

**PERTH AND KINROSS COUNCIL**  
**JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF**  
**LOCAL AGREEMENT**  
**Dignity at Work Procedure**

In terms of the Local Recognition and Procedure Agreement, it is accepted by all signatories acting on behalf of the Council and the recognised unions that this agreement is a binding local agreement effective from 12 September 2007. This supersedes relevant provisions within the National Agreement and constitutes a formal amendment to the terms and conditions of employment for teaching employees within Perth and Kinross Council.

John Fyffe, Executive Director (Education & Children's Services), on behalf of  
Perth and Kinross Council:

.....

Douglas Stewart (EIS), on behalf of Teachers' Trade Unions:

.....

# PERTH & KINROSS COUNCIL

Strategic Policy and Resources Committee – 12 September 2007

## DIGNITY AT WORK PROCEDURE

### Report by Head of Human Resources

#### ABSTRACT

This report seeks approval from the Strategic Policy and Resources Committee for the Dignity at Work Procedure which replaces the existing Harassment at Work Procedure.

#### 1 RECOMMENDATION

- 1.1 It is recommended that the Strategic Policy and Resources Committee approve the Dignity at Work Procedure. (Appendix 1)

#### 2 BACKGROUND

- 2.1 Perth & Kinross Council is committed to providing a working environment in which all employees are treated with dignity and respect.
- 2.2 The Procedure emphasises the positive behaviours that the Council expect all employees to demonstrate. The new procedure will also ensure that employees are afforded the right of appeal if they remain dissatisfied following the outcome of a complaint. Elected members also have a responsibility to promote positive behaviours in accordance with the Councillors' Code of Conduct.
- 2.3 Harassment and bullying can take many forms and can occur for a variety of reasons. It may be directed at one person or many people.
- 2.4 Under the terms of the relevant legislation and regulations, the Council has a duty to ensure, so far as reasonably practicable, the physical and mental health, safety and welfare at work of all its' employees.
- 2.5 To support the operation of the Procedure, Human Resources will set up a network of volunteers who will be known as Dignity at Work Contacts. They will be selected on the basis of agreed criteria, undergo training and be supported in this role. Their main function will be to provide support and assistance to an employee who makes or is considering making an allegation of bullying or harassment or an employee who has an allegation of bullying or harassment made against them.

- 2.6 An Equalities Impact Assessment has been carried out and cognisance has been taken of related issues. A monitoring form to record complaints of harassment and bullying has been developed. This form must be completed by managers to record all complaints of harassment and bullying received, whether dealt with formally or informally. As a result of the Equalities Impact Assessment information will now be captured about the employee who the complaint is made against as well as the complainant.
- 2.7 Monitoring complaints is an important part of the Dignity at Work Procedure and the form will enable the Council to monitor the nature and pattern of complaints of harassment and bullying of employees.

### **3 PROPOSALS**

- 3.1 An implementation plan is being developed in order to ensure proper communication and training for an effective date of December 2007. Staffing Contacts and Human Resources will have received training in the revised procedure by November 2007. This will ensure that support is available for managers during the transitional period and until they receive training themselves.
- 3.2 A Managers Guide for the revised procedure will be developed and Managers will receive training on the Managers Guide as a matter of priority. Ongoing training will also be provided.
- 3.3 The Dignity at Work Procedure will be communicated to all employees in the following ways:
- An article in Inside News
  - Publicised on the Council's intranet site - **eric**
  - A copy will be provided to all new employees as part of induction
  - Employee Guidance will also be developed which will also be publicised on the Council's intranet site and provided to all new employees as part of induction.
- 3.4 Managers Guide training in the current procedure is not mandatory. However it is proposed that the training for the revised procedure does become mandatory.
- 3.5 The Procedure will be reviewed to ensure its continuing relevance and suitability. Regular management information will be considered to monitor trends and to ensure that positive behaviours continue to be promoted.

### **4 CONSULTATION**

- 4.1 All Executive Directors and Trade Unions have been fully consulted on the Dignity at Work Procedure.

## **5 RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications as a result of this report. All Services are asked to support the establishment of the Dignity at Work Support Network by giving favourable consideration to reasonable paid time off arrangements for volunteers to this new role.

