

VOLUNTEER CORNWALL

MODEL DIGNITY AT WORK POLICY

SECTION ONE - POLICY

Introduction

This policy sets out the procedure to be followed by Volunteer Cornwall in resolving matters related to harassment and bullying of all individuals involved in Volunteer Cornwall, as agreed by the Board of Directors.

This policy applies to both paid and unpaid staff (i.e. volunteers) and to members of the Board of Directors.

It does not apply to members of the public, who should use the complaints procedure.

This policy is separate from the Volunteer Cornwall grievance and disciplinary policies.

Aim of the policy

The aim of the policy is:

- To maintain a working environment that is free from all forms of harassment and bullying and maintains the rights of individuals to be treated with dignity at work.

And in doing so:

- To define what is meant by harassment and bullying behaviour and to set out a clear, fair and accessible process that allows for the resolution of issues as rapidly, effectively and confidentially as possible.

Statement of Intent

Volunteer Cornwall is committed to the promotion of fairness and equity in the working environment.

Harassment and bullying are recognised as forms of discrimination and as such will not be tolerated.

All individuals in the workplace have the right to be treated with dignity and respect. It is everyone's responsibility to challenge all forms of harassment and bullying and it is everyone's responsibility to protect the right of individuals to be treated with respect.

As an employer, the Board of Directors seek to develop an environment that supports individuals facing or challenging unacceptable behaviour and gives them the confidence to confront this behaviour without fear of ridicule or reprisal.

Defining Harassment and Bullying

Harassment

There is no single, simple definition of harassment. It can take a variety of forms and may be directed at an individual or a group. The harassment of individuals and groups is often related to social identity and may be based on race, gender, sexual orientation, age, disability or affect any grouping in society that may be identified as being different, in the minority or lacking in power.

Harassment describes any behaviour that makes the recipient feel isolated, threatened, humiliated, undermined or reduced in dignity or respect.

Bullying

This is a form of harassment. It is offensive, persistent, abusive, intimidating, malicious or insulting behaviour. It is the abuse of power or the use of unfair sanctions which make the recipient feel upset, threatened, humiliated or vulnerable which undermines their self-confidence and which may cause them to suffer stress.

Examples of harassing or bullying behaviour include unwanted physical contact, violence, verbally aggressive behaviour, isolating^[MB1] and being unnecessarily uncooperative towards individuals, social exclusion in the workplace or at organised social activities, obscene gestures, graffiti, personal intrusion such as pestering or stalking.

It also includes verbal and written harassment using offensive or insulting language, inappropriate jokes, name calling, gossip, slander and letters and coercion of any kind, unjustified personal criticism, shouting, making threats, unjustified removal of responsibility and allocation to "lesser" tasks, withholding information, persistently and unjustifiably ignoring views and suggestions.

The Legal Framework

As Trustees of a charity, the Board of Directors are responsible for the welfare of everyone in Volunteer Cornwall. As an employer, the Board of Directors has a responsibility to resolve issues relating to the dignity of individuals in the workplace.

Harassment is unlawful, and failure to deal with allegations or incidents of harassment and bullying may have legal consequences. The areas of law relating to harassment and bullying are covered by the Equality Act 2010.

Individuals who leave employment as a result of alleged harassment could bring a claim of breach of contract, constructive dismissal or unfair dismissal against their employer. If an individual suffers psychological damage as a result of bullying or harassment, he/she could also be able to bring a claim for damages.

Other legislation relating to the harassment of individuals includes the Protection from Harassment Act 1997, covering harassment and stalking, and the Criminal Justice and Public Order Act 1994, which protects individuals from intentional harassment, alarm or distress as a result of threatening, abusive or insulting words or behaviour. There is also the criminal law relating to assault.

Managerial Responsibility

Volunteer Cornwall's Board of Directors members, managers and others responsible for individuals involved in the organisation must understand the policy and accept responsibility for implementing it. It is their responsibility to:

- ensure that staff for whom they are responsible understand the policy and the principles behind it.
- create a working environment in which dignity at work is actively promoted.
- ensure compliance even if there is no complaint e.g. remove a display of offensive material.
- use the policy to deal with any complaint of harassment or bullying brought to their attention.
- ensure that complaints are resolved as swiftly and as confidentially as possible with the least disruption, and that the complainant and respondent have access to support before, during and after complaints are investigated.
- ensure that by their own positive behaviour they lead by example and they are sensitive to how others might perceive their behaviour.
- if possible, resolve the problem informally.
- ensure that the mechanism for monitoring and reporting on the number of cases raised under the policy and the final outcomes is set up. It is recommended that reports be produced on an annual or bi-annual basis, unless there are no cases.

