

HCPC

Dignity at Work Policy

Policy Title	Dignity at Work Policy
Department	Human Resources
Version	V4/2024
Updated	October 2024

Dignity at Work Policy

1. Purpose

- 1.1 The HCPC is committed to providing a safe, healthy, and open working environment and believes that all employees have a right to be treated with dignity and respect. The purpose of this policy is to try and ensure, that those who work for the HCPC are treated with dignity and respect and are not subject to (or subjected to witnessing) harassment, intimidation, or other forms of bullying at work.
- 1.2 All employees are entitled to a working environment which respects their personal dignity, and which is free from objectionable conduct. The HCPC is fully committed to promoting a good and harmonious environment where every worker is treated with respect and dignity and in which no worker feels threatened or intimidated.

2. Legislative Framework

- 2.1 Under the Health and Safety at Work Act 1974 we have a duty to provide our employees with a safe place and system of work. This includes a workplace free from bullying and harassment including sexual harassment. We also have responsibilities not to harass or discriminate against employees on the grounds of their sex, sexual orientation, civil partnership or marital status, pregnancy or maternity, gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability, or age.
- 2.2 In some situations, the HCPC may also be liable for the actions of its employees towards each other and towards third parties. In certain circumstances, harassment can amount to unlawful discrimination. This policy serves to demonstrate our commitment to identifying and whenever possible eliminating such unlawful behaviour.

3. Policy Implementation

- 3.1 The HCPC has overall responsibility for this policy but has delegated day-to-day responsibility for overseeing and implementing action required under it to Human Resources.
- 3.2 Managers have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that employees understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards.
- 3.3 All employees are responsible for treating their colleagues with dignity and respect, which will assist in securing the success of this policy. All employees should take the time to read and understand this policy and always consider whether their words or conduct could be offensive to others. Harassing and bullying behaviour may not always be intentional, but it is always unacceptable.

- 3.4 Employees should disclose any instances of harassment or bullying of which they become aware to their manager or to Human Resources.
- 3.5 This policy does not form part of any individual's contract of employment or terms of engagement and the HCPC reserves the right to amend or withdraw it at any time.

4. Scope

- 4.1 This policy applies to all individuals working for the HCPC, including employees, contractors, part-time or fixed-term employees, and agency staff.
- 4.2 The policy also applies to bullying and harassment by all relevant third parties, including registrants, council members, partners, litigants, witnesses, and members of the public attending hearings with HCPTS. This list is not exhaustive. The policy will be applied to any individual who has any form of contact with HCPC employees.
- 4.3 This policy covers harassment or bullying which occurs both in the workplace itself and in settings outside the workplace, but which are connected to work, such as business trips, work-related events or social functions organised for or on behalf of the HCPC and on or off the HCPC's premises.

5. Responsibilities

- 5.1 Everyone is responsible for their own behaviour. You should:
- treat everyone with dignity and respect
 - not bully or harass anyone
 - not victimise or attempt to victimise anyone who has made complaints of discrimination, or provided information to support a complaint
 - report incidents to your manager or the HR team if you think they are inappropriate
- take responsibility for observing, upholding, promoting and applying this policy.
- 5.2 Managers should make sure that staff reporting to them are aware of the HCPC's behavioural framework, HCPC values, HCPC's Code of Conduct policy as well as this policy. If you are a manager, you must act if you become aware that bullying, harassment or victimisation is happening.
- 5.3 Any dealings you have with third parties, including registrants, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.
- 5.4 If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to

whom it applies) under our Disciplinary procedure, up to and including dismissal.

6. Confidentiality

- 6.1 During an investigation process the HCPC aims to deal with matters sensitively and with due respect for the privacy of any individuals involved.
- 6.2 Confidentiality is very important throughout all parts of this procedure. Everyone involved in the operation of this policy, whether making a complaint or involved in any investigation is responsible for observing the high level of confidentiality required. Breach of confidentiality may give rise to disciplinary action under the HCPC's Disciplinary Policy and Procedure.
- 6.3 You will normally be told the names of any witnesses whose evidence is relevant to any complaint raised, unless, in our discretion, we believe that a witness's identity should remain confidential.
- 6.4 Witnesses must treat as confidential any information given to them in the course of an investigation, including the identity of any employees taking part in the investigation.

