



Croydon  
College



**COULSDON**  
SIXTH FORM COLLEGE



**Croydon  
University  
Centre**

<b>Dignity at Work Policy and Procedure (Including Bullying, Harassment and Sexual Harassment)</b>
Approved by: <b>Executive</b>
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Strategy/Policy Responsibility: <b>Director of HR</b>
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## Dignity at Work Policy



## **Introduction**

Dignity at work emphasises that everyone has the right to be treated with respect at the College. In line with our FREDIE principles (Fairness, Respect, Equality, Diversity, Inclusion, Engagement) discrimination, harassment, sexual harassment, bullying and victimisation are simply not tolerated at the College. Such unacceptable behaviour must be identified early and managed effectively. We must also support any member of staff who is subjected to such behaviour and encourage them to report this as early as possible.

## **Scope**

All members of the College community, are required to treat each other in a friendly, courteous and dignified manner. This requirement also applies to agency workers, visitors and third-party workers.

## **Policy Position**

The College will not tolerate any form of discrimination, harassment, sexual harassment, bullying or victimisation ('unacceptable behaviour') by or against any members of its community, whether on or off campus, in or out of working hours or through electronic communications (including social media platforms).

Such unacceptable behaviour is contrary to the Equality Act 2010 and the values of the College.

All members of the College community are responsible for ensuring that they behave in an acceptable manner, showing respect for staff, students, and visitors. They should consider their own behaviour and the impact it can have on others.

## **Definitions**

### **a) Discrimination**

Unlawful discrimination takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman less favourably because she is breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership.

**Direct discrimination** occurs where someone is treated less favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic.



**Indirect discrimination** occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.

#### **b) Bullying**

**Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined threatened or socially excluded. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Non-verbal conduct includes postings on social media outlets. Work-related bullying may include, but is not limited to:

- a) setting up someone to fail by giving them unachievable tasks, an unmanageable workload or impossible deadlines, or making unreasonable demands;
- b) inappropriate monitoring of work or overbearing supervision;
- c) giving someone too little work or work that is below their competence;
- d) removing or reassigning a person's responsibilities without justification;
- e) deliberately withholding training or resources from someone that are necessary for them to perform the role, or opportunities for advancement or promotion;
- g) withdrawing or refusing reasonable support.

#### **c) Harassment including Sexual Harassment**

**Harassment** is unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment, which interferes with an individual's working or social environment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

**Unlawful harassment** may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic such as age, disability, gender reassignment, gender expression or identity, pregnancy or maternity (including breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- a) unwanted physical conduct, including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space



- and more serious forms of physical or sexual assault;
- b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
  - c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
  - d) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
  - e) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
  - f) mocking, mimicking or belittling a person's disability;
  - g) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
  - h) outing or threatening to out someone as gay, lesbian, bisexual or trans;
  - i) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment.

#### **d) Victimisation**

**Victimisation** is less favourable treatment of someone who has complained or given information about discrimination, bullying or harassment, or supported someone else's complaint. Victimisation is not tolerated at the College.

### **PROCEDURE**

All reported cases of unacceptable behaviour will be taken very seriously by the College and the appropriate procedures will be used to investigate complaints. The College will not assume guilt of either party and will support all involved in a case of alleged unacceptable behaviour.

#### **1. Informal Support and Procedure**

- Where appropriate, before initiating the formal procedures, staff are encouraged to seek impartial advice and support and, to use the College's informal procedures.
- The College has trained Dignity at Work Advisors who are trained to support staff informally under this procedure.
- Support and advice is available from recognised unions (where staff are members) or you can confidentially discuss the issue with a member of the College's FREDIE committee.

- Informal support is available through HR by emailing [HumanResources@Croydon.ac.uk](mailto:HumanResources@Croydon.ac.uk) or by attending a HR Drop in session.
- We also have a FREDIE confidential referral form, which enables staff to raise issues and behaviours that are not aligned to our FREDIE principles: <https://forms.office.com/r/y3yUuMRwyq>
- The College has an Employee Assistance Programme via Care First which is confidential support 24/7: **Care First Support:** [www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk) (Username: Croydon, Password: college). Telephone: 0800 174319
- The informal process is also available if you have observed incidents or behaviours under this procedure that impacts on others in the workplace. The Dignity at Work Advisors would be the best initial referral point for advice on observing concerns that could be impacting on others.

#### Role of Dignity at Work Advisors

- To provide support and assistance to staff with complaints of bullying and harassment (including sexual harassment).
- To be aware of sources of support and signpost individuals to relevant support.
- To explain how the procedures for making a complaint operate both informally and formally.
- To establish and provide support as required for the complainant through the process, i.e. being the work colleague representative at meetings.
- To keep all conversations confidential unless otherwise agreed with the individual raising the concern, or when it is not appropriate to do so under safeguarding guidelines.

Our Dignity at Work Advisors are available on our staff intranet homepage, or by clicking [here](#).

#### Direct Communication

In some cases, talking directly with the person who is causing the bullying and harassment problem may be enough. This approach may be appropriate if the person complaining believes that the behaviour is unintentional, and the respondent is unaware of its impact. The person complaining can take this approach alone, or with help from a work colleague, trade union representative or Dignity at Work Advisor.

The person complaining should clearly and professionally:-

- Explain how the behaviour makes them feel
- Explain how it is interfering with their work
- Ask for it to stop
- Keep a note of everything that is said.

## Facilitation

In cases where direct communication is not appropriate, a facilitated meeting is an option to resolve the matter informally. This will usually be facilitated by an experience member of the HR team, and the staff members involved will be able to bring a work colleague, Dignity at Work Advisor, or a union representative. The Facilitator is not there to form or make any judgments or decisions but is there to help both parties reach a mutual decision which will assist them to move forward. If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, employees can make a formal complaint.

