

**POLICY ON DIGNITY AND RESPECT IN THE WORKPLACE**

**INFORMATION AND GUIDANCE  
FOR  
LINE MANAGERS AND EMPLOYEES**

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## POLICY ON DIGNITY AND RESPECT IN THE WORKPLACE

### 1. INTRODUCTION

1.1 The purpose of this policy is to:

- Give a clear statement of the Council's policy on dignity and respect in the workplace which applies to all employees.
- Give examples of the type of behaviour which can constitute bullying and harassment.
- Give guidance on the responsibilities of employees and managers
- Advise employees on the procedure they should follow if they wish to complain about bullying or harassment.

1.2 Many people have misgivings about the introduction of a policy and procedure on dignity and respect in the work place which stem from a concern that it is intended to outlaw fun and jokes at work. It is important to be quite clear about both the importance of the issue and the distinction between bullying and harassment and actions or behaviour which are mutually agreeable.

### 2. POLICY STATEMENT

2.1 Scottish Borders Council (the Council) is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the Council and those who have dealings with the Council has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by Equality, Human Rights and Employment legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively, competently and confidently.

2.1.1 The Council has a "zero tolerance" policy and will investigate vigorously any allegations of bullying, harassment, discrimination, victimisation or other unacceptable behaviour (referred to in this policy as "unacceptable behaviour") towards an individual or group, regardless of whether the matter has been raised formally or informally.

2.1.2 The Council fully recognises that unacceptable behaviour is a serious matter which may cause fear, stress and anxiety, be detrimental to the health, safety and well-being of employees and interfere with work effectiveness. It is also recognised that some employees may be unaware of the effect their behaviour has on others and that the most productive way to resolve such issues can often be to facilitate mediation between the parties involved.

2.1.3 The Council is also aware that cases of unacceptable behaviour can involve difficult and sensitive circumstances e.g. where the behaviour causing concern is by an

employee's line manager or a very senior officer. Consequently, it undertakes to deal with cases involving unacceptable behaviour promptly, sensitively and confidentially. At all stages the wishes of the employee(s) involved will be taken into account.

- 2.1.4 Some cases of unacceptable behaviour may be unlawful and require the involvement of external authorities (e.g. the police). Others may require action to be taken under the Council's Disciplinary Procedure. A balance will therefore require to be struck between the need to preserve confidentiality and the need for investigation and effective action.

### 3. POLICY SCOPE

- 3.1 This policy applies to all staff working within the organisation and to all employees working off the premises. It also applies to elected members. It extends to include non-permanent workers such as secondees, contractors, agency workers, temporary staff, consultants and any other workers. The policy, in addition, covers behaviour of staff outside working hours which may impact upon work or working relationships.
- 3.2 Central to this policy is the prevention of discrimination, victimisation and harassment against employees on any grounds, but particularly in relation to the following protected characteristics: age; disability; gender reassignment/transgender identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. In addition, the prevention of discrimination, victimisation and harassment in relation to language, social origin, employment status, political belief, trade union membership or activity, or responsibility for dependants is key to this policy.
- 3.3 This policy is associated to the following key policies/guidelines and where applicable these should be cross referenced to gain further detail:
- Code of Conduct for Employees
  - Councillors' Code of Conduct
  - Disciplinary Procedures for Misconduct
  - Equality Diversity & Human Rights Policy
  - Family Friendly Policies
  - Grievance Procedure
  - Managing employees with a Disability guidance (see appendix 1 Attendance Management Policy)
- 3.4 This policy and procedure has been produced in consultation with the Council's recognised Trades Unions: Educational Institute for Scotland (EIS), GMB, Scottish Secondary Teachers Association (SSTA), Unison and Unite.

#### 4. KEY PRINCIPLES

- 4.1 The Council will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working for or dealing with the Council must not encounter unacceptable behaviour.
- 4.2 Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of unacceptable behaviour which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibilities. (Section 7) It is emphasised that any acts of unacceptable behaviour by employees will be viewed as serious offences and may be subject to the Council's Disciplinary Procedure.
- 4.3 Any employee who wishes to make a complaint under this policy is encouraged to first attempt to resolve the matter informally (see Sections 8.1 - 8.2). Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then the formal procedure should be followed (Section 8.3).

Employees can discuss any issue with a member of the HR Case Management Team or a HR Business Partner on a completely confidential basis. If they wish to do this an employee should contact 01835 825052/3 (skype: askhr) or e-mail [askhr@scotborders.gov.uk](mailto:askhr@scotborders.gov.uk),

All enquiries will be dealt with sensitively and be kept entirely confidential.

It is appreciated that employees may find it stressful to raise such matters, particularly when it concerns colleagues and/ or line managers.

There is a confidential Employee Assistance Programme run by Vivup which employees can access by calling 0800 023 9324 (free from any standard UK landline or mobile phone).

Alternatively employees can use online resources by registering at:  
[Access my benefits - Vivup \(vivupbenefits.co.uk\)](https://www.vivupbenefits.co.uk)

Assistance can also be sought from a Mental Health First Aider. They are members of staff trained to listen non-judgementally, give reassurance and information, encourage the person to get professional help and encourage self –help strategies.

Contact can be made by telephone: 01835 825036 (skype : Mental Health First Aiders) or by e- mail: [MHFirstAiders@scotborders.gov.uk](mailto:MHFirstAiders@scotborders.gov.uk) .

Further sources of support are detailed in the [Staff Wellbeing Handbook](#).

- 4.4 If it is considered that one of the parties concerned in an unacceptable behaviour case should be moved from their current workplace, then as a matter of principle the Council will normally remove the person who is the subject of the complaint rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and will be made by the relevant manager with advice from Human Resources. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or blame and no detriment to either party will be construed as a consequence.
- 4.5 All matters relating to the investigation of complaints of unacceptable behaviour will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that anyone who is the subject of a complaint is made aware of the allegations against them and, in the vast majority of cases, the name(s) of those making the allegations together with the name(s) of any witnesses.
- 4.6 No employee will be victimised or suffer detriment for making a complaint of unacceptable behaviour and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of unacceptable behaviour. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
- 4.7 All formal complaints of unacceptable behaviour must be notified by the recipient of the complaint to the HR Case Management Team for recording in accordance with our data collection requirements. We are required to maintain such records to monitor the incidences of unacceptable behaviour.
- 4.8 As a valued employee the Council will ensure that you will:
- Be treated fairly and know what is expected of you.
  - Receive the training and development you need to do your work.
  - Discuss your work with the person you report to and be able to raise any issues that you need support with.
  - Be consulted about issues that affect you and be valued and recognised for your contribution.
  - Be encouraged to develop and achieve your full potential.
  - Be able to be yourself and not what others may think you should be.
  - Be taken seriously if you make an allegation and have your complaint dealt with speedily and confidentially.
  - Receive confidential advice and support on the operation of this policy from your manager and where that is not appropriate, Human Resources. This is the case whether you are the complainant or the subject of a complaint.
  - Have your complaint resolved informally, and if this is not possible or appropriate, through a formal investigation.

- Be supported in any investigation by your Trade Union representative or a work colleague.

## 5. DEFINITIONS

### 5.1 Dignity and respect in the workplace

5.1.1 Dignity and respect at work is about how we treat people. It is about our behaviour as an organisation and as individuals towards fellow employees and all those with whom we work. It is about respecting yourself and others as individuals, valuing their qualities and their differences.

5.1.2 When we don't value and respect people, our behaviour can undermine the dignity and respect to which we are all entitled. It can result in:

- Poor morale
- A loss of respect
- Poor performance
- Lost productivity
- Illness
- Absences and
- Resignations.

5.1.3 Behaviour that undermines someone's dignity and respect is unacceptable and can be a problem in any organisation if it is allowed to continue.

5.1.4 We will mainstream dignity and respect into the workplace by:

- Ensuring all employees know what is expected of them and are aware of this policy and associated procedures and the implications of certain behaviours
- Taking any allegations made by employees seriously and, so far as possible, dealing with complaints speedily and confidentially.
- Making every effort to resolve complaints informally, however, where this is not appropriate or possible, we will hold a formal investigation.
- Supporting employees who are experiencing difficulties in a range of ways by offering:-
  - Codes of behaviour and conduct
  - Access to family friendly policies
  - Advice from Human Resources professionals
  - Support of Mental Health First Aiders
  - Occupational Health support
  - Use of informal or formal Mediation
  - The ability to bring a formal complaint.
- Not accepting people being victimised because they have made a complaint about unacceptable behaviour.
- Treating and dealing with all complaints appropriately. This may result in disciplinary action. If however a complaint turns out to be entirely without foundation, following investigation, or is found to be malicious or vexatious, then

disciplinary action may be considered against the complainant. This policy is intended to deal with real allegations of behaviour that undermine someone's dignity and respect, which is unacceptable behaviour in the workplace.

- Monitoring any incidents to identify potential problems and areas for improvement.
- Reviewing this policy regularly in consultation with staff and trades unions to ensure that it reflects up to date Employment and Anti-discrimination Law, and Government policy.

## 5.2 Unacceptable behaviour

5.2.1 We describe in detail what standards we expect from our staff, and what their rights and responsibilities are in respect of working together and for the organisation, in our Code of Conduct for Employees .

5.2.2 Unacceptable behaviour towards an individual or a group can take the form of:

**Bullying;** which is persistent, unwelcome, offensive and intimidating behaviour or misuse of power which makes someone feel upset, threatened, humiliated or vulnerable and undermines their self-confidence.

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively, repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening.
- Conduct that degrades, ridicules or humiliates an individual, especially in front of colleagues.
- Picking on one person when there is a common problem.
- Shouting at an individual to get things done.
- Consistently undermining someone and their ability to do the job.
- Setting unrealistic targets or excessive workloads.
- "Cyber bullying" i.e. bullying via e-mail or other electronic communication. (This should be borne in mind where employees are working remotely and are managed through electronic means. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

5.2.3 **Harassment;** which is unwanted conduct that, violates someone's dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be defined as any conduct which is:-

- Unwanted by the recipient
- Is considered objectionable, and
- Causes humiliation, offence, distress or other detrimental effect.
-



5.2.4 Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti or computer imagery, ignoring someone at work, for example isolation or non-co-operation and exclusion or isolation from social activities.

5.2.5 Specific to the Equality Act 2010 this can include:

**Sexual harassment:**

- Unwanted physical contact including unnecessary touching or brushing against another employee's body.
- Unwelcome sexual advances; intrusive questions about a person's private life; suggestive or offensive remarks, innuendoes or lewd comments.
- Display of pornographic or sexually suggestive pictures, objects or written materials; sexually suggestive gestures.
- Any hostile or offensive expression by a person towards another - or encouraging others to commit such an act - on the grounds of their sexual orientation.
- This includes jokes, remarks or abuse.

**Racial harassment**

- Any hostile or offensive expression by a person towards another - or encouraging others to commit such an act - on the grounds of their colour, race, nationality, religion or ethnic or national origins.
- This ranges from violent physical assault to jokes, remarks, threats or abuse.

**Harassment of disabled people**

- Hostile or offensive action directed towards the abilities of disabled people.
- This includes jokes, remarks or abuse.

**Gender specific harassment**

- Any hostile or offensive expression by a person towards another - or encouraging others to commit such an act - on the grounds of their sex.
- This includes jokes, remarks or abuse.

**Harassment due to religion or belief**

- Any hostile or offensive expression by a person towards another - or encouraging others to commit such an act - on the grounds of their religion or belief.
- This includes jokes, remarks or abuse.

**5.2.6 Discrimination** is about treating a person or group less favourably than another person or group because of their age, disability, gender reassignment/ transgender identity, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation.

**5.2.7 Victimisation** occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have made or supported an untrue complaint in bad faith.

### **5.3 Recognising unacceptable behaviour**

5.3.1 Most people will agree on extreme cases of bullying, harassment, discrimination and victimisation, but it is sometimes the 'grey' areas that cause problems.

5.3.2 Behaviour that is considered unacceptable by one person may be considered firm management by another.

5.3.3 Legitimate management action within agreed procedures to deal with staff whose ability or behaviour is in question is not unacceptable behaviour.. However, it is if that manager's behaviour is outside what we would consider to be 'legitimate and reasonable management action' such as:

- Deliberately undermining a competent worker by giving them more work than they can cope with, or
- Withholding information, or supplying incorrect information; or
- Taking management action which is clearly unjustified.

This would be considered unacceptable behaviour.

5.3.4 Examples of unacceptable behaviour include the following, particularly when they apply to one or more of the protected characteristics:

- Spreading malicious rumours, or insulting someone.
- Copying memos or e- mails that criticise someone to others who do not need to know.
- Getting involved in other people's issues without being given their permission.
- Ridiculing or demeaning someone by picking on them, setting them up to fail, making embarrassing remarks or jokes, or comments about such things as a person's dress, appearance, faith or sexual orientation.
- Deliberately excluding someone.
- Verbal abuse, including comments related to race, sex, gender identity, sexual orientation, age, disability or religious belief (these do not have to be directed or related to a specific individual).
- Asking someone to carry out inappropriate tasks.
- Displaying offensive materials including pornography, or racist or homophobic material.

- Overbearing supervision or misusing power or position.
- Unwelcome sexual advances such as leering, touching, standing too close, demands for sexual favours.
- Physical assault including touching or other unwanted physical contact such as poking.
- Making threats or comments about job security without good reasons.
- Constant criticism.
- Preventing career progression by intentionally blocking promotion or training opportunities.

5.3.5 Unacceptable behaviour is sometimes hard to recognise because:

- It may not be obvious to others.
- We may feel it is normal behaviour that is culturally acceptable.
- We often ignore it for fear of showing weakness.
- We often ignore it for fear of colleagues' perceptions of us, i.e that we cannot do our job.
- We worry about overreacting and not being believed.
- It may happen outside work or it is not face to face.

5.3.6 Unacceptable behaviour does not always happen face to face. It may be by:

- Written communication
- E-mail
- Electronic message
- Gossip in or out of work time
- Social networking sites, or
- Phone calls or texts.

5.3.7 When writing e-mails, bold, red and capital letters as well as offensive language can be seen to be aggressive and are not appropriate. We should not send anything by e-mail that we would not say in person.

5.3.8 When engaging in discussion or making comment on social networking sites (eg Facebook, Twitter, Instagram, TikTok), even in your own time, you should be aware of the potential impact that comments may have on relationships with colleagues in the workplace. Inappropriate incidents of this nature may be regarded as unacceptable behaviour and may lead to disciplinary action.

5.3.9 Inappropriate behaviour is covered by this policy whether it occurs at the workplace or at other venues during work related events. Tribunal cases have made it clear that work related events are considered under the law as a continuation of the workplace and that inappropriate behaviour which occurs at training courses or social events such as Christmas parties, or in the pub after work, can constitute unlawful discrimination in the same way as if it had occurred in the workplace.

## **6. ACTION BY THE COUNCIL**

- 6.1 The Council recognises that a characteristic of inappropriate behaviour is that employees subjected to it are very vulnerable and are often reluctant to complain. They may be embarrassed and not want attention focused on the situation, or be concerned that it will be trivialised. It may be that the subject of the complaint is the employee's manager or supervisor. There will also be cases in which the subject of the complaint is unaware of the effect of their actions. In many cases, the most appropriate way of resolving issues is to arrange mediation between the parties.
- 6.2 Acknowledging these sensitivities the Council undertakes to:
- Provide employees with appropriate help quickly and confidentially.
  - In appropriate cases, facilitate mediation between the relevant parties.
  - Where mediation has not succeeded or is inappropriate, thoroughly investigate any alleged incidents.
  - Take appropriate disciplinary action where necessary; and
  - Protect employees against victimisation for making or being involved in a complaint.
- 6.3. The HR Case Management Team provides advice and guidance to managers and employees on all aspects of inappropriate behaviour and will assist in the mediation process. All cases will be treated as a priority and be dealt with under this policy. Where warranted, disciplinary action will be taken, in accordance with the Council's Disciplinary Procedure.
- 6.4 Harassment by non-employees. It is recognised that employees can be subjected to harassment by individuals who are not employees of the Council. The Council regards harassment by non- employees equally seriously and will take appropriate action to investigate alleged incidents and protect employees. If employees experience harassment from non employees they should discuss with their line manager or other senior manager. See the Managing Customer Engagement Policy for further information.

## **7. ROLES AND RESPONSIBILITIES**

### **7.1 All staff are expected to:**

- Treat colleagues politely, fairly and with dignity and respect and in accordance with the Council's Code of Conduct.
- Value differences in others and the contribution they make.
- Be aware of how your behaviour impacts on others and change it if it is likely to cause offence.
- Challenge inappropriate behaviour constructively and bring unfair treatment you have witnessed, or you suspect has occurred, to the attention of managers.
- Co-operate with investigations into allegations made under this policy and maintain confidentiality as required.

- Ensure that training is attended and be aware of your responsibilities to your colleagues in relation to this policy.
- Be aware that disciplinary action may be considered if you make false or malicious allegations.
- Support others where possible as the lodging of a complaint and any associated investigation can be extremely difficult and distressing for both the complainant and the subject of the complaint.

## **7.2 All managers are expected to:**

- Manage people effectively and in a fair and consistent way, in accordance with the Council's policies and procedures, and in accordance with advice from your line manager and/or Human Resources.
- Ensure all your staff are aware and understand this policy, follow it and realise the implications of unacceptable behaviour, making it clear that unacceptable behaviour may be treated as a disciplinary matter.
- Lead by example, set high standards and be open to feedback.
- Be available to staff to discuss their problems or concerns and to provide appropriate support.
- Take allegations seriously and manage any investigation speedily and confidentially.
- Pass any complaint to another suitable manager when it is inappropriate for you to deal with it yourself because you may be involved in some way.
- Ensure that employees who have raised concerns are not victimised as a result of their actions.
- Be aware that any failure to act on a complaint will be treated as misconduct in itself.
- Complete the monitoring information as and when required to facilitate corporate reporting.
- Take prompt action to stop harassment as soon as it is identified. In some cases, by pointing out that the behaviour is unacceptable, managers will be able to effectively stop the problem without further action.
- Discourage the display and/or circulation of potentially offensive material in the workplace.

## **7.3 In addition, if someone has complained about your behaviour you should:**

- Listen carefully to the person making the complaint and to the particular concerns they tell you.
- Respect the person's point of view and apologise for any offence caused.
- Deal with any issues as soon as you can and if necessary modify your behaviour.

## **7.4 Human Resources**

- Have responsibility for monitoring/reviewing the policy.
- Will give appropriate advice and guidance on implementing the policy.
- Offer a fully confidential service
- Will assist in any mediation process.

## 8. UNACCEPTABLE BEHAVIOUR COMPLAINT PROCEDURE

### 8.1 What to do if you feel you are being subjected to unacceptable behaviour.

An employee (or group of employees) who believes that he or she has been the subject of unacceptable behaviour should, if they feel able, in the first instance, ask the person responsible to stop their behaviour. It may be that the person did not realise that their behaviour was offensive and unwanted and will stop it once it is brought to their attention. It is important to gather as much supporting evidence of your experience as possible. Therefore it would be helpful if the employee writes down the nature of the behaviour, including what was said or done, the time, date, place, and any other relevant circumstances and details of any witnesses. The note should be made as soon as possible after the event occurred. Please use the Dignity at Work Incident Log/ Complaint Form (Appendix 1, Part A).

- 8.1.1 If the employee feels unable to ask the person to stop their behaviour or, having done so, the behaviour continues or the employee feels that he or she has been victimised as a result of speaking to the person responsible, there are two possible routes they may follow:
- Contact their most immediate departmental manager not involved in the matter, or, where this is not appropriate;
  - They may raise the issue directly with a member of HR staff of their choice, who will provide confidential assistance and advice on the appropriate course of action.
- 8.1.2 When a complaint of bullying or harassment is brought to the attention of a Manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the Council's Disciplinary Procedure.
- 8.1.3 If an employee is a member of a Trade Union they may also seek advice and representation from their Trade Union representative.
- 8.1.4 An individual who is made aware that their behaviour is considered unacceptable should:-
- Listen carefully to the complaints and the particular concerns raised.
  - Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation.
  - Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important.
  - Agree the aspects of behaviour that will change;
  - Review their general conduct/behaviour at work and with workplace colleagues.

8.1.4 Employees can, if they wish, seek advice and representation from their Trade Union in raising a complaint or responding to a complaint made against them.

## 8.2 Informal action

8.2.1 The appropriate supervisor/manager or member of HR staff will arrange a confidential meeting with the employee at a location other than their immediate workplace. At this meeting the case will be discussed to establish the reason for the complaint and the circumstances. Further investigation will be undertaken as appropriate to establish the facts.

8.2.2 Where appropriate, a meeting will be arranged involving all relevant parties. The meeting will also be attended by a representative from HR and, if appropriate, a senior manager from the relevant department. The purpose in the meeting will be to mediate between the parties and, where possible, to restore working relationships and find a solution that allows the parties to continue working together.

8.2.3 In cases where a meeting has not resolved the matter, consideration will be given to whether formal mediation is appropriate.

Mediation is a voluntary process in which the mediator assists two (or more) people in a dispute to find a solution to which the parties can agree. The mediator does not take sides or tell the parties what to do. Mediation is most likely to be successful if both parties:

- understand the purpose of mediation;
- enter into the process voluntarily;
- are seeking to preserve or restore the working relationship.

Mediation is often more appropriate in dealing with misunderstandings and workplace conflict and disagreements whereas formal investigation and disciplinary action may be necessary in dealing with deliberate and malicious acts of bullying, harassment or discrimination.

Where mediation is appropriate and agreed by the parties involved, a suitably trained council employee will be appointed to act as mediator.

8.2.4 At the informal stage, the manager, after consultation with the HR Case Management Team, may take further informal action, such as:

- Counselling the person complained about on the effect of their behaviour.
- Explaining to the person complained about that disciplinary action may follow if the behaviour continues or is repeated;
- Ensuring that the issue is seen as a potentially serious matter.

## 8.3 Formal Action

8.3.1 Formal action may be taken where the manager, in consultation with the HR Case Management Team, decides that the alleged behaviour is potentially serious enough to merit action under the Council's Disciplinary Procedures for Misconduct.

In that event further process will take place in accordance with the Disciplinary Procedure.

- 8.3.2 If despite pursuing an informal approach, further unacceptable behaviour occurs, or the behaviour is considered by the complainant to be so serious that an informal approach is inappropriate or impossible, the employee may submit a formal complaint to their line manager, or another appropriate manager, using the Complaint Form set out at Appendix 1 Part B.
- 8.3.3 The manager will consider the circumstances set out in the complaint, take advice from the HR Case Management Team and will, where appropriate, meet with the employee concerned to establish whether the issues raised appear to be sufficiently serious to merit a formal investigation.
- 8.3.4 If appropriate that manager will appoint an Investigating Officer(s) to investigate and report. In cases of sexual harassment it may be desirable to assign one male and one female investigating officer.
- 8.3.4 The investigation will be undertaken expeditiously and sensitively and every effort will be made to ensure that the process does not cause unnecessary distress to either party. Similarly, confidentiality will be maintained as far as possible, consistent with a thorough investigation.
- 8.3.5 At the conclusion of the investigation the Investigating Officer(s) will report their findings to the instructing manager. The manager will then determine what action may be necessary in the circumstances, including whether or not there are grounds to convene a disciplinary hearing under the council's Disciplinary Procedure
- 8.3.6 Where the manager concludes that there are no grounds for a formal disciplinary hearing, they will arrange to meet separately with the parties concerned (and their representatives if any) to advise of the outcome of the investigation together with the reasons for the conclusions reached. For reasons of confidentiality and the need to avoid or minimise any potential impact on members of the wider team who may have been party to the investigation, the Investigating Officer's report will not be released. The complainant will be informed of any action short of formal disciplinary action that is to be taken in the circumstances. The outcome will be confirmed in writing to each party.
- 8.3.7 Where it is agreed by the parties concerned that it would be helpful in trying to establish ground rules for a sustainable working relationship going forward, the manager will, in liaison with the HR Case Management Team, arrange for input from a trained mediator. Mediation in these circumstances is intended to provide an opportunity for the parties to jointly acknowledge previous misunderstandings and/or injury to feelings that may have occurred with a view to modifying future behaviour and/or management style. In determining the appropriate remedial action to be taken going forward, the representatives of the parties involved will be consulted and kept advised of developments.



8.3.8 Where the manager, in consultation with the HR Case Management Team, concludes that there are grounds for a formal disciplinary hearing, the complainant and the person against whom the complaint has been made will be informed of this in writing and notified that it will be necessary for them to give evidence in person at a disciplinary hearing. Other witnesses will also be advised in writing if they are required to appear at the disciplinary hearing. A hearing will then be convened under the Council's Disciplinary Procedure.

#### **8.4 Harassment by non-employees**

8.4.1 It is recognised that employees can be subjected to harassment by individuals who are not employees of the Council. Where this occurs, employees should immediately bring it to the attention of their line manager who will provide help and support and take any immediate action necessary to protect an employee. See the Managing Customer Engagement Policy for further information.

8.4.2 Line managers should fully investigate alleged incidents without delay and report them to the relevant senior manager and external authorities as appropriate.

### **9. RECORDS**

9.1 Where the complaint is informal and resolved at this stage, no record will be kept on personnel files.

9.2 Following formal investigation, where the complaint is not substantiated, no records will be retained.

9.3 Where a complaint is substantiated or partially substantiated but does not proceed to a disciplinary hearing, a letter confirming the outcome will be retained on each employee's personnel file and supporting documentation retained in a separate file for a period of 12 months.

9.4 Where the matter proceeds to a disciplinary hearing then the retention of records will be in accordance with the Disciplinary Procedure.

### **10. RAISING AWARENESS**

10.1 To support the fair and consistent application of this policy, the Council will seek to ensure that all staff understand what this policy means for them, with regard to both rights and responsibilities. To do this we will:

- Ensure that this policy is publicised widely using appropriate communication channels.
- Ensure that presentation on our commitment to dignity and respect in the workplace is included within the corporate induction programme.
- Make available to all staff training on dignity and respect in the workplace alongside training on our policy developed in line with the Equality Diversity and Human Rights Policy.
- Develop and deliver additional targeted training in response to any issues identified as part of the monitoring process; and

- Ensure all those staff with a managerial responsibility participate in additional management training (as soon as possible on becoming a manager and from time to time thereafter) on their vital role and responsibilities under the policy, particularly in relation to how to prevent bullying and harassment arising and on how to manage such situations where they do arise within the workplace.

## 11. MONITORING AND REVIEW

- 11.1 The Director People, Performance & Change has overall responsibility to ensure that this policy is implemented and adhered to.
- 11.2 Human Resources are responsible for supporting managers in operating the policy and for monitoring its operation.
- 11.3 This policy will be reviewed at least every two years and will reflect any changes in legislation.

**DIGNITY AT WORK INCIDENT LOG/COMPLAINT FORM**

# Dignity at Work Incident Log/ Complaint Form

**STRICTLY PRIVATE AND CONFIDENTIAL**

**Note to the Employee**

When you submit this form to your line manager please ensure that you have attached all relevant information, including letters, e-mails, memos etc. It will help your manager in deciding what the next steps are to resolve your situation.

**Part A Incident Log**

|                       |  |
|-----------------------|--|
| <b>Name</b>           |  |
| <b>Department</b>     |  |
| <b>Job Title</b>      |  |
| <b>Grade</b>          |  |
| <b>Work Location</b>  |  |
| <b>Contact Number</b> |  |
| <b>Line Manager</b>   |  |
| <b>Representative</b> |  |

**What is the name of the person(s) you feel is bullying/harassing you**

|                  |  |
|------------------|--|
| <b>Name</b>      |  |
| <b>Job Title</b> |  |

**Where did the incident take place?**

**Who else was present when the incident took place?**

**What happened?**

**What did you do?**

**How did you feel?**

**Other information: e.g. do you feel that the incident was because of a particular reason such as sexual orientation, ethnicity, gender etc.**

**I hereby confirm that the above information is a true and accurate reflection of events. Furthermore, I understand that making vexatious or malicious allegations or allegations I know to be untrue is a breach of the Council's Disciplinary Policy and may be subject to disciplinary action.**

|                    |  |
|--------------------|--|
| <b>Print Name:</b> |  |
| <b>Signature</b>   |  |
| <b>Date:</b>       |  |

**Part B Complaint Form**

**STRICTLY PRIVATE AND CONFIDENTIAL**

**I wish to make a complaint under the Dignity at Work Policy.**

|                       |  |
|-----------------------|--|
| <b>Name</b>           |  |
| <b>Department</b>     |  |
| <b>Job Title</b>      |  |
| <b>Grade</b>          |  |
| <b>Work Location</b>  |  |
| <b>Contact Number</b> |  |
| <b>Line Manager</b>   |  |
| <b>Representative</b> |  |

**This complaint(s) is against:**

|                  |  |
|------------------|--|
| <b>Name</b>      |  |
| <b>Job Title</b> |  |

*(Continue on separate sheet if necessary)*

**Statement of Complaint**

Please explain your complaint in detail, including any evidence which backs this up, such as the date(s) and time(s) when the incident(s) took place. (Continue on a separate page if required)

|  |
|--|
|  |
|--|

**Supporting Evidence**

|  |
|--|
| <b>Name(s), job title(s) and contact details of witness(es) if applicable:</b> |
|  |

|   |
|---|
| <b>In your opinion what did they witness?</b> |
|   |

|   |            |    |          |    |
|---|------------|----|----------|----|
| Has this or a similar complaint been raised previously? (Delete as appropriate) | Informally |    | Formally |    |
|   | Yes        | No | Yes      | No |

|                                      |
|--------------------------------------|
| <b>What was the outcome of this?</b> |
|                                      |

**I hereby confirm that the above information is a true and accurate reflection of events. Furthermore, I understand that making vexatious or malicious allegations or allegations I know to be untrue is a breach of the Council's Disciplinary Policy and may be subject to disciplinary action.**

|                    |  |
|--------------------|--|
| <b>Print Name:</b> |  |
| <b>Signature</b>   |  |
| <b>Date:</b>       |  |

