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Dignity at Work

Standards of behaviour in the
Crown Prosecution Service

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Dignity at Work

Standards of Behaviour in the Crown Prosecution Service

Introduction by the Director of Public Prosecutions and Chief Executive

We aim to be a world class prosecution service. To achieve this we must provide respectful and responsive services to communities.

The CPS has a responsibility to the communities it serves to set a high standard in what it expects from its staff. We want to attract and retain a workforce that reflects those communities. We know that we will better achieve this through valuing each individual contribution to our organisation, and consistently expecting the same standards from all staff at all levels of the organisation.

The CPS is made up of members of many different communities. We value this diversity in our staff. For the CPS and the communities it serves, fairness in prosecutions and in employment is firmly linked. We will contribute to increasing public trust in the Service by treating all colleagues fairly and with respect as set out in this booklet.



Ken Macdonald, QC
Director of Public Prosecutions



Peter Lewis
Chief Executive

Introduction

All staff within the Crown Prosecution Service should be valued for their different skills and ways of working and be treated with dignity. It is important to ensure that discrimination does not occur in the workplace for reasons to do with:

Policy: *CPS policy statement on Equality and Diversity 2005 includes a commitment to treat people fairly, provide equal chances while respecting people's differences.*

Legality: *discrimination on the grounds of race, gender, gender identity, disability, religion and belief, sexuality and age are potentially unlawful.*

Efficiency and finance: *it is good management practice to ensure that all staff are valued equally. Staff experiencing discrimination are more likely to be demoralised, absent from work and leave. The cost of litigation, staff absence and turnover can be high.*

Public perception: *adverse reports on discriminatory practice undermine public confidence in the integrity of the service.*

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All employees are entitled:

To be treated with dignity, respect and courtesy.

To a workplace free from bullying, harassment or victimisation.

To experience no form of discrimination.

To be valued for their skills and abilities.

The Crown Prosecution Service will view unfair and discriminatory behaviour as a serious disciplinary offence that may lead to dismissal from the service. The **Grievance Procedure** provides a mechanism for staff to address such behaviour and to have any complaints resolved. Managers at all levels are ultimately responsible for upholding the standards of behaviour outlined in this framework; everyone is responsible for their own behaviour.

These standards of behaviour cover relationships between a manager and staff they manage (including the way that a member of staff behaves towards their manager) and between staff as a peer group. It includes staff who are permanent, fixed term or working through an agency or in a co-located unit. Behaviour that is unwanted, unwelcome and undermines a person's dignity at work is unacceptable behaviour. This includes behaviour that might unreasonably threaten a person's job security, promotion prospects or create an intimidating working environment. Behaviour may be perceived as unacceptable, even if there was no intent to cause offence. Behaviour may have overtones that a member of staff finds offensive, even if it was not directed at them.

Unacceptable behaviour can take many forms and can range from physical attack to more subtle conduct. It can include actions, jokes or suggestions that might create a stressful working environment. It can also include the production, distribution, display or communication and discussion of material that may give rise to offence. It includes behaviour, which deliberately or inadvertently

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excludes individuals from normal activities in the workplace. Examples of behaviour, which can be seen as unacceptable, are given towards the end of this booklet.

Unacceptable behaviour excludes legitimate actions by a manager to support and encourage an employee to perform against key objectives and to manage performance appropriately. It also excludes legitimate actions taken within the disciplinary or other formal procedures. It does not exclude persons in authority who use their position to bully, abuse or harass others, or assume a threatening or intimidating management style. Practices, which are discriminatory or potentially discriminatory, do not count as legitimate action (for example, holding a team meeting at 7.30am, which can be potentially discriminatory against those with childcare or other responsibilities for dependants).

If you are subject to or witness unacceptable behaviour you can make use of the **Grievance Procedure**.

Responsibility for these standards of behaviour:

- All board members and committee members, managers and staff share the responsibility to create an environment where we can make measurable progress on equality and diversity and where we genuinely respect people's differences.
- Senior managers are responsible for ensuring that these standards of behaviour are known to all staff. They are also responsible for ensuring that their own behaviour is of the highest standard and that appropriate and prompt action is taken on offensive behaviour.
- All managers are responsible for setting a good example by treating all employees with dignity and respect. They are responsible for ensuring that all their staff are aware of the

behaviour expected of them and that unacceptable behaviour is challenged and corrected.

- Everyone is responsible for ensuring that:
 - they understand what these standards of behaviour require of them, that their conduct does not cause offence;
 - they should be prepared to support colleagues who are being harassed, bullied, victimised or discriminated against;
 - they speak out against unacceptable behaviour that they may have witnessed.
- Responsibility for implementing or initiating action in relation to these standards of behaviour is the same as for complaints. (See the grievance procedure for details.)

Useful contacts

*HR Directorate / HR Business Partners / HR Advisors
Equality and Diversity Unit, Equality and Diversity
Officers and Project and Performance Advisers
Departmental Trade Unions (PCS, FDA)
National Black Crown Prosecution Association
LGBT Network
Enable / Disabled Staffs Network*

Conclusion

The **Dignity at Work framework** will be enforced through the **Grievance Procedure**, the **Disciplinary Procedure** and other existing mechanisms. It is essential that inappropriate behaviour is challenged and stopped. This can happen through informal or formal means.

It is not possible to provide an absolute definition of what “unacceptable behaviour” is, as it is the effect the behaviour has on the recipient that often makes it “unacceptable”. Discriminatory behaviour can occur on the basis of actual or perceived group membership or affiliation.

The following is a guide to assist in understanding what may be offensive whether intentional or not. It is not an exhaustive list of all behaviour that may be offensive or unacceptable:

Bullying

Bullying is different from an effective management style. It is destructive rather than constructive. It is criticism of a person rather than constructive criticism about their mistakes. It can publicly humiliate and results in the individual feeling threatened or compromised.

Bullying often results from a misuse of management power, but is also the misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers (e.g. belonging to a particular gender or ethnic group). Bullying can also be carried out by peers or staff less senior.

Examples of bullying behaviour

Non-Verbal

- Ostracising / freezing out
- Withholding essential information, resources, training
- Setting impossible tasks
- Changing priorities or objectives unreasonably
- Unreasonable allocations of duties or work
- Isolating, excluding behaviour
- Deliberate wrongful attributions of blame
- Using information in a threatening way

Verbal

- Shouting, swearing, abuse
- Nicknames, malicious gossip
- Public reprimand / humiliation
- Belittling, patronising comments
- Persistent reminders of past failures
- Unnecessary phone call to someone's home

Physical

- Striking / hitting
- Grabbing a person
- Pushing / jostling
- Inappropriate practical jokes
- Initiation ceremonies
- Damaging / stealing a persons property

Harassment on the grounds of disability

Derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which is directed at any disabled individual, or group of disabled people, which results in the individual(s) feeling threatened or compromised. Stereotyping or making assumptions about individual's ability because of their disability.

Examples of disability harassment

Non-Verbal

Mimicking

Ignoring wishes and feelings

Ostracising, freezing out

Staring

Blatant excluding behaviour

Assuming disabled people have no sexuality

Holding events at non accessible venues

Verbal

Making fun of impairment

Mimicking speech impairment

Using inappropriate terms, e.g. cripple, spastic, handicapped

Questions and comments of a personal nature

Belittling or patronising comments or nicknames

Physical

Inappropriate practical jokes

Hiding an impairment aid

Moving a wheelchair

Unsolicited touching of a visually impaired person

Harassment on the basis of age

Ridiculing or demanding behaviour focused towards people because of their age, regarding them as “too old” or “too young”; or making assumptions about lifestyle based on perceived age.

Examples of harassment on the basis of age

Non-Verbal

- Excluding from social functions / information
- Mimicking
- Being written off
- Making assumptions about life style / interests
- Not providing training/development opportunities

Verbal

- Making fun of someone based on their age
- Questioning ability due to age
- Patronising

Physical

- Setting unrealistic challenges
- Deliberate body contact or inappropriate touching

Harassment on the basis of sexuality

Behaviour which condemns or ridicules people because of their perceived or actual sexuality. Derogatory remarks, jokes, graffiti which results in the individual feeling uncomfortable, excluded or threatened.

Examples of harassment on the basis of sexuality

Non-Verbal

Offensive letters / memos

Gestures

Inadvertently or deliberately avoiding or excluding, e.g. inviting their "spouse" to an event (use "partner / spouse" instead)

Ostracising / excluding behaviour

Making assumptions based on sexuality

Making assumptions about life style / interests

Verbal

Verbal abuse or threats

Making rude jokes or comments

Personal jokes

Stereotyping

Making a pass

Derogatory nicknames

Physical

Starting fights

Deliberate body contact

Inappropriate practical jokes

Inappropriate touching

Harassment on the basis of working patterns

Behaviour, which fails to acknowledge that some people do not work five days a week or “9.00 to 5.00” every day, and that organisations operate effectively using a variety of working patterns.

Examples of harassment on the basis of working patterns

Non-Verbal

Arranging team meetings / events on days or at times of the day that some people do not normally work

Isolating, excluding behaviour

Not recognising the contribution of part time workers

Delegating less challenging / inappropriate work to people working alternative patterns

Expecting part-time staff to deliver a full-time role / workload

Verbal

Making comments about not “pulling their weight”

Making comments about hours of work

Harassment on the basis of ethnicity

This can be derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature which is directed at any individual or group from a particular ethnic background which results in the individual(s) feeling threatened or compromised.

Examples of harassment on the grounds of ethnicity

Non-Verbal

- Offensive gestures
- Facial expressions
- Offensive publications
- Racist graffiti
- Threatening behaviour
- Isolating, excluding behaviour

Verbal

- Stereotyping
- Verbal threats
- Derogatory "nicknames"
- Racist jokes / ridicule

Physical

- Jostling
- Assault

Sexual harassment

Unwelcome sexual advances, requests for sexual favours, or other conduct of sexual nature, which result in the individual feeling threatened or compromised. This is not restricted to attempts to initiate sexual relations. Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can also happen between women or between men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance or sexuality.

Examples of behaviour that may be sexual harassment

Non-Verbal

- Pin-ups
- Offensive publications
- Offensive letters / memos
- Unsolicited / unwanted gifts
- Gestures
- Staring / Leering
- Getting too close

Verbal

- Inappropriate use of affectionate names
- Personal questions / comments
- Innuendoes
- Comments which exclude because of gender
- Sexual / explicit jokes
- Suggestive, explicit language
- Stereotyping

Physical

- Unnecessary touching
- Indecent exposure
- Deliberate body contact

Harassment on the basis of religion or belief

This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief.

Non-verbal

Arranging meetings that may exclude people on religious observance grounds

Arranging team lunches during periods of fasting or religious occasions which may make it difficult for them to attend

Displaying religious artefacts in the workplace which may be offensive to others

Isolating, excluding behaviour

Inappropriately enforcing a dress code which may not accommodate religious dress

Judgements about a person's ability or attitude based on their religion or belief

Making assumptions about life style / interests

Verbal

Derogatory comments or nicknames

Stereotypes

Verbal threats

Proselytising in the workplace

Jokes based on religious or belief based stereotypes

Invasive and /or inappropriate questions about religion or belief

Physical

Physical attacks

Inappropriate touching of religious garments or wear

Not respecting personal space as it relates to religion or belief

Singling out

Singling out people because of their gender, race, disability, gender identity, religion or belief, age, sexuality, and responsibilities for dependants or marital status can also constitute harassment even without any specific references to gender, race etc. Specific non verbal examples can be seen above under “bullying”. This can also apply to people who are perceived to not “fit in”. (Expecting people to “fit in” is potentially discriminatory.)

Victimisation

This is where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.

Equality and diversity policy — summary statement

As a public service, all communities must trust us to act fairly. For this to happen, we must respect the differences of the people we serve and the staff we employ.

Our commitments

In making prosecuting decisions, we will treat all victims, witnesses and defendants fairly, consistently and with respect. In our employment policies, we will provide equal opportunities and respect people's differences. In our work with partners, including other criminal justice system agencies, we will make equality and diversity central to our relationships – by this we mean treating people fairly providing equal chances while respecting people's differences. In drawing up new prosecution and employment policies, we will consult communities, staff and trades unions. We will also monitor the effect of this equality and diversity policy.

Our aim

By encouraging people to respect other people's differences, we aim to create a public prosecution service that is trusted and valued by everyone. We plan to set improvement targets against a number of broad outcomes and include them in our performance review systems. These include:

- a rise in levels of public confidence across all communities;
- increased success in prosecuting hate crimes;
- increased victim and witness satisfaction with our services across all communities;
- prosecution decisions free from discrimination;

- increased staff satisfaction;
- a workforce that represents communities at all levels; and
- a service that works with communities and staff, and uses this to improve services.

Benefits

Equality and diversity improvements will help us:

- to develop better informed policies and practices;
- make better informed decisions; and
- increase public confidence in our prosecution work.

Internally, benefits include:

- improvements in staff morale, satisfaction and productivity;
- a representative workforce at all levels; and
- fewer complaints of discrimination.

Your role

All staff are responsible for tackling equality and diversity issues in their day-to-day work and for behaving appropriately. They should recognise and respect the different backgrounds of colleagues and service users, and meet the equality and diversity targets set out in their work plans.

Managers must cover equality issues in business plans and in area performance reviews. Our board members must agree and review the overall policy and strategy. The Director and Chief Executive will lead the policy and make sure it is put into practice.

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Review and reporting

We will monitor and review progress as part of each member of staff's work review and performance appraisal. We will also carry out reviews at our headquarters and in our 42 local CPS Area offices every three months, and present reports to the board every six months.

We will publish our achievements in reports and post them on our website www.cps.gsi.gov.uk.

Why?

An environment which values the diversity of people and aims to enhance individual potential will:

- *Recruit, retain and develop people on merit and attract the best staff from the widest pool of talent.*
- *Help to ensure that the CPS is an organisation where everyone can work free from prejudice and discrimination.*
- *Avoid incurring the direct costs of discrimination: reduced employee morale and motivation, financial and the cost to the CPS' image resulting from adverse publicity.*

A CPS which is diverse and representative of the local community, and where people value each other, will help us to improve the service we provide to all those who come into contact with us, including those who have experienced hate crime or crime related to discrimination.

This will also enable us to prosecute effectively where defendants are from groups who may have experienced discrimination from the criminal justice system in the past.

How?

We will:

- 1** Ensure consultation takes place, particularly with those in traditionally excluded or under-represented groups, on the development of equality initiatives.
- 2** Ensure that employment selection decisions are based on objective, open, fair, non-discriminatory job related criteria, and that procedures are consistently applied and evaluated.
- 3** Keep under review and improve our personnel processes and practices – including recruitment, selection, appraisal, substitution, temporary promotion, training and development, grievance, harassment, discipline and dismissal procedures – to ensure that they are open and transparent, do not discriminate and that they do encourage equity in representation and experience.
- 4** Collect and publish information on the gender, ethnic origin and disability of applicants for jobs, transfers, training and promotion, and compare this with information about the labour market and the people to whom we provide a service.
- 5** Set measurable objectives and goals for future action and develop systems through which we can communicate and publicise our progress and achievements.
- 6** Develop the potential of all staff, in particular, women, Black and minority ethnic and disabled staff will be encouraged to apply, where they are under-represented. We will work positively to identify barriers to progress, including the acknowledgement of domestic circumstances, and take action to remove these or assist, including mentoring, coaching, and training/development.

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- 7** Monitor the career development of our staff by gender, ethnic origin and disability, examining the reasons for any significant disparities between different groups and developing appropriate action plans. This is soon to be extended to include sexuality and religion or belief.
- 8** Regularly train and educate line and personnel managers, and all other staff involved in the recruitment, selection and management of people, in order to increase awareness and understanding of equality and diversity issues.
- 9** Take part in the wider programme of Civil Service and Government initiatives including Diversity Champions Network, Diversity Practitioners Network and the Cabinet Office Diversity 10 Point Plan initiative .
- 10** Ensure that everybody has access to, and can make use of the service we provide. We will ensure that adequate facilities will be put in place so that those with disabilities may make use of our services.

Who?

Everyone shares a responsibility for understanding the sensitivities and feelings of others and for making things happen. The Director and Chief Executive are fully committed to ensuring that the words contained in this statement are turned into actions.

Individual obligations go hand in hand with collective responsibility and so we will create an environment of mutual support, tolerance and understanding, to deliver the best service possible to the community.

HQ will:

- *Advise on the formulation of CPS policy and procedures on equality issues.*
- *Consider and advise on ways in which equality awareness in the CPS can be improved.*
- *Advise and make proposals on procedures for evaluating CPS policy and initiatives in order to take into account equality issues.*

Each Area will:

- *Develop and implement actions which integrate equality explicitly as part of their long-term strategies and business plans.*
- *Set goals and objectives for equality, regularly reviewing and reporting progress.*

All managers will be accountable and will:

- *Work to effect a change in behaviour and attitudes through developing a culture where diversity and individuality are valued.*
- *Lead by example.*