7. Companion

- 7.1 At all stages of the process, you have the right to be accompanied by a fellow employee or a Trade Union representative (if appropriate). You must inform us of the identity of your chosen companion in good time before the meeting.
- 7.2 Acting as a companion is voluntary and employees are under no obligation to be a companion at a meeting in relation to a complaint.
- 7.3 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf or prohibit the HCPC from making its case. You may confer privately with your companion at any time during a meeting.

8. What is Harassment and Bullying?

- 8.1 If you are in any doubt as to whether an incident or series of incidents that have occurred constitute bullying or harassment, you should in the first instance approach your manager or Human Resources confidentially. They will be able to advise you as to how the matter should be dealt with.

Harassment

- 8.2 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of affecting a worker's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 8.3 The manner in which you speak to or about someone might amount to harassment. Where such conduct is related to sex, sexual orientation, civil partnership marital status (also not covered under harassment, a claim of

direct discrimination could be made), pregnancy or maternity, gender reassignment, race, religion, colour, nationality, ethnic or national origin, disability, or age, it may amount to unlawful harassment under the discrimination legislation.

- 8.4 Harassment can take many forms such as deliberately placing objects on high shelves that are difficult for certain individuals, such as a person with a disability, to reach or can be by way of emails, text messages, film clips and photographs taken using mobile phone cameras.
- 8.5 Harassment can arise where a worker has made it clear that they find certain behaviour unwelcome, but that behaviour has continued unchanged. Harassment does not, however, have to be repeated for the recipient to find it offensive and harassment may arise out of a single, one-off act, comment or incidence of behaviour.
- 8.6 It is important to remember that, even though the conduct may only be unwanted by or offensive to one individual, it can still amount to harassment. Employees who believe they are being subjected to harassment should not hesitate to use the procedures set out below.
- 8.7 Harassment may be sexual in nature. The law defines sexual harassment as:
 - conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
 - less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.
- 8.8 Examples of harassment might include:
 - 8.8.1 Unnecessary or unwanted physical contact, which the perpetrator might perceive to be "horseplay" and which can include the invasion of personal space, ranging from touching, pinching, or brushing against another worker's body, as well as assault or coercing sexual relations.
 - 8.8.2 Unwelcome sexual behaviour which might be perceived by the perpetrator to be harmless flirting, and which may involve suggestions, advances, propositions, or pressure for sexual activity.
 - 8.8.3 Continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome.
 - 8.8.4 Offensive or intimidating comments made to or about another individual.
 - 8.8.5 Suggestions that sexual favours may further an employee's

career or that refusal of sexual favours may hinder it;

- 8.8.6 Display or circulation of offensive pictures, objects or written material, which for example, may be considered pornographic or offensive to particular groups, even if the harassment is not directed at them.
- 8.8.7 Unwanted conduct or conduct that has the purpose or effect of violating an individuals' dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, or verbal or physical conduct that denigrates or shows hostility or aversion towards a particular group or against an individual because of their membership of such a group or that of their relatives, friends or associates and which may, for example, be on the ground of their sex, race, sexual orientation, disability, religion or age, including abuse or insults about cultures, customs, appearance or dress;
- 8.8.8 Inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks; and
- 8.8.9 Ignoring or shunning a worker by, for example, deliberately excluding them from conversation or social activity.
- 8.8.10 Less favourable treatment arising from sexual harassment – for example a manager refusing to provide a positive appraisal to a team member after they rejected a colleague's unwanted conduct – is also considered unlawful harassment. The less favourable treatment need not be perpetrated by the same person who carried out the initial unwanted conduct

This list is not exhaustive and other behaviour may constitute harassment.

Bullying

- 8.9 Bullying is offensive, intimidating, malicious or insulting behaviour, which through the use or abuse of power makes an individual feel vulnerable, upset, intimidated, and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence, and self-esteem.
- 8.10 As with harassment, bullying can take the form of physical, verbal, and non-verbal conduct. Physical conduct includes perceived horseplay, touching, pinching, and pushing, as well as grabbing, shoving, punching and other forms of physical assault. In addition to the manner in which employees speak to and about each other, written material and pictures can be used to bully others, including sending or sharing emails, texts, film clips and photographs taken by using mobile phone.