### **2. Formal Procedure**

If the situation is not resolved by the informal process, or the matter is particularly serious the complainant may decide to make a formal written complaint to his/her line manager. If the complaint relates to the line manager, the complaint should be raised with the next level of management. Complaints should be raised in a timely way to ensure that they can be properly investigated. This will usually be within 3 months of the incident referred to, but exceptions to this may be granted where it is reasonable to do so.

The relevant manager will then arrange a meeting with the Head of HR to arrange for an initial review of the evidence of the case. The preliminary fact-finding meeting may also involve an initial meeting with the person against whom the complaint has been made, and they will be given a copy of the written complaint.

## Suspension

Immediately after the preliminary fact-finding meeting, it will be considered if suspension is appropriate in the circumstances. Suspension will be carefully considered and will only be applied where necessary to enable an investigation to take place. The College will follow the ACAS guidance in relation to considering suspension. In very serious cases, a criminal offence may have been committed and the complainant may wish to report matters to the police.

## Temporary Adjustments

At the preliminary stage, it will be considered whether there is a need to make temporary changes to working arrangements. This could involve changing physical locations, or temporarily adjusting line management if this will support circumstance of the case whilst the matter is formally investigated.

### **A. Formal Investigation**

1. The person who undertakes the investigation will normally be an appropriate manager within the College. HR will support the identification of an appropriate manager, based on consideration of the complaint received and our FREDIE principles. The investigation will also be supported by an appropriate member of HR. The Investigating Officers must be independent of the complainant and the respondent.
2. The Investigating Manager will be responsible for gathering information to allow them fully to consider the complaint. The scope of the investigation is at the discretion of the Investigating Manager. Investigations will be undertaken in confidence as quickly as possible

and will normally begin within 5 working days of receipt of the complaint. The duration of the investigation will be dependent upon the complexity of the case and how many witnesses are involved.

3. The Investigating Manager will have regular contact and update both sides and ensure the College EAP scheme Care First is offered and that they have been given the details of how to contact a Dignity at Work Advisor.
4. The complainant will be asked to attend a meeting with the Investigating manager during which the procedure will be explained and discussed, and the details of the allegations will be confirmed. Staff may be accompanied at the meeting by a colleague or recognised trade union representative. A written record will be maintained of the meeting and the complainant will have the opportunity to comment upon the accuracy of the notes.
5. The requirement of confidentiality of the process will be discussed with all parties and will be requested not to discuss the case with other parties involved in the case, including witnesses.
6. The Investigating Manager will also meet with the respondent. The respondent may be accompanied at any meeting by a colleague, or a recognised trade union representative. During the meeting, the respondent will be given the opportunity to respond to the complaint.
7. The Investigating Manager may also interview other relevant witnesses. It will be the decision of the Investigating Manager to decide which witnesses should be interviewed. Comprehensive notes of any interviews will be made and substantive content shared with the parties in order for all parties to be able to make a comprehensive response.
8. On the basis of interviews and statements received and any other relevant evidence, the Investigating Manager will reach a decision and will compile a report of the investigation and outcome. The complainant and the respondent will be informed individually in writing of the decision and reasons behind it.
9. Both parties will be given an opportunity to meet separately with the Investigating Manager (with HR in attendance if required). The purpose of the meeting will be for the parties to ask questions and have issues arising from the outcome report explained.
10. If the outcome report concludes that the conduct of the respondent constitutes misconduct, then the matter will be referred for consideration under the appropriate stage of the disciplinary procedure. The complainant will be kept informed of any further action, but they will not be provided with the disciplinary investigation and associated reports.
11. Whether or not a complaint is upheld, the Investigating manager may make recommendations in the outcome report to consider how best to manage the ongoing working relationship between the complainant and the respondent. It may be appropriate to arrange mediation or facilitation.



**B. Appeal**

1. If, following receipt of the decision and recommendations of the Investigating Manager, either party believes that the matter has not been handled fairly or properly in accordance with these procedures, they can appeal.
2. Appeals should be made in writing to the Head of Human Resources within 10 working days of receipt of the outcome. The request for an appeal should include details of why the individual is dissatisfied with the way the case has been handled or why they believe that the outcome is not reasonable and what resolution is sought.
3. The outcome report from the formal investigation stage, any appendices, or evidence will be submitted to the appeal.
4. The appellant (person appealing against the decision) will receive at least ten working days' notice of the appeal hearing including copies of any relevant papers to be considered.
5. The appeal hearing will take place as soon as reasonably possible and normally within 10 working days after receipt of the appeal notification and grounds for appeal.
6. The appeal hearing will be comprised of a Panel of two senior managers who are independent of any previous involvement in the case. The appellant will have the right to be accompanied at the appeal hearing by a colleague or recognised trade Union representative.
7. A member of Human Resources will attend the appeal hearing. The purpose of their attendance is to support and advise the Appeal Panel, to ensure that all the College's policies are complied with and to record the meeting.
8. The decision of the appeal hearing will be notified to the appellant and their representative in writing, normally within ten working days of the appeal hearing.
9. The decision of the Panel is final within the College.

**VEXATIOUS DIGNITY AT WORK COMPLAINTS**

1. Provided that a Dignity at Work complaint is brought in good faith, the complainant should not suffer any victimisation as a result of bringing the complaint, if the complaint is not upheld. Any such victimisation would be considered to be a matter for disciplinary investigation.
2. However, if, after any stage of this procedure has been concluded, it is the view of the Investigating Manager that a complaint had no merit and was raised in bad faith, the complaint may be rejected and may form the basis for action to be taken under the relevant HR procedure (disciplinary, probation etc).