

**Dignity and Respect at Work Guidance**

**Issued by the Human Resources Team**

If you require this information in another format please go to the end of this document for further details.

**Introduction**

KCC is committed to providing safe workplaces which are free from discrimination, harassment, violence or any other form of offensive and unacceptable behaviour. Should you feel that you have been subjected to treatment of that kind, you are encouraged to report this to your line manager (or grandparent manager if the issue involves your line manager) at the earliest opportunity. Reports relating to dignity and respect issues will be dealt with promptly, effectively and sensitively. There may occasions when it is appropriate for action to be taken in partnership with external agencies.

This guidance applies if you have directly experienced or witnessed inappropriate behaviour that has taken place either on KCC premises or during the delivery of KCC services.

**Definitions**

The Dignity and Respect at Work Policy and this guidance cover all forms of offensive and unacceptable behaviour that you might experience or witness in the course of your duties; this can include:

* violence
* harassment
* discrimination (including discrimination by association)

Given below is some further information about these different types of inappropriate behaviour.

**Violence**

KCC uses the Health & Safety Executive’s definition of violence to identify those incidents that represent unacceptable behaviour. The definition is ‘any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work.’ This includes:

* physical assault
* harassment, verbal aggression or abuse, face to face or by telephone
* threats of violence to employees or their families
* attacks by animals incited by their owners or keepers

**Harassment**

KCC has adopted the following definition of harassment:

‘Harassment is unwanted conducted 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.’

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There are a range of reasons why a person may be subjected to harassment which extend beyond the different protected characteristics (see below); this includes being harassed by members of the public on the grounds of being identified as a KCC employee or on the basis of social or cultural status.

The protected characteristics, as set out in the Equality Act 2010, are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

You may experience harassment in respect of a protected characteristic even if that characteristic doesn’t apply to you. For example victims of homophobic crime do not have to be lesbian, gay, bi-sexual or transgender (LGBT); they just have to be perceived as LGBT and/or the incident is perceived to contain, or is influenced by, homophobia.

All forms of harassment are unacceptable and are covered by the Dignity and Respect at Work Policy.

**Racial Harassment**

In the case of racial harassment this covers an incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality. It includes any unwanted verbal or physical abuse and / or behaviour, which is racially motivated.

A racist incident is any incident, which is perceived to be racist by the victim, or any other person.

**Examples of Discrimination and Harassment**

These can include, but are not limited to:

* physical attacks on people as well as damage to property
* verbal abuse and threats
* abusive language, ‘jokes’ or ‘banter’ (even if no one in the relevant group is present)
* physical threats, assaults and insulting behaviour or gestures
* unfair allocation of resources
* putting up posters or writing offensive graffiti
* making abusive phone calls
* sending offensive material through the post/via email/text/social media
* unwanted verbal or physical abuse/advances of a sexual nature
* sexually explicit derogatory statements or references made to a person’s sexuality, gender identity or behaviour
* continually complaining about cultural differences and needs
* social prejudice towards asylum seekers and refugees.

**Discrimination by Association**

Discrimination by association occurs if you are treated less favourably because you are linked or associated with a protected characteristic. You do not need to have the protected characteristic yourself, but you are treated less favourably than others because you have a friend, spouse, partner, parent or another person associated to you who does have that protected characteristic.

**Raising a Complaint Against Other Employees**

If you need to raise a complaint against another employee you should use KCC’s Resolution Procedure or School’s Harassment Procedure. Serious complaints against KCC employees may also require the Disciplinary Procedure and other procedures to be used. In the first instance you should raise your concerns with your line manager (or grandparent manager if the issue(s) involve your line manager).

**Reporting**

Reporting incidents provides important information, this includes the ability to identify if repeated issues are occurring in a particular service or team which may require further examination. There is also a legal obligation regarding the reporting of occurrences of harassment and other violent incidents.

Harassment is considered to be within the scope of ‘violence’ in the context of Health & Safety recording of incidents. If you experience or witness harassment or other types discriminatory or treatment which you find offensive and unacceptable you should, along with your line manager, complete an [online HS157 accident/incident reporting form.](https://kentcc-self.achieveservice.com/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-e83a9e9b-1377-4e9d-a1c6-25093b07fe22/AF-Stage-e9037af4-353e-4a6d-a723-8f2de955489a/definition.json&redirectlink=/en&cancelRedirectLink=/en)

**Other Assistance**

If you experience abusive behaviour there are additional actions that you may wish to consider, these include:

* taking civil action, under the Protection from Harassment Act 1997, to seek to prevent the other party from carrying out a ‘course of conduct’ that amounts to harassment
* making a report to the Police to seek criminal action against the other party in accordance with the Protection from Harassment Act 1997
* seeking an Injunction to Prevent Nuisance and Annoyance (IPNA). IPNAs replaced the Anti-Social Behavioural Orders (ASBOs).

**Criminal Injuries Compensation -** In the most serious of cases, you or your dependants may be able to make a claim to the Criminal Injuries Compensation Authority. To be eligible for compensation you must have sustained personal injury attributable to a violent crime. For further information and guidance contact [www.cica.gov.uk](http://www.cica.gov.uk) or ring the helpline on 0300 0033601

Further general advice and information can be obtained from the Risk Management Team 03000 416 660. For advice about pursuing a claim for compensation contact 03000 411 563. Trade Unions can also provide advice and support.