- 8.11 Bullying behaviour may be intended to undermine, humiliate, denigrate, or injure a colleague, or be ridiculing or demeaning to others and may be as a result of overbearing supervision of junior colleagues or unjustifiably excluding colleagues from meetings or other communications. Bullying does not include legitimate and constructive criticism of performance or behaviour, or reasonable requests made of employees.
- 8.12 What amounts to bullying will be largely defined by the impact of the perpetrator's behaviour on the recipient. Whilst bullying will often involve a person in authority abusing their authority and intimidating those who are more junior, an individual may also bully a peer, or a senior member of staff and a group of employees may bully individuals.
- 8.13 Examples of bullying include: -
- 8.13.1 Open aggression, physical or psychological threats, shouting at or being sarcastic, being abusive or using obscenities.
 - 8.13.2 Subjecting an individual to humiliation or ridicule, demeaning them, or belittling their efforts, often in front of others.
 - 8.13.3 Subjecting an individual to excessive supervision without justification, excessive monitoring of their work, being over critical about minor things or being derogatory about their performance.
 - 8.13.4 Constantly taking the credit for another individual's work, but never the blame.
 - 8.13.5 Constantly overruling an individual's decisions without reason; Without justification removing whole areas of work responsibility from an individual or reducing their job to routine tasks that are below their skills and capabilities.
 - 8.13.6 Deliberately withholding information that an individual requires in order to do their job effectively.
 - 8.13.7 Ostracising/marginalising an individual by unreasonably excluding that person from discussions, decisions etc.
 - 8.13.8 Spreading malicious rumours about an individual.
 - 8.13.9 Abuse of power or authority by those in positions of seniority, for example, by blocking a reasonable request for leave or training made in accordance with HCPC procedure.

9. What to do if you have been Bullied or Harassed?

Informal Procedure

- 9.1 If you consider that you are being bullied or harassed and you feel able to do so, you should, where it is possible and appropriate to do so, initially attempt to resolve the problem informally by explaining clearly to the person responsible that the behaviour in question is unwelcome, that it amounts to bullying or harassment, and that it offends you or makes you uncomfortable and that it should stop. Many concerns can be resolved informally. Where an employee is not content to do this, they should discuss the matter informally with their line manager, who may be able to resolve the issue immediately. You should keep a note of the date on which you spoke to the person responsible and what was said as this may be used as evidence if the action is repeated and the formal procedure (outlined below) is commenced.
- 9.2 Bullying and harassment by third parties, such as registrants, clients, suppliers and/or contractors, will not be tolerated.
- 9.3 If you are experiencing bullying or harassment by a third party, we encourage you to report this to your manager or the HR team without delay so that they can advise and support you on the best course of action.
- 9.4 Bullying and harassment are often clear cut. However, sometimes people are unsure as to whether the behaviour is unacceptable. If this applies to you there are a number of things to consider, including:
- Has there been a change of management or organisational style to which you just need time to adjust – perhaps because you have a new manager or work requirements?
 - Can you talk over your worries with the People team, your manager, staff forum representative or colleagues?
 - Can you agree with your manager changes to ways of working that will make it easier for you to cope?
 - Keep a log of all incidents – records of dates, times, any witnesses, your feelings, and copies of anything that you feel is relevant, for example, emails.
- 9.5 If it is too difficult or embarrassing for you to do have a discussion on your own, you should seek support from your manager or Human Resources, who will provide confidential advice and assistance to employees who have been or are being bullied or harassed and will assist in the resolution of any problems, whether through formal or informal means, including (but not limited to) mediation if appropriate. Please refer to Section 6 of the Grievance and Dispute Resolution Policy and Procedure.
- 9.6 This informal stage will not result in any formal internal investigation or disciplinary action. It is intended to enable you to resolve the matter yourself.

- 9.7 Where informal resolution is not appropriate or where the outcome has been unsatisfactory and the conduct is continuing and you wish to progress matters formally, a complaint should be made using the procedure below.