SECTION TWO

VOLUNTEER CORNWALL OPERATING PROCEDURE

Introduction

The aim of the policy is to resolve complaints quickly, effectively and fairly and maintain a positive working environment. It is therefore advised that, as far as possible, the informal stage of the procedure is employed.

If informal resolution fails, or if it is not appropriate to resolve the complaint informally, the individual, individual's senior manager or the person who is responsible for initiating the procedure e.g. Chair of the Board of Directors may at any time start the formal stage of the procedure.

The objective of the informal stage is to remedy the situation by encouraging and facilitating communication between the complainant and the respondent and, where appropriate, to allow for the matter to be resolved locally by the Senior Manager.

The formal stage involves the submission of a written complaint which is then dealt with by a confidential investigation and decision-making process.

The policy focuses on providing a mechanism for dealing with cases where the complainant (the person making the complaint) or the respondent (the person who is the subject of the complaint) is a paid or unpaid member of staff. In cases where either the complainant or the respondent is a member of the Board of Directors, the Board of Directors retains overall responsibility for ensuring that the matter is resolved.

It is recognised that arrangements to resolve these issues may require more thought and flexibility in terms of identifying individuals to undertake the investigation and to sit on decision making panels; however, the principles of this policy should still apply. For example, if a staff member (paid or unpaid) wished to complain about the behaviour of the Chair of the Board of Directors, various options exist. The complaint could go to the Vice Chair, to another member of the Board of Directors or to another paid staff member from Volunteer Cornwall.

The Informal Stage

In the first instance, the person concerned is advised to raise the matter with their senior manager or where this is the individual identified by the complainant, the next tier of management i.e. the Chief Executive with a view to seeking to resolve the matter informally at local level.

The respondent is approached by the complainant and/or the senior manager or other individual acting on their behalf (see reference to support structure below) and asked to account for their behaviour.

The respondent is advised of the perceived impact of their behaviour on the complainant and asked to stop.

Both the complainant and the respondent should have access to support throughout the process of resolving the complaint (both the informal and the formal stages). Support is available from:

- Senior Manager
- Trade Union representative or staff member

Both the complainant and the respondent should keep notes of what has taken place, as they may need to be referred to in subsequent proceedings if the matter is not resolved at this stage.

The manager should record dates and details of the matter reported to him/her and action taken.

If the manager concludes that the matter is resolved at this stage or that the complaint was unjustified, this should be agreed and confirmed in writing to both parties by the manager. Where a decision is taken that the complaint is unjustified, the manager will also decide whether the complaint was malicious or vexatious in nature.

If the matter remains unresolved the formal stage of the procedure is activated.

The Formal Stage

Lodging the Complaint

This stage can be initiated where the complaint has not been resolved at the informal stage or if the complainant or the manager decides that the nature of the complaint is such that informal resolution is not appropriate.

To start this stage the complainant must submit a formal written complaint to his/her senior manager, (or where this is not appropriate, to the Chief Executive) or the Chair of the Board of Directors depending on the circumstances. The individual who receives the complaint should acknowledge receipt in writing within five working days.

The manager must advise the respondent of the complaint within five working days.

Both the complainant and the respondent must be advised of the procedure to be followed and what support mechanisms are available to them.

The Investigation

An investigation into the allegations is arranged. The principles to be followed are the same as for investigation of other serious incidents in the working environment. The target time for the completion of the investigation is twenty working days. Suggested timescale for receipt of written responses to requests for statements or other information from complainant or respondent, five working days. If the investigation is more complex than first envisaged and further time is required, this should be communicated to both parties in writing with an indication of the revised timescale for completion of the investigation.