**Specific Responsibilities**

**Elected County Council Members**

If you are a KCC Member you have a responsibility for promoting equality and must operate according to the Code of Member Conduct that is part of KCC’s Constitution.

**Employees, Volunteers & Contractors**

If you are aKCC employee, a volunteer or a contractor you have a responsibility to observe KCC’s Dignity & Respect at Work and Equality and Diversity Policies when carrying out your duties. This includes taking action to record and report and/or challenge incidents of harassment or other prejudicial treatment that you witness or that are reported to you.

**Managers**

You must take appropriate action to challenge and address all offensive and unacceptable behaviour immediately that you become aware of it. It is essential that you protect and support employees, volunteers and service users from violence, harassment and other forms of discrimination or prejudicial treatment.

In order to seek to avoid incidents relating to violence, harassment or discrimination, you must:

* ensure that the risk of violence/harassment is assessed and all practical control measures are in place
* ensure all employees are aware of the standards of behaviour expected of them and service users
* ensure service users are aware of the standards expected of them in terms of their behaviour towards employees

It is also essential that you make employees aware of the appropriate complaints and reporting procedures (e.g. Resolution Policy and Resolution Procedure) and support services (e.g. Support Line, Equality Staff Groups). Employees should be encouraged to raise concerns regarding their treatment or that of others.

There are a number of ways in which you can respond to incidents of violence, harassment and prejudicial treatment that occur whilst employees are working. Examples include:

* initiate the withdrawal of services where the service has an agreed process
* advise and support employees who experience discriminatory or inappropriate treatment
* ensure proper recording and reporting of incidents takes place
* ensure incidents of violence and complaints of harassment or other prejudicial treatment are investigated quickly and sensitively
* monitor incidents and follow up to establish to ensure that identified preventative or supportive measures are put in place
* provision of training to address any identified development needs arising from the incident

**Management Action & Support**

The level of support and action you need to take will depend on the circumstances and, to a large extent, on the wishes of the individual. You will, through discussion with the person, need to determine the best course of action, the kind of support required and the level of risk involved. In any event you should arrange to meet the individual within sufficient and reasonable time, in any case within three working days.

**Risk Assessment/Personal Safety**

Risk assessment of all activities needs to take account of all situations where violence may occur. The assessment is based on a recognised likelihood (previous history, case notes) of risk of a particular experience or potential conflict/sensitivity of ethnic, disability or gender issues.

Controls identified would need to include support and procedures in place, pre and post incident information and available training.

Risk assessments and supporting material should be regularly reviewed to ensure that they adequately fit current working practices and intelligence.

Detailed guidance on SafetyNet. [Risk Assessment Guidance on SafetyNet](http://www.kelsi.org.uk/policies-and-guidance/health-and-safety-guidance/risk-assessment)

**Assault or threats of violence**

If you are made aware that there has been physical contact, significant/serious threat or abuse violence or threats of violence, you should meet with the individual at the earliest possible opportunity (and within 24 hours) to determine the level of risk and any immediate action required to prevent any further exposure to the perpetrator.

**Support**

Whatever the circumstances, you must respond promptly and sensitively to enable employees to deal with negative experiences at work. Specifically, when meeting or discussing an incident, you should:

* allow the individual to describe the incident/event and express their feelings
* take into account what action the individual wishes to take and agree next steps
* offer advice about practical steps, such as providing guidance and information on:
* [reporting/recording the incident (HS157)](https://kentcc.firmstep.com/default.aspx/Stages/RenderProcess/?ProcessGUID=48380BBF-B4FF-4809-84D8-F289C7279BA9&ReturnURL=%2F&fs2s=FSmsdTksCT9)
* working arrangements including temporary adjustments – taking into account any personal safety concerns
* the Resolution Policy and Procedure
* managing future contact with the alleged perpetrator
* risk assessment
* legal assistance
* support services, e.g. Support Line
* training opportunities
* consider contact with other agencies where appropriate (e.g. Partner agencies, Police)

**Withdrawing Services**

In certain cases of harassment, such as where there has been a threat of violence or assault or a campaign of unacceptable behaviour from a service user, a group or a member of the public, you must consider taking immediate action to prevent the employee or volunteer from experiencing any further abuse. Where the harassment has been perpetrated by a service user, it may be appropriate for you to consider the withdrawal of services, where this is possible, or other actions short of the withdrawal of services e.g. (reallocation of work or relocation with the individual’s agreement).

**Other Relevant KCC Documents**

* General Statement of Policy on Health, Safety and Welfare at Work.
* Equality & Diversity Policy
* Resolution Policy
* Resolution Procedure
* Domestic Abuse Guidance
* Lone Working Guidance
* Personal Safety Guidance
* [Online HS157 Accident/Incident Reporting and HS160 Investigation Forms](https://kentcc.firmstep.com/default.aspx/Stages/RenderProcess/?ProcessGUID=48380BBF-B4FF-4809-84D8-F289C7279BA9&ReturnURL=%2F&fs2s=FSmsdTksCT9).

[**Alternative Formats**](http://knet/ourcouncil/Pages/alternative-formats.aspx)

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