Formal Procedure

- 9.8 The informal procedure may not be appropriate due to the nature of the harassment or bullying, because you do not feel able to talk directly to the person causing the problem or because the outcome of the informal procedure was unsatisfactory. In these cases, you should formally raise your complaint in writing by completing the Dignity at Work Form (Appendix 1) and sending it to Human Resources, whose role is to achieve a solution wherever possible. Human Resources will respect the confidentiality of all concerned. If your complaint relates to a member of Human Resources, you should refer your complaint to your manager or Head of Department.
- 9.9 Your written complaint should set out full details of the unwanted conduct, including the name of the perpetrator, the nature of the unwanted conduct, the date(s) and time(s) when the harassment or bullying occurred, the names of any witnesses, and any action taken by you informally in an attempt to stop the harassment or bullying.
- 9.10 As a general principle, the decision to progress a complaint rests with you. However, as your employer the HCPC has a duty to protect all employees and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

10. Stage 1 - Investigation

- 10.1 Complaints will be managed in a timely and confidential manner and an independent investigation will be conducted to determine the details of what has taken place. Your name and the name of the alleged perpetrator will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. At the outset, a management level employee (an "investigating officer") with no prior involvement in the complaint will be appointed to conduct the investigation. The investigation will be thorough, impartial, and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.
- 10.2 Consideration will be given to whether the alleged perpetrator should be redeployed temporarily, suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.
- 10.3 As part of the investigation, the investigating officer will meet with you to hear your account of the events leading to your complaint. You have the right to be accompanied at this meeting by a work colleague or a trade union representative. The investigating officer will also meet with the alleged perpetrator, who may also be accompanied by a work colleague or trade union representative. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

- 10.4 The purpose of an investigation is to enable us to establish a fair and balanced view of the facts before proceeding with an outcome. This may also involve reviewing any relevant documents.
- 10.5 You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant information or documents to us, and attending any investigative interviews.
- 10.6 At the conclusion of the investigation, the investigating officer will submit a report to Human Resources. The investigating officer will also report their findings back to you as soon as possible. A copy of the investigating officer's report will be provided to you and to the alleged perpetrator or bully. You will also be informed of your right of appeal against the decision.
- 10.7 The HCPC hopes to provide such written confirmation within ten working days or as soon as is practicable of the meeting.
- 10.8 If the investigating officer finds that harassment or bullying has occurred, prompt action will be taken to stop the unwanted conduct immediately and prevent its recurrence. The matter will also be dealt with under the HCPC's Disciplinary Policy and Procedure as a case of possible misconduct or gross misconduct. If the perpetrator or bully is a third party, such as a Partner or registrant, we will consider what action would be appropriate to deal with the problem. Whether or not a complaint is upheld, consideration will be given as to how the ongoing working relationship between you and the alleged perpetrator should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

11. Stage 2 – Appeal (final stage)

- 11.1 If you are dissatisfied with the outcome of the investigation, you have the right to appeal the decision within five working days of being notified of the outcome. You should submit your full written grounds of appeal to the Human Resources Department, and someone will be nominated to hear your appeal. Where practicable this will be a manager senior to the manager who originally considered the complaint or Human Resources Business Partner or higher level (if they were not involved in the original decision).
- 11.2 Within ten working days of receipt of your appeal or as soon as is practicable the nominated appeal chair will arrange an appeal meeting with you. However, if this is not possible, you will be informed of the reason for any delay.
- 11.3 You will be entitled to be accompanied by a fellow employee or a trade union official at the appeal stage.
- 11.4 If you are unable to attend the appeal meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the meeting may take

place in your absence, based on your written statement and any other supporting documentation available.

- 11.5 If appropriate, further investigation may take place and/or action may be taken. If an investigation is undertaken, upon completion of that investigation the appeal decision will be notified to you in writing.
- 11.6 The HCPC hopes to provide such written confirmation within ten working days or as soon as is practicable of the appeal meeting, but if further investigation is required the decision will be notified to you as soon as possible.
- 11.7 The decision of the appeal chair will be final, and this policy will be exhausted following completion of this stage. There will be no further right to appeal.

12. Protection for those making complaints or assisting with an investigation

- 12.1 Employees who make complaints in good faith or who participate in any investigation under this policy will be protected from intimidation or victimisation in connection with their involvement. If you believe you have been subject to any such intimidation or victimisation you may raise a further complaint in writing under this procedure or under the HCPC's Grievance Procedure.
- 12.2 Any worker who, after investigation, is found to have provided information falsely and in bad faith will be subject to action under the HCPC's Disciplinary Policy and Procedure.