The Board of Directors has overall responsibility for ensuring that arrangements are made for the complaint to be investigated. The investigation is carried out by an individual or individuals (depending upon the circumstances) identified as possessing the appropriate skills and abilities in this area. The choice of investigator/s will depend upon the nature of the complaint. As a rule of thumb, investigators should be chosen from individuals with experience and/or knowledge and understanding of dealing with incidents related to performance, discipline, grievance and issues of equality in the workplace.

The Board of Directors may identify someone from within Volunteer Cornwall or a person who is independent of the organisation to conduct the investigation or assist with decision making.

If appropriate, interim arrangements shall be made e.g. changes to supervision/management arrangements. It could also include temporary relocation of individuals, or if there are concerns about the wellbeing of either party, or if the presence in Volunteer Cornwall of either party would potentially restrict the investigation, suspension from the workplace on full pay is an option.

Both the complainant and the respondent are made aware of the formal procedure and are required to submit written statements and be interviewed. They have the right to be accompanied at any interview by a trade union representative or colleague. It may also be agreed (following discussion between the complainant/respondent and the investigators) that someone from their support network (see The Informal Stage, paragraph 4) attends the interview.

Any witnesses to the alleged event/s will also be identified and interviewed.

The investigator shall keep formal records of all proceedings. These records will have confidential status.

The investigator/s will collect and examine the evidence available and submit a written report to the relevant panel detailing the supporting evidence, the conclusions drawn and any recommendations.

The Decision-Making Process

The Board of Directors has overall responsibility for ensuring that a mechanism is in place for making decisions and resolving complaints. The Board of Directors may delegate authority for making decisions and resolving matters to other individuals i.e. members of the various panels that may be set up as part of this process. There must be clarity with the delegated authority and power vested in decision-making panels, particularly where dismissal of an individual may result.

It is recommended that where possible panels should have a minimum of two or three members. However, where resources are limited, the initial panel convened following the investigation may comprise a single individual. The panel may comprise individuals from the Board of Directors or an independent organisation. The choice of panel members will depend on the nature of the complaint (refer to Paragraph 9.6)

The purpose of this panel would be to decide what course of action should be taken following the investigation of the complaint and, if appropriate, conduct the disciplinary hearing.

If evidence is found of inappropriate behaviour, the panel will decide on the appropriate action to be taken.

If the panel finds that there is no case to answer or that action other than disciplinary action should be taken, it is the responsibility of the panel to identify what course of action should be taken.

If the panel decides that disciplinary action should be taken, a disciplinary hearing will be convened in line with Volunteer Cornwall disciplinary procedures.

In accordance with the appeal stage of the Volunteer Cornwall disciplinary procedure, if the case is found to be proven and a sanction is imposed, the respondent has the right of appeal.

In line with the appeal procedure a separate appeal panel must be convened. It is recommended that the composition of panels convened to hear an appeal against the outcome of a disciplinary hearing should be a minimum of two or three panel members.

The outcome of the disciplinary hearing may be reviewed in the light of the appeal. The decision of the appeal panel is final.

If, following the investigation, it is decided that there is no case to answer, the complainant has the right of appeal via the Volunteer Cornwall grievance procedure, or if an unpaid member of staff, in line with the Volunteer Cornwall internal complaints procedure.

The grievance must be lodged in writing and a review undertaken in accordance with the agreed procedure of Volunteer Cornwall.

If as a result of the review the original decision is confirmed, the matter is ended and the procedure is at an end.


If as a result of the review the original decision is overturned, the matter is resolved via the normal Volunteer Cornwall disciplinary procedure.

The panel must also consider whether in bringing the complaint there was any malicious or vexatious intent on the part of the complainant and decide upon the appropriate course of action.

It should be noted that, if at any point in the procedure there is evidence of misuse of the policy by any party, action up to and including disciplinary action will be taken.

Following the conclusion of the procedure an assessment will be made of:

- the existing working arrangements so that they can be readjusted as necessary to accommodate the staff who will be working together in the future. This may, if possible and appropriate involve relocation of one of the parties involved.
- any action necessary to prevent reoccurrence of the complaint or behaviour of a similar nature. This should include looking at the need for training, additional support, supervision or monitoring.

Signed: 

Date: 19th April 2023

Review Date: 04/26

Ian Jones
Chief Executive
On behalf of Volunteer Cornwall