## **6 COUNCIL CORPORATE PLAN OBJECTIVES 2007-2010**

- 6.1 The Dignity at Work Procedure will support the following Corporate Plan Objectives:
- (i) A Safe, Secure and Welcoming Environment
  - (ii) Healthy, Caring Communities
- 6.2 The Dignity at work Person also supports the HR Strategy. The Employee Charter commits the Council to the following:
- Promote equality of opportunity, value diversity within our workforce and promote good relations between all groups
  - Create and maintain a working environment that enhances the health, safety and well being of our employee
  - Promote fairness, integrity, trust, respect, transparency and openness throughout the Council
- 6.3 We also expect our employees to treat others with dignity and respect, value individual differences and promote mutual trust and confidence in the workplace

## **7. CONCLUSION**

- 7.1 The implementation of the Dignity at Work Procedure will ensure that the Council promotes positive behaviours expected of all employees.
- 7.2 It is therefore recommended that the Strategic Policy and Resources Committee approve the Dignity at Work Procedure.

**HUGH L MACKENZIE**  
**Head of Human Resources**

**Contact Officer:** Caroline Harris  
**Telephone Number:** 475441  
**E-mail Address:** [ceharris@pkc.gov.uk](mailto:ceharris@pkc.gov.uk)

**Address of Service:** Council Building, 2 High Street, PERTH, PH1 5PH

17 August 2007

# **DIGNITY AT WORK PROCEDURE**

## **Introduction**

Perth & Kinross Council is committed to providing a working environment in which all employees are treated with dignity and respect.

Under the terms of the relevant legislation and regulations, the Council has a duty to ensure, so far as reasonably practicable, the physical and mental health, safety and welfare at work of all its' employees.

All employees have a responsibility for their own behaviour whether intentional or not and how it affects others. It is the responsibility of all employees to ensure compliance with this procedure with a view to developing and maintaining a working environment free from all forms of bullying and harassment and promoting good relations between employees, irrespective of their race, (including colour, nationality, citizenship, ethnic or national origins) gender, marital status, gender reassignment, disability, religion or belief, sexual orientation, age, language, social position and personal attributes.

Managers have a responsibility to ensure that employees receive fair and equal treatment in the work place and to ensure that they treat all complaints of bullying or harassment seriously, sensitively and confidentially and take timely action in accordance with this procedure.

Managers are also responsible for ensuring that their team members carry out their duties to an acceptable standard and it is necessary therefore to distinguish between the addressing of legitimate and justifiable performance management issues and bullying and harassment.

This procedure applies to all employees of Perth and Kinross Council.

## **Aims**

The Council wishes to promote a culture where positive behaviour exists and to establish an effective, consistent approach to dealing with complaints of bullying or harassment. This will be achieved by:

- Providing information and education on dignity at work and promoting positive behaviour within the Council.
- Providing guidance for managers to promote positive behaviour in the workplace and on the actions they should take in the event of an employee making a complaint of bullying or harassment.
- Providing appropriate support and assistance for employees who allege that they have or are being bullied or harassed, or have allegations of bullying or harassing behaviour made against them.

## **What is Bullying & Harassment?**

These terms are used interchangeably by most people and many definitions include bullying as a form of harassment.

Harassment is defined as “unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Bullying may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual or involves groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

## **Standards of Behaviour**

Perth & Kinross Council expects all employees to adopt positive behaviour which includes:

- Valuing each other’s contributions to the Council’s aims and objectives through empowerment, effective consultation and communication
- Celebrating success and providing constructive feedback on performance
- Being polite and courteous to each other
- Promoting integrity, trust, respect, transparency and openness throughout the Council
- Communicating in ways that are easy to understand
- Sharing information
- Promoting and encouraging a culture of pride in working for a high performing Council

## **Employees who make a Complaint of Alleged Bullying or Harassment**

It is essential that anyone who perceives that they are subject to bullying or harassment keeps details of what they believe is bullying or harassment. It is recommended that they should include: date, time, place, name of alleged bully or harasser, details of what happened, how they felt at the time, names of any witnesses, any action taken and any correspondence relating to the incident. Employees will have the right to representation at formal meetings by a trade union representative or work colleague.