13. Record Keeping

- 13.1 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of any investigation, the outcome of the investigation, any action taken and the reasons for that action, whether there was an appeal and the outcome of the appeal, and any notes or other documents compiled during the process. The HCPC will also prepare formal minutes of the meetings. Please notify the HCPC if you require a copy of your meeting minutes. All records under this procedure will be treated as confidential. These will be processed in accordance with applicable data protection legislation.
- 13.2 You, or any person acting on your behalf, are not normally permitted to record electronically any meeting that we hold under this procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action under the Disciplinary Policy and Procedure.
- 13.3 In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.
- 13.4 Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

14. Remote proceedings

- 14.1 Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. We will ensure that you and your representative have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

15. Fairness and respect

- 15.1 We recognise that this procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.
- 15.2 We will not tolerate abusive or insulting behaviour from anyone taking part in this procedure and will treat any such behaviour as misconduct under the Disciplinary Policy and Procedure.

16. Employee Support and Wellbeing

- 16.1 Employee Assistance Program (EAP): All employees have access to our confidential EAP, which provides professional counselling services, mental health support, and advice on a range of personal and work-related issues.
- 16.2 Health Assessment: Where appropriate, employees may be offered a referral to Occupational Health and/or a stress risk assessment for additional information and guidance related to their wellbeing.
- 16.3 Wellbeing Advisors: The HCPC has trained Mental Health First Aiders available to provide initial support and guidance to employees experiencing mental health concerns.
- 16.4 Reasonable Adjustments: We will consider and implement reasonable adjustments to the process where necessary to support employees with disabilities or health conditions.
- 16.5 Regular Check-ins: The HR department will offer regular check-ins with employees involved in the process to ensure they feel supported and to address any concerns.

17. Equality, Diversity, and Inclusion Statement

- 17.1 The HCPC adopts a zero-tolerance approach to discrimination on any of the protected grounds in the Equality Act 2010.
- 17.2 We are committed to providing equal opportunities to all current and prospective employees regardless of age, disability, sex, sexual orientation, pregnancy and maternity, race or ethnicity, religion or belief, gender identity, or marriage and civil partnership.
- 17.3 We will take positive steps to ensure that our applicants and employees can enjoy an experience that is fair, equitable and free from discrimination in their dealings with us.

Appendix 1 – Dignity at Work Form

Dignity at Work Form	
<p>This form is intended for use by any employee who wants to make a formal complaint about the behaviour of a colleague, their manager or a third party, or any other workplace issue.</p> <p>In certain circumstances, employees can request that their complaint be kept anonymous. Where possible, we will respect an employee's request for anonymity, but cannot guarantee that it will be able to do so.</p> <p>This form should be emailed to the Human Resources department marked as "confidential" in the subject line.</p> <p>We treat personal data collected during the procedure in accordance with our data protection policy.</p>	
Employee Details	
Employee's name(s):	
Employee's job title:	
Employee's department:	
Date:	
Summary of complaint:	
<p>Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or any supporting documentation if required.</p>	
Individuals involved in the alleged incident/complaint:	
<p>Please provide the names and contact details of any people involved in your complaint, including witnesses.</p>	

Why was your complaint not resolved at the informal stage?

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

For completion by HCPC:

Date form received by the HCPC:

Name of recipient and job role:

Signature:

Appendix 2 - Dignity at Work Appeal Form

Dignity at Work Appeal Form	
<p>This form is intended for use by an employee of the organisation who wants to appeal a decision made by the organisation.</p> <p>In accordance with the organisation's dignity at work policy, the organisation aims to arrange a formal appeal hearing with you within ten working days, or as soon as is practicable, of receipt of your appeal form. If there are likely to be any delays in hearing your appeal, the organisation will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.</p> <p>This form should be completed and sent to Human Resources, as an email attachment with "confidential" in the subject line.</p> <p>The organisation treats personal data collected during the procedure in accordance with its data protection policy. Information about how your data is used and the basis for processing your data can be found on the Intranet.</p>	
Formal appeal	
Employee's name:	
Employee's job title:	
Employee's department:	
Date of your original complaint:	
Date you were given decision that you are appealing against:	
Summary of appeal:	
<p>Please set out the grounds of your appeal (providing as much detail as possible), including any grounds for considering the Dignity at Work policy to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been erroneous in those circumstances). You may attach additional sheets if required. Your form should clearly state the grounds of your appeal, i.e. the basis on which you consider that your complaint has not been satisfactorily resolved.</p>	
Individuals involved in the appeal:	

Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.

Outcome requested from the appeal:

Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

Date:

For completion by the organisation:

Date form received by the organisation:

Name of recipient and job role:

Signature: