



PROCEDURE

DIGNITY AT WORK

DOCUMENT CONTROL	
SLT owner:	Assistant Principal Resources & Risk
Together with:	Personnel Manager
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The following procedure applies to all employees of Shrewsbury Sixth Form College and should be read in conjunction with the college's Dignity at Work Policy.

Reference should also be made to the Disciplinary and Grievance procedures in any case of Bullying or Harassment.

1. What should I do if I think I am being bullied or harassed?

- 1.1 You may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his or her behaviour and agree to change it. You may feel able to approach the person yourself, or do this with the help of someone else, the Personnel Manager, a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or human resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.
- 1.2 If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the College's grievance procedure. The College will ensure that you can bring your complaint in the first instance to someone of your own gender if you so choose.
- 1.3 In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. The Personnel department can arrange for someone to accompany you to make a complaint to the police.
- 1.4 All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. The College will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.



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- 1.5 The College will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he or she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in the College's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.
- 1.6 Wherever possible, the College will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave, if you wish. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.
- 1.7 If your complaint is upheld, and the person found to have bullied or harassed you remains in the College's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post.
- 1.8 If your complaint is not upheld, the Personnel department will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The College will consider making arrangements to avoid you and the alleged harasser having to continue to work alongside each other, if either of you do not wish to do this.
- 1.9 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.
- 1.10 Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

2. What happens if I am accused of bullying or harassment?

- 2.1 If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in



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future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

- 2.2 If a formal complaint is made about your behaviour, this will be fully investigated and the College may bring disciplinary proceedings, if appropriate. The College will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.
- 2.3 The College will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.
- 2.4 Wherever possible, the College will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.
- 2.5 If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty 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 College could decide to transfer you to another post.
- 2.6 If a complaint is made against you that is not upheld and the College has good grounds for believing that the complaint was not made in good faith, the College will take disciplinary action against the person making the false complaint.
- 2.7 You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the College has good reason to think that you may have victimised the complainant or someone else.
- 2.8 If the complaint against you is not upheld, the Personnel department will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The College



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will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.

- 2.9 Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the College's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.