

Title: Dignity at Work

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Associated documents/policies: Disciplinary Policy 2016
Disciplinary Policy and Procedure (Students)
Grievance Policy 2015
Code of Conduct
Equality Policy
Disciplinary Policy and Procedure for Senior
Postholders
Appeal Procedure Staff and Students
Student Code of Conduct

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1. Policy Statement

- 1.1 The College recognises that all members of staff have the right to be treated with dignity and respect at work and that it is everyone's responsibility to behave in a manner that promotes fairness, diversity, dignity and respect to each other. Bullying and harassment will not be tolerated by Bath College, which is committed to providing a safe and secure environment in which all individuals can work effectively, confidently and competently.
- 1.2 This policy establishes the roles and responsibilities of all members of staff in relation to people with whom they come into contact through their work, and sets out the expectations in relation to the standards of behaviour which everyone should display towards all those with whom they come into contact.
- 1.3 All Bath College members of staff and agency workers must adhere to this policy. We all have a duty to respect each other and work in a professional way.
- 1.4 Any complaints of bullying or harassment will be investigated and, if appropriate, disciplinary action will be taken. The College will not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. The College also welcomes the active co-operation of our recognised trade unions in seeking to ensure harassment and bullying in the workplace does not occur.

2. Objectives

- 2.1 The purpose of this policy is to foster an environment in which bullying, harassment and intimidation are acknowledged as unacceptable and are not tolerated by the College. It is important that all members of the College should be able to recognise, challenge and where necessary, complain about bullying and harassment, should it arise, with confidence that their concerns will be treated in good faith, and investigated fairly and appropriately. The procedure further outlines steps to be followed in making an informal or formal complaint against another member of staff regarding incidents of bullying or harassment.
- 2.2 Together with the Equality and Diversity Policy, and other related Policies detailed above, this procedure will help to promote fair treatment and good working relationships in College. We expect that all staff will be fair, honest and ethical, maintaining an open mind, recognizing the need for change and creating the space for everyone to succeed.

Our aim is to deal with issues at the earliest opportunity and, wherever possible, at a local level.

3. Scope

- 3.1 This procedure applies to all members of College staff and is designed to be used when a member of staff perceives him or herself being harassed or bullied by one or several other members of the College staff. The policy also applies to bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.
- 3.2 If the complainant or alleged perpetrator is not employed by the College, e.g. customers, suppliers or visitors, the College will take reasonable steps to prevent this from continuing. Employees should report any such behaviour to their manager who will take appropriate action. In order to implement appropriate action, it may be necessary to modify this policy, for example, the College could not dismiss an agency worker but would instead require the agency to remove the worker, if appropriate, after investigation. If the alleged perpetrator is a student at the College, the matter would be investigated under the Student Code of Conduct.

4. Definition of bullying and harassment

- 4.1 The College is committed to promote dignity at work where everyone treats each other with respect and professionalism while achieving the College's performance objective to the high standard. In general, bullying and harassment is defined by the impact of the behaviour on the recipient, not by the intentions of the perpetrator.
- 4.2 Bullying (or harassment) can be a subjective thing; what one person perceives as bullying, another may find acceptable, what matters is the feeling of the recipient.

Definition of bullying:

- 4.2 Bullying is not specifically defined by law but can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the recipient – on an individual, on personal characteristics or professional performance. Such attacks are generally unpredictable, irrational and unfair. In the workplace, a bully exerts pressure on colleagues beyond that necessary to achieve objectives.
- 4.3 The purpose of these attacks is to create fear, to intimidate and to humiliate and undermine an individual's ability until he or she loses confidence and self-esteem. The effect is to make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.
- 4.4 Legitimate, constructive and fair criticism of an employee's performance at work by an employee's line manager does not constitute bullying.

Definition of harassment:

- 4.5 Harassment is covered by the Equality Act 2010, which addresses the following protected characteristics. These are unwanted conduct related to race, colour,

nationality, ethnic or national origin, gender, age, health status, disability, sexual orientation, gender reassignment, religious beliefs or any other personal characteristic which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

4.6 Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" or "banter" may offend another person as different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. The feelings and perceptions of the victim are more important than the intentions of the perpetrator.

4.7 Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him or her.

4.8 It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

4.9 However, a single incident can be harassment if it is sufficiently serious

Examples of forms of bullying and harassment:

4.10 Bullying and harassment can take many forms. Examples of unacceptable behaviour include:

- Verbal behaviour – jokes, suggestive or inappropriate comments, unwanted demands for sex, name-calling or malicious gossip, persistent unwelcome comments or inappropriate personal comments and shouting at colleagues in public and privately, persistent public and/or private criticism and ridicule, spreading malicious rumours.
- Visual behaviour – display or transmission of pictures, graffiti or literature, obscene gestures.
- Written behaviour – inappropriate comments/language in emails, letters, texts etc.
- Physical contact – unwanted touching or assault.
- Cyber-bullying – sending or posting of harmful or offensive text or images by e-mail, intranet or via social media.
- Other non-verbal behaviour such as:

- non-co-operation,
- suggestive or aggressive looks, gestures or invasion of personal space;
- isolation or exclusion from activities;
- Excessive supervision or removing areas of responsibility from a competent worker;
- Increasing workload, setting tasks or objectives with impossible deadlines;
- Deliberately sabotaging or impeding work performance by changing instructions arbitrarily, withholding information or supplying incorrect information;
- Seeking complaints from students and other members of staff;
- Consistently undervaluing effort;
- Sudden imposition of sanctions without explanation, e.g. refusal of application for training or leave of absence.

- 4.11 It is not always the primary target of bullying who is most affected, bystanders can also experience distress, particularly if they feel they should have stood up to a bully.

Bullying or harassment is seldom a 'one-off' event. Victims of bullying or harassment may experience many, on the face of it insignificant, acts that, when looked at objectively, form a pattern of behaviour that is insidious, systematic, calculated and harmful. Often the victim is already badly affected before action is taken to report the behaviour.

5. Responsibility

- 5.1 All staff have personal responsibility for their own behaviour and for ensuring that they maintain a work environment free of bullying and harassment. There are a number of things that staff can do to help to achieve this, such as:
- being aware of how one's own behaviour may affect others and changing it, if necessary - you can cause offence even if you are "only joking";
 - set a positive example by treating others with respect and dignity;
 - do not make personal comments;
 - do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is addressed and/or reported to your line manager or HR department;
 - be supportive of colleagues who may be subject to bullying and/or harassment;
 - if a complaint of bullying or harassment or bullying is made, not prejudging or victimising the complainant or alleged perpetrator.
- 5.2 All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of bullying and harassment. They should:
- set a positive example by treating others with respect and setting standards of acceptable behaviour;
 - promote a working environment where bullying and harassment is unacceptable and not tolerated

- treat a complaint seriously and deal with it promptly and confidentially giving the employee and the alleged perpetrator full support during the whole process;
- address, and where possible, resolve incidents of bullying or harassment;
- seek advice from HR department at any time for advice and support.

5.3 The HR department have a responsibility to ensure that the policy is followed, fairly and consistently. Their duties involve:

- advising managers on the application of the policy;
- advising managers and staff where individuals feel that they are being harassed or bullied in the course of their employment;
- ensuring the effective implementation of the policy;
- monitoring incidence of bullying and harassment and initiating appropriate action;
- reviewing and amending the policy as necessary.

6. What is not Bullying and Harassment

Managers should feel that they can legitimately challenge poor behaviour in a fair and reasonable manner without fear of recourse. Some behaviour and actions which may not be bullying or harassment are:

- when a manager or colleague addresses genuine issues with someone, but does so with respect, in private and is focussed on the issue in hand;
- fair use of disciplinary, capability or other appropriate procedures to address performance or conduct issues at work;
- managers or colleagues behaving in an assertive but fair and reasonable manner
- fair instructions or delegation of work by colleagues or managers

7. Training

7.1 The College will provide training for managers regarding the operation of this policy, and dealing with bullying and harassment issues.

8. Support available

8.1 The College recognises the sensitive nature of harassment and bullying. Employees who believe they are being bullied or harassment may wish to discuss their particular situation in confidence before deciding what action to take. Employees are encouraged to discuss workplace problems openly and informally with their line manager. However, the College recognises that this may not always be appropriate and provides the following support:

- Employees can discuss the situation with the next level manager or with a member of the HR department;
- Employees can obtain support from their trade union representative;

- The College provides a specialist counselling service Employee Assistance Programme which can be contacted on 01225 824 484.

8.2 Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, the College reserves the right to investigate the situation in accordance with its duty of care to ensure the safety of all employees who may be affected by the alleged perpetrator.

9. Procedure for dealing with complaints of harassment or bullying

Confidentiality:

9.1 Complaints about bullying and harassment should be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of confidentiality may result in disciplinary action against those concerned.

9.2 Where a formal complaint is raised under this procedure, it should be made clear to all involved that any documentary evidence or subsequent statements taken during the investigation may form part of evidence in any disciplinary proceedings in the event that disciplinary procedures are invoked, the investigation report, together with any witness statements, should be made available to the alleged harasser prior to any disciplinary hearing in accordance with College procedures.

Keeping records of incidents:

9.3 It is recommended for anyone who believes they have been subjected to harassment or bullying to make a note of the details of the incidents as soon afterwards as possible as memories can fade. For example: dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management.

10. The informal resolution

10.1 In most cases it is preferable to deal with grievances informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions can be reached quickly with minimum risks of embarrassment, suffering, disruption to work and working relationships.

10.2 In many cases it will be sufficient for the complainant to raise the problem with the alleged harasser as soon after the incident as possible, stating clearly that the behaviour is unacceptable. A note should be made of the action taken.

10.3 If the complainant does not feel able to do this alone, he/she could seek support from the line manager, appropriate member of HR department or trade union

representative. Where both parties are in agreement, the College may consider addressing the unacceptable behaviour through a recognised mediator.

- 10.4 If the matter is very serious, the employee feels the matter has not been resolved at this stage, or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed to the formal stage of this procedure.

11. The formal procedure

- 11.1 The employee must outline his/her complaint in writing, giving full details of the incidents and any action taken to date. The letter should be addressed to HR Director, who will convene a panel of two investigators (members of the College Management Team) within ten working days of the receipt of the complaint.

Any letter of complaint should include the following:

- Who the complaint is being made against
 - When the incident(s) happened
 - The nature of the incident and specific details
 - Where the incident happened
 - The names of any witnesses
 - Any action which has already been taken
 - The complaint should be signed
- 11.2 The investigation should be conducted in a sensitive and confidential manner and without undue delay. The investigating officers should not be involved with the case in any way.
- 11.3 The College may consider temporarily relocating either party during the investigation should the situation seem serious; the College should only relocate the complainant with his/her agreement. In cases which appear to involve gross misconduct, and there is reason to separate the parties, a short period of suspension of the alleged harasser may need to be considered while the investigation is carried out. Suspension is not a disciplinary action and shall be on full pay.
- 11.4 The complainant and alleged perpetrator will have the right to be accompanied to meetings during the investigation by a work colleague or a trade union representative. They should be given a reasonable notice of any meetings under this procedure.
- 11.5 Notes or written statements of any investigatory meetings with the complainant, alleged perpetrator or any witnesses should be taken.
- 11.6 The Investigating Officer must, as soon as possible, invite the complainant to a meeting to investigate their complaint. At the meeting the complainant will have the opportunity to fully explain what has happened and the investigating officer will have the opportunity to ask any questions and discuss any points that require discussion.

- 11.7 The Investigating Officer will then invite the alleged harasser to an investigation meeting where he/she will have the opportunity to respond to the allegations against him/her. Prior to the meeting the alleged harasser should be provided with a written statement of the allegations together with a copy of this policy and procedure.
- 11.8 The Investigating Officer should meet with any witnesses cited by either the complainant or the alleged harasser.
- 11.9 Where there is conflicting evidence the Investigating Officer may wish to meet with any of the parties again to clarify and complete the investigation.
- 11.10 The investigating officer should assess the evidence and write a report summarising the findings of the investigation. The information used by the panel when making its conclusions will be made available to the alleged perpetrator (except when the information is of a confidential or personal nature). Such information should include:
- Clear and specific allegations against named people;
 - Dates, times, witnesses, direct quotes if possible;
 - Facts on events;
 - Details of any action already taken i.e. under the informal stage.
- 11.11 The report should include Investigating Officer's decision in relation to the complaint and should be communicated in writing to the complainant and the alleged harasser without undue delay, giving an explanation of the outcome of the investigations and the reasons. The report should clearly state whether harassment or bullying occurred and will outline recommendations for action:
- ***Harassment or bullying did not occur – no or limited action required.***
In such circumstances the Investigating Officer may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.
 - ***Harassment or bullying did occur – recommendations for action short of disciplinary action.***

It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances the Investigating Officer may recommend other appropriate action to address the behaviour, such as:

- Training/coaching/mentoring;
- Re-arrangement of working conditions;
- Misunderstandings are clarified and resolved
- Mediation provision
- Commitment that the behaviour will stop or that an action will not be repeated
- Redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or
- Monitoring of the situation.

- ***Harassment or bullying did occur – disciplinary action required.***

In such circumstances the alleged harasser will be asked to attend a Disciplinary Hearing (refer to the College Disciplinary Policy and Procedure).

12. The right to appeal

- 12.1 Either party has the right to appeal if they feel the process of the investigation was not carried out in accordance with this policy and procedure. Appeals should be lodged with the Principal within five working days of notification of the outcome of the investigation. The Appeal will be conducted using the College's Appeals Procedure.

13. Malicious allegations and false statements

- 13.1 Unfounded allegations of bullying or harassment for malicious reasons will not be tolerated by the College. Any such cases will be investigated and dealt with under the College Disciplinary Policy and Procedure and may be serious enough to constitute gross misconduct, which may result in summary dismissal. Where a student makes an unfounded allegation of harassment and/or bullying for malicious reasons, this will be dealt with under the Student Code of Conduct.
- 13.2 Where a witness is found to have deliberately misled an investigation, the College will treat this as a serious disciplinary offence.

14. Victimisation

- 14.1 Employees are protected from victimisation as a result of bringing a complaint under this policy. If an employee feels that he/she has been victimised following a complaint of harassment for bullying, he/she should raise a grievance under the College's Grievance Policy and Procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary offence and may be serious enough to constitute gross misconduct.

15. Complaints against a senior post holder or a member of the corporation

- 15.1 Where the complaint is against the senior post holder or a member of a corporation, the same steps as set out in section 9 should be taken to investigate the matter.
- 15.2 The corporation will appoint an appropriate Investigating Officer to investigate the complaint. This may be the Principal, a member of the Corporation, or an external investigator, depending on the circumstances.
- 15.3 If the complaint is upheld and disciplinary action may be required, the matter must be referred to the Corporation who should follow the College's Disciplinary Procedure for Senior Post Holders.

16. Recording of Complaints

- 16.1 If a complaint is found not to have substance, no records will be held on individual files, but a note of action will be kept confidentially within the HR Department for two years. Provided no further accusations of bullying or harassment have been made, and found to have substance, during this period, the record will then be destroyed.

Where it is not possible to decide whether there is any substance to the complaint, correspondence relating to action taken to review the case and any written statements will be held for two years in the HR office. These records will not be reopened unless there is a further complaint under this policy, concerning the same individual within this timeframe. In such circumstances, the HR Director will inform the individual and a union representative (if applicable), that the records will be reopened, and will provide the individual with a copy of the record.

- 16.2 Where recommendations have been made, correspondence relating to the action and the outcome will be held for one year in the employee's file.
- 16.3 Where disciplinary sanctions have been issued, correspondence relating to the action will be held on file, in accordance with the Disciplinary Policy and Procedure guidelines.

Appendix 1 If you are making a complaint – further advice.

If you are subject to bullying and/or harassment but do not feel able to talk about it yet, make notes including dates and details which will help you recall events clearly at a later date. You can also speak to your line manager, union rep, HR or a confidential support line.

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 or 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 with the help of someone in human resources, 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 of his or hers 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 HR. 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.

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 Dignity at Work Procedure as outlined in point 9. 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 complaint.

All complaints will be investigated promptly and if the outcome is that harassment or bullying occurred one of the recommendations might be that disciplinary proceedings should be brought against the alleged harasser. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings.

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.

Wherever possible, the College will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation. This could involve giving you the option of remaining home on special leave, if you wish. In a serious case, the alleged harasser may be suspended whilst investigation and any disciplinary proceedings are underway.

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, if possible, that, if you do not wish to, you do not have to continue to work alongside the harasser. 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.

If your complaint is not upheld, the human resources 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.

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 which you know to be untrue may lead to disciplinary action being taken against you.

Appendix 2 If a complaint is made against you – further advice.

If someone approaches you informally about your behaviour, do not dismiss the complaint 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 future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour which has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated. You will be informed in writing of the allegations against you after the investigators meet with the complainant. You will be given opportunity 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 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.

Wherever possible, the College will try to ensure that you and the complainant are not required to work together whilst 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.

If the recommendation of the investigation is that the harassment or bullying on a balance of probabilities occurred, disciplinary proceedings could be brought against you. The College will then follow the Disciplinary Policy and Procedure. 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.

If the complaint not upheld and the College has good grounds for believing that the complaint was not made in good faith, the College may take disciplinary action against the person making the false complaint.

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 may be taken against you if the College has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, the HR 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 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.

Appendix 3

Differences between strong management and bullying (From Chartered Institute of Personnel & Development)

Addressing poor performance	Strong Management	Bullying
Identifying the performance issue	Involves looking at all the potential reasons for poor performance e.g. people, systems, training, equipment	No attempt to identify the nature or source of the poor performance
Seeking the views of the team or individual to identify the cause of the unacceptable level of performance	The team takes part in looking for the source of the problems in performance and helps the manager to identify solutions for all	No discussion of the cause of the performance deficit, or opportunities to discuss difficulties
Agreeing new standards of performance with all team members	Involves setting and agreeing standards of performance and behaviours for each team member and the manager	Imposing new standards of priorities on certain individuals or team members
Agreeing the method and timing of monitoring/auditing performance	Wherever possible the team or team member takes part in the monitoring process, The outcome of the monitoring is openly discussed.	Without agreeing standards the monitoring occurs at any time and on unexpected areas
Failure to achieve the standards of performance is dealt with as a performance- improvement issue	Opportunities are taken to identify individuals who are struggling, and support is provided. Where individuals are unwilling to comply with the agreed performance- improvement process, disciplinary actions may be taken	Individual who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion, teasing or sarcasm
Recognising positive contributions	Recognises and rewards improvements in performance, attitudes and behaviours	With no monitoring, it's impossible to recognise where there have been positive contributions. Rewards and recognition are arbitrary and open to acts of favoritism.