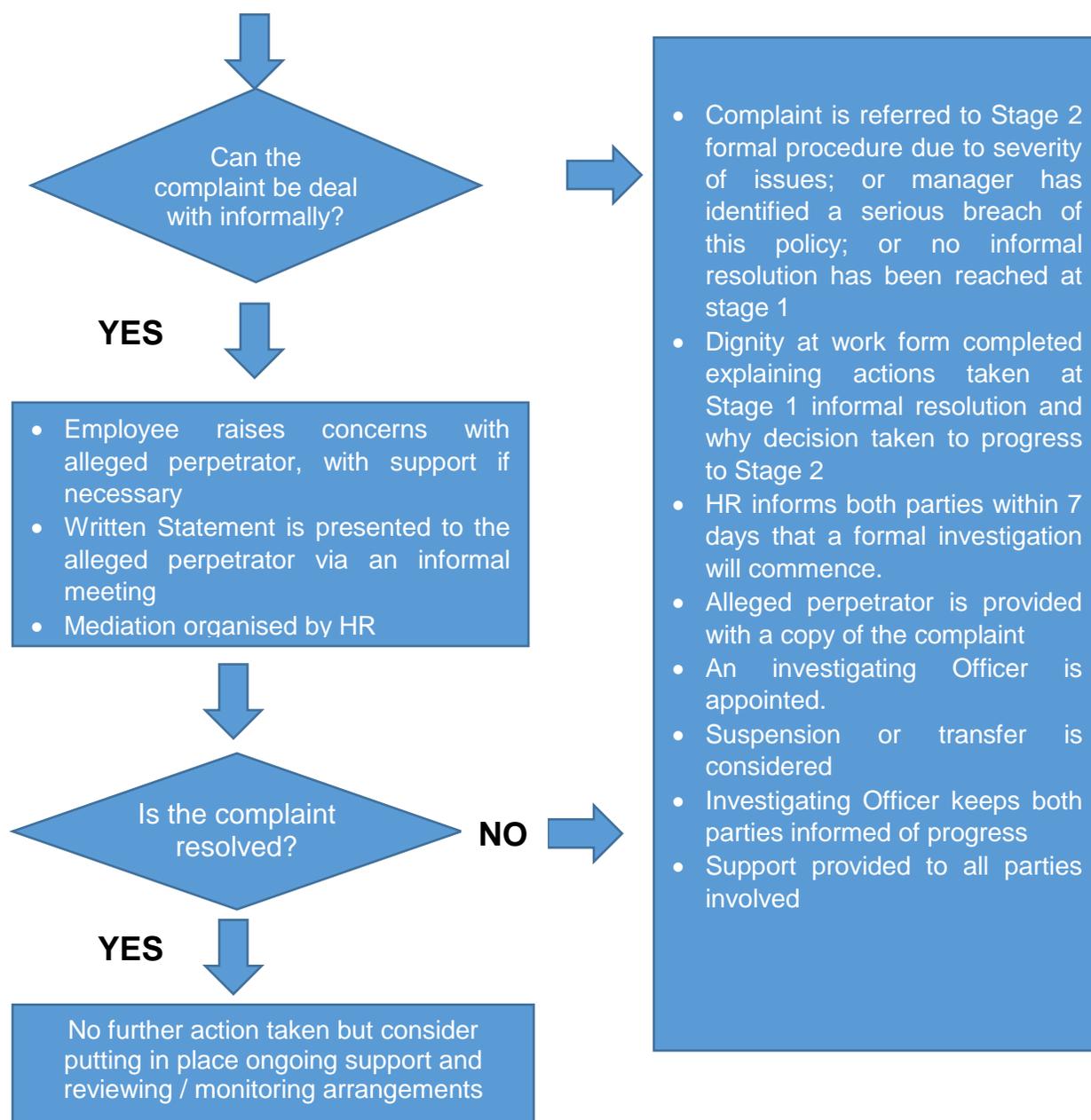
- simply asking the employee concerned to stop the offending behaviour
- offering mediation
- a highly focussed discussion with the employee concerned about unacceptable behaviour, its impact and what is expected of them
- reorganising team dynamics
- disciplinary action against the employee concerned
- Pass the case to Human Resources staff if it is inappropriate for your manager to deal with it because of a conflict of interest.
- Liaise with the manager of the employee concerned where they are from a different team and agree with them an appropriate course of action.
- Advise Human Resources staff of any agreed action and outcomes and provide them with appropriate supporting information.

8. Raising a Complaint

The below flowchart outlines the process for informal resolution. It is advised that staff read this first in order to gain an understanding of how a dignity at work complaint will be progressed in line with this policy.

8.1. Dignity at Work Informal Process Flowchart





A complaint may be raised as a verbal conversation or the employee may wish to put their unhappiness in writing. The first step for staff who feel they are being bullied or harassed is most likely to have an informal discussion with their line manager. In cases where the line manager is the alleged perpetrator of the bullying and harassment, the staff member should raise this with a more senior manager.

This policy is intended to provide guidance for resolving all types of complaints however minor or major. A complaint needs to be received by either the line manager, if appropriate, otherwise refer to a more senior manager, the Human Resources team or through a Contact Support Colleague. However, an employee may try to resolve the problem without using this procedure and work with an appropriate manager, Contact Support Colleague, Trade Union representative, Human Resources or the Occupational Health department. It may be that a conversation is sufficient to help the individual gain

some perspective on the situation and they may feel confident to deal with it themselves. If they want the person they have confided in to take action and help them resolve the issue, step one informal resolution will be followed. If the employee has spoken to the alleged perpetrator and feels the situation has not improved, they are strongly encouraged to seek further support from an appropriate line manager, Human Resources, Contact Support Colleague or Trade Union representative.

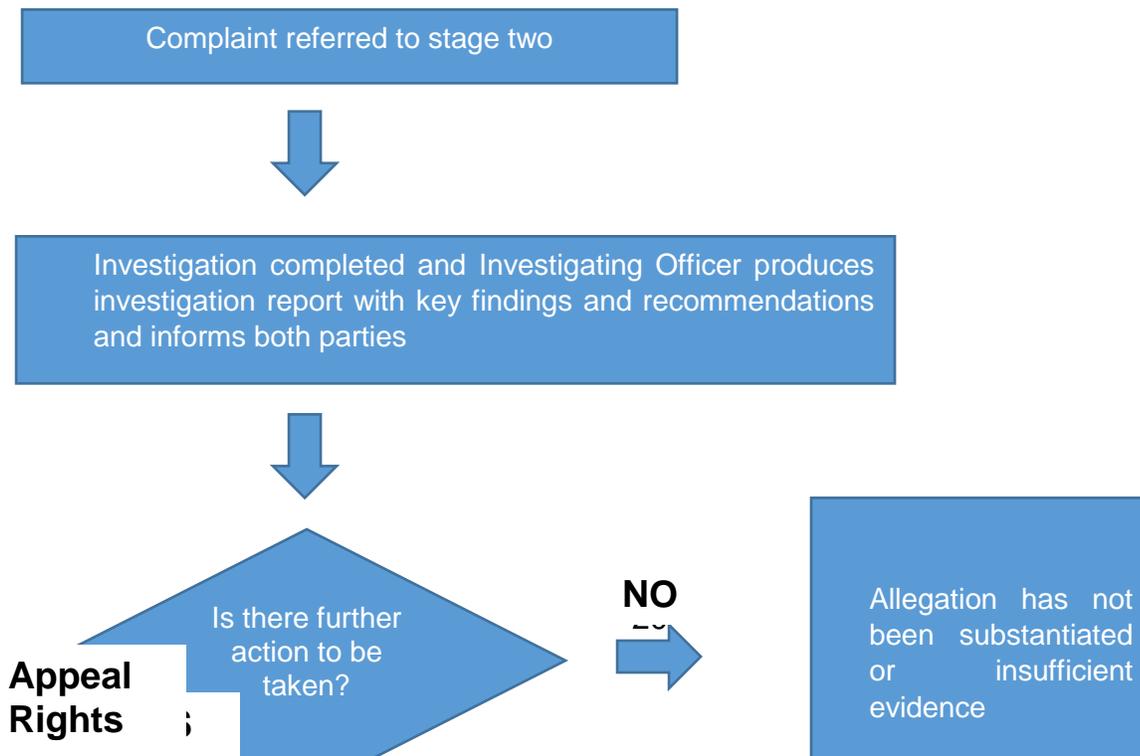
Early and informal action to resolve complaints and conflicts is core to effective intervention, the earlier an issue is resolved the better for all parties concerned. Resolution can only be achieved with open conversations where all views can be appreciated. Other steps include:

- talking with their manager to agree a course of action (see section 7.6 'Manager Action')
- supporting the individual to discuss their concerns with the alleged perpetrator of bullying and harassment (see section 6.3 'Approach the individual')
- an informal meeting without the employee experiencing the behaviour being present but with a statement of the allegation and how it makes them feel
- mediation (see section 7.5)

All complaints will be confidentially monitored by the Human Resources Manager to identify improvements and preventative measures, such as training and guidance to prevent cases of bullying and harassment reoccurring in the future and rebuilding relationships so that staff feel safe and supported when at work.

The alleged perpetrator will be informed of the complaint made against them and Human Resources will work with both parties to resolve the complaint. Support, which may include counselling, will be provided to all parties concerned including any witnesses.

8.3 Dignity at Work Formal Complaint Process Flowchart



8.4 Stage two – Formal Procedure

There are three ways a complaint can go to Stage 2 to be resolved formally:

- Escalation from Stage 1 of this policy if no informal resolution has been reached
- The severity of the issue raised warrants immediate action under Stage 2 of this policy
- A manager within YHN has identified that an inappropriate serious breach of this policy has occurred that needs to be dealt with even though an employee has not made a formal complaint.

If the event has resulted in a serious assault or violence has occurred, employees have a duty to report all work related incidents to their manager or supervisor. This should be followed up by completing the YHN Accident / Incident Report form.

In the event of a bullying and harassment complaint, should either party already be involved in another formal procedure such as a disciplinary investigation or management

under the capability policy, it may be necessary for the formal procedure to be temporarily suspended whilst the dignity at work complaint is investigated.

8.5 The Investigation

Following receipt of a dignity at work complaint the Human Resources team will inform both parties in writing within 7 days that the complaint will be going to Stage 2 and be reminded of the need to keep details surrounding the incident confidential. A copy of the complaint will be given to the alleged perpetrator. The individual's manager(s) would also be informed of the complaint.

Both parties will be offered support and the Investigating Officer will keep them informed of timescales and any delays in the process. On-going support for all staff involved will also be available from their manager and Human Resources representative.

The Investigating Officer will carry out a prompt, thorough and impartial investigation, interviewing the complainant and taking evidence from witnesses prior to interviewing the alleged perpetrator. The importance of confidentiality will be emphasised. The complainant and the alleged perpetrator should both be given the opportunity to nominate witnesses whom they wish to be interviewed by the Investigating Officer. Witnesses need to be advised that they may be called to future proceedings i.e. disciplinary hearings, to substantiate their evidence.

The investigation should be completed within the minimum time possible and normally no longer than 28 calendar days from the date of the initial investigation interview. It is recognised however that in exceptional circumstances it may be necessary to reasonably extend this timescale. Any extension should be communicated to the complainant and the alleged perpetrator.

When considering events, information and evidence as part of the investigation it is advisable to only consider the details spanning a maximum of twelve months prior to the complaint. This is necessary to ensure accuracy and clarity of detail. However, information out of these timeframes may be considered if deemed appropriate to identify a pattern of behaviour.

The Investigating Officer will have experience in handling employee complaints and grievances and be outside the line management responsibility of the complainant and the alleged perpetrator.

The alleged perpetrator will be given full details of the nature of the complaint and given the opportunity to respond. Both the alleged perpetrator and the complainant will be regularly updated by the Investigating Officer with progress on the investigation.

On completion of the investigation, the Investigating Officer must produce a factual report including a chronology of the investigation, with key findings and

recommendations. The Investigating Officer will personally inform both parties of the findings. This will also be confirmed in writing together with a copy of the report.

If, following investigation, it appears that bullying or harassment has occurred, the Investigating Officer, following advice from a Human Resources representative, will recommend the appropriate course of action in line with YHN's Disciplinary Procedure. In these circumstances copies of the final investigation report will be made available to the alleged perpetrator and the complainant.

Options available under the formal process include the following:

1. Take no action, as the allegation has not been substantiated or there is insufficient evidence.
2. Proceed to a disciplinary hearing, as the investigation has found that there may be a case to answer.

8.6 What if the complainant or alleged bully/harasser is dissatisfied upon conclusion of the case?

If the complainant believes their case has not received fair consideration they have the right to complain under YHN's grievance procedure.

If the alleged bully or harasser believes they have been victimised in this process, they also have the right to raise a complaint through YHN's grievance procedure.

8.7 Suspension / Transfer

Where a complaint of a very serious nature is received, action may be taken quickly to separate the alleged perpetrator and the complainant, at no financial loss to the either party. This may involve temporary restrictions to the alleged perpetrator (i.e. transfer or removal from public facing duties) or suspension with pay if appropriate. **Please refer to YHN's Disciplinary Policy** for further guidance.

Any transfer must be discussed with the individual who is to be moved, who should have access to a Staff Side representative at these discussions if they wish. Any movement must be reviewed regularly and only take place for the minimum amount of time necessary.

PLEASE NOTE: Suspension/transfer of an employee does not in itself constitute a disciplinary action nor should it be seen as a presumption of guilt.

If you feel that you can not face any of the above options open to you then you could leave a message on the Whistleblowing confidential report line on 0191 278 8765. For more information please see Whistleblowing Policy.

8.8 Failure to deal with a complaint

We will treat failure to deal with a complaint about bullying or harassment as misconduct in itself and in these circumstances we will normally take disciplinary action against a manager or supervisor.

9. Confidentiality

We will ensure that information is not shared without the permission of the person making the complaint and for the protection of both the complainant and accused that we deal with the investigations as confidentially as possible. It is encouraged that an employee's line manager is kept informed, wherever possible, to enable them to offer support and potentially offer solutions. Breaches in confidentiality will be subject to disciplinary action.

10. Unacceptable behaviour by someone other than staff

10.1 Member of the public

Depending on the circumstances of each case, we will consider a range of actions where a member of the public harasses or bullies one of our employees while carrying out their duties or as a result of their duties. These actions include:

- Withholding our service.
- Manage the member of staff so they do not come into contact with the member of the public
- Taking legal action against the person harassing or bullying our employee
- Taking immediate action to deal with people who harass or bully employees, including excluding them from our premises and temporarily withdrawing our services.
- Where they are our tenants, taking action through the tenancy agreement which may include seeking possession of their home.

For more information please refer to YHN's [Dealing with Difficult Situations Policy](#).

10.2 Board Member

Your manager should report the situation to the Company Secretary who will initiate an investigation in line with the process outlined in the YHN Board Member Code of Conduct and Communication Protocol.

10.3 Councillors of NCC

Your Manager should report the situation to the Chief Executive who will speak to the Head of Democratic Services at NCC about what further action to take. They may agree to speak to the Member informally and ask them to change their behaviour or they may decide that the matter is serious enough to need formal action.

In these circumstances, the Head of Democratic Services will report the matter to the relevant chief whip or group leader. Members have their own code of conduct to refer to (see the Newcastle Charter on the NCC intranet).

10.4 Contractor

Your manager should report the situation to the person managing the particular contract on our behalf. They can then take a range of actions, including withdrawing or amending contracts. Each case would be dealt with on advice from Legal Services and within the terms of any contract.

10.5 Partner or other agency

Your manager should liaise with the manager of the employee concerned with regard to appropriate action around misconduct within the terms of their employment in that organisation. If no suitable solution is forthcoming, further remedial action would depend on the nature of the partnership or relationship with the organisation and appropriate Legal Advice.

11. Equality and diversity Statement

An Equality Impact Needs Assessment (EINA) has been conducted regarding the impact of this policy on the groups within and stakeholders of the organisation. Your Homes Newcastle values and respects the diversity of its employees and the communities it serves. In applying this policy, YHN will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups.

12. Responsibility and monitoring of the policy

The HR Manager has overall responsibility to ensure that this policy is implemented and adhered to.

Human Resources are responsible for supporting managers in operating the policy and for monitoring its operation. They will provide information every six months to YHN Finance and Resources Committee about the number and nature of any cases that have been reported including details of those that have been supported by Optum, referred to Mediation, identified by Occupational Health, required management intervention or have resulted in a dignity at work complaint under this procedure.

13. Review

This policy will be subject to further review in October 2015, unless associated employment legislation is revised prior to that date.

14. Key contacts

For policy queries please contact Human Resources located on the second floor at YHN House on telephone number 0191 2788121.

15. Related policies

Code of Conduct

Disciplinary Policy

Individual Grievance Policy

Whistleblowing Policy

Equality and Diversity Policy

Dealing with Difficult Situations Policy