## **Employees who have Complaints of Alleged Bullying or Harassment made against them**

If a complaint is made against an employee, they will be asked to attend a meeting where the details of the complaint will be explained and they will be given the opportunity to respond to any allegations. Employees will have the right to representation at formal meetings by a trade union representative or work colleague.

### **Informal Stage**

Every effort should be made to resolve the issue informally in the first instance. As soon after the incident as possible, the employee should make it clear to the alleged bully or harasser that the action is not welcome and should stop.

If for any reason the employee feels unable to do this, support is available from a Dignity at Work Contact. A list of Dignity at Work Contacts can be obtained from Staffing Contacts, Human Resources and is also available on eric.

If an employee wishes to raise a complaint informally, they should first discuss the matter with their immediate line manager who, in most cases, can best respond to their complaint.

If the complaint concerns the employee's immediate line manager they should approach their line manager or another manager within the Service. Line managers may find it helpful to discuss mediation as an option for resolving the situation. Further information can be obtained from Human Resources.

When making an informal complaint, the employee should advise their line manager of the grounds of their complaint and the redress that they are seeking. The line manager should acknowledge the complaint and meet with the employee within 5 working days of the complaint being raised. The line manager should then endeavour to resolve the informal complaint and respond to the employee in writing within 10 days of the meeting or within a reasonable timescale agreed by both parties. An employee, who has a complaint of alleged bullying or harassment made against them, should be made aware of the detail of the complaint as soon as reasonably possible.

If the employee making the complaint is dissatisfied with the outcome of the response to an informal complaint, they should submit a written complaint in accordance with the formal Dignity at Work Procedure.

## **Formal Stage**

### **Stage 1**

Before raising a formal complaint, an employee should first have endeavoured to address the complaint informally.

If an employee wishes to raise a formal complaint, this should be submitted to their Head of Service in writing within 10 working days of receiving a response from the informal process. This written complaint should state in full the basis of the complaint and the redress being sought.

A Head of Service or nominated officer in receipt of a formal written complaint will, within 5 working days of receipt of the complaint, arrange a meeting with the employee. The purpose of the meeting is to clarify the detail of the complaint, redress and to determine how the complaint will be progressed. Where practicable this meeting will be arranged as soon as possible, but normally no later than 10 working days from receipt of the written complaint, unless a later date is agreed by mutual consent. Human Resources may be represented at the meeting, if required.

Where deemed appropriate by the officer chairing the meeting, the meeting may be adjourned to allow further information to be gathered or an investigation to be undertaken. Upon completion of this stage, the meeting will be reconvened.

The officer chairing the meeting may advise the employee of the outcome reached at the end of the meeting but, in any event, will confirm the outcome in writing within 5 working days.

### **Stage 2 (Appeal)**

Should an employee continue to be dissatisfied with regard to their original complaint and the outcome of the response provided at Stage 1, they have the right of appeal to their Executive Director. A statement of appeal should be submitted to the Executive Director, within 10 working days of receipt of the response from Stage 1, stating the reasons for the continuing dissatisfaction, providing any additional information relevant to the complaint and the redress being sought.

The Executive Director or nominated officer will convene a formal Appeal Hearing with the employee to consider the complaint. Where practicable, this Hearing will be arranged as soon as possible, but normally no later than 10 working days of receipt of the written appeal, unless a later date is agreed by mutual consent. The officer chairing the appeal will be advised by an officer from Human Resources not previously involved the case.

Where deemed appropriate by the officer chairing the Appeal Hearing, the Hearing may be adjourned to allow further information to be gathered or an investigation to be completed. Upon completion of this stage, the Appeal Hearing will be reconvened.

The officer chairing the Appeal Hearing may advise the employee of the conclusions reached at the end of the Hearing but, in any event, will confirm the conclusions in writing within 5 working days.

### **Stage 3 (Appeal Sub Committee)**

Should an employee continue to be dissatisfied with regard to their original complaint and the outcome of the response provided at Stage 2, they have the right of appeal to the Appeals Sub-Committee. A statement of appeal should be submitted to the Executive Director, within 10 working days of receipt of the response from Stage 2, stating the reasons for the continuing dissatisfaction, providing any additional information relevant to the complaint and the redress being sought.

The employee will be advised of the procedure to be followed at the Appeals Sub-Committee which will normally meet to consider the employee's appeal within 10 weeks of receipt of their letter. The letters provided at Stages 1 and 2 of this procedure will form the basis of the submission to the Appeals Sub-Committee.

The Appeals Sub-Committee will normally advise of the outcome reached in writing within 5 working days.

### **Conduct of Formal Dignity at Work Meetings and Appeal Hearings**

At all formal meetings held under the Dignity at Work Procedure, employees should be given the opportunity to present evidence in support of their complaint. They should also provide an explanation of the redress that could reasonably address the complaint. At Appeal Hearings employees and/or their representative can also request to call witnesses, submit additional written information and or make oral submissions.

The nominated officer chairing the meeting/hearing should be provided with an opportunity to question or seek clarification on any of the evidence presented by the employee and/or their representative. The officer must also be able to justify a decision and set out the reasons for any decisions taken.

At all stages of the procedure, the need to maintain confidentiality for all parties involved is fundamental to the process.

### **Investigation/Further Enquiries**

Where, during consideration of a complaint, a nominated officer at a Stage 1 or Stage 2 meeting/hearing feels that further information or further investigation is required before a conclusion can be reached regarding the outcome of the complaint, the meeting/hearing will be adjourned for further enquiries to be made or an investigation to be commissioned.

The nominated officer will make any further enquiries that may be necessary and upon completion of these enquiries the meeting/hearing will be reconvened. However if an investigation is to be commissioned, the nominated officer will appoint an investigating officer (s) from the Service to undertake an investigation.

Within 5 working days of the adjournment of the meeting/hearing, the nominated officer commissioning the investigation will notify those involved of the nature of the investigation, the appointed investigating officer(s) and the timescales for the completion of the investigation.

The investigating officer(s) will, if appropriate, interview all parties involved including the employee raising the complaint. All employees interviewed will be given a clear indication of the nature and purpose of the investigation and the procedures that will be followed at the meeting with the investigating officer(s). There is no requirement for 5 days notification to be provided to employees at the investigation stage.

Both parties should be given the opportunity to nominate witnesses whom they think may assist in the complaint. The nominated officers will then meet with any witnesses who were present when the alleged incident took place.

Written statements will be taken from all parties interviewed and they should sign and date them confirming that they agree with the content of their statement. Where the statement is not returned within a reasonable timescale a further copy will be issued. If this is not returned, the statement taken will be regarded as accurate. All parties involved may be accompanied by a Trade Union Representative or work colleague of their choice.

Witnesses should be made aware that although their statements remain confidential during the process, there may come a point, if the outcome of the investigation leads to a disciplinary hearing being convened, that any statements may be put forward as evidence.

The investigating officers will produce a report for submission to the commissioning officer for findings to be considered. In normal circumstances, where all parties are available to participate, the investigation process will normally take no longer than 20 working days. Where the investigation process takes longer than 20 days, the investigating officers should write to both parties involved indicating a timescale for completion.

## **Potential Outcomes**

There are three potential outcomes for formal complaints/appeals submitted under the Council's Dignity at Work Procedure:

- 1) The complaint is substantiated or the appeal is upheld
- 2) The complaint is unsubstantiated or the appeal is not upheld
- 3) The complaint is partially substantiated or the appeal is upheld in part

Potential actions may include:

- Training for either or both parties
- Mediation between the parties concerned to find a way of working together
- Counselling for either or both parties
- Taking no action
- Redeployment of one or both parties
- Referring the matter for consideration in accordance with the Council's Disciplinary Procedure or Managing Capability Procedure

This list is not exhaustive and other outcomes may be considered appropriate depending on individual circumstances.

When considering how to inform relevant parties of the outcome, the Head of Service or nominated officer considering the findings will need to balance the obligation to maintain confidentiality with the need for interested parties to know matters have been handled effectively.

Consideration will be given to whether both parties will be issued with the findings. In order to maintain confidentiality, where practicable copies of statements collected from witnesses will not be shared with any other parties other than the Head of Service or nominated officer considering the findings.

## **Redress**

When submitting a complaint, the employee should state in full the basis of the complaint and the redress being sought. At the conclusion of the process, when considering the employee's request for redress, the Head of Service or nominated officer should consider the reasonableness of this request in the circumstances. An employee's request for redress may include a course of action which is neither reasonable nor appropriate, e.g. disciplinary action against another employee.

Where an employee requests redress which is not considered to be reasonable or appropriate, it is the Head of Service or nominated officer's responsibility to advise the employee accordingly or propose redress that they think is appropriate in the circumstances.

The Head of Service or nominated officer needs to consider the implications of awarding particular redress in terms of the impact on other employees and compliance with other agreed Council policies and procedures.

## **Possible Suspension or Redeployment**

Temporary redeployment to a suitable post or change of location for one or both parties may be considered where possible. In certain cases, if the alleged incident is of a serious nature, it may be necessary to remove either employee from the workplace, without prejudice on full pay whilst the complaint is investigated. If at all possible, separation of the parties and remaining at work should be explored before enacting suspension.

Temporary redeployment may be enacted where it is felt that the relationship between the parties involved is such that it is having a detrimental effect on the employees concerned, and/or the work of others in the section and/or where the service being provided is adversely affected. Temporary redeployment can be enacted at any stage after a complaint is made.

Where separation of the parties is being enacted and the nature of the work is such that they will be required to continue with their own work during the separation period, then a meeting between all parties concerned should be held.

The meeting should discuss how the service would continue to operate during the period of separation and a framework with review dates should be set to avoid any misunderstandings at a later stage of the process.

Where separation is not a feasible solution and suspension is felt to be appropriate, a suspension meeting should be held and, where practicable, the employee should have the right to representation before the suspension is enacted. The employee will be notified of the outcome of the meeting in writing and the reasons why suspension has been enacted explained. In these circumstances the complaint should be investigated as quickly as possible.

If suspension is felt to be appropriate then Human Resources must **always** be advised before it is enacted.

## **Malicious/Frivolous Complaints**

Should it be determined that a complaint has been submitted with malicious or frivolous intent the matter will be referred for consideration in accordance with the Council's Disciplinary Procedure.

## **HR Role**

In more complex cases, Human Resources will provide advice, assistance and support to employees and managers in interpreting and applying the Council's Dignity at Work Procedure. If required Human Resources will be present during formal meetings regarding the Dignity at Work Procedure. Human Resources will be present at a Stage 2 Appeal to advise the officer chairing the appeal.

Human Resources will deliver appropriate training to all managers and employees. In addition HR will also develop a Manager's Guide on Dignity at Work.

Specialist advice is also available from the Employee Counselling Service. The independent, confidential service is available free to all employees of Perth and Kinross Council and provides counselling to help employees cope with a range of

problems. Contact details are available from Staffing Contacts, Human Resources or on eric.

### **Dignity at Work Contacts**

Dignity at Work Contacts will be appointed and trained and their main role will be:

- To provide support and assistance to an employee who makes an allegation of bullying or harassment.
- To explain how the Dignity at Work Procedure operates
- To ask questions to establish the main details of the complaint
- To listen to the problem and provide the employee with information about possible courses of action
- To provide support for the alleged harasser/bully if requested however it would not be appropriate for the same Contact to support both parties.

Dignity at Work Contacts are not expected or trained to fulfill a professional counselling role, however they may advise the employee to contact the Employee Counselling Service.

The Dignity at Work contact will have no role in formal meetings, nor are they a source of evidence in proceedings as all discussions between the Contact and employee are confidential.

There will be circumstances where the Dignity at Work Contact will have to share information with another party. For example, where a Dignity at Work Contact learns about something that could seriously affect the well being of an individual, they must advise the Head of Service for that employee, even if it is against their wishes.

Information sharing may also be necessary for purposes of accountability, support, effectiveness of the service provided by the Dignity at Work Contacts. In these circumstances, information will be divulged only on a strictly “need to know” basis.

An employee who seeks the support of a Dignity at Work Contact is under no obligation to take any further action.

If a Dignity at Work Contact is found to be in breach of the agreed limits of confidentiality a decision may be made by their Head of Service and Human Resources to remove them from the list of volunteers.

## ***External Complaints***

Any complaints about Perth and Kinross Council employees from external agencies, partners, customers or contractors should be made in writing in accordance with the Corporate Complaints Procedure.

Employees who have complaints about external agencies, partners, customers or contractors should in the first instance discuss their concerns with their Line Manager who will take appropriate action.

## ***Monitoring and Review***

The Procedure will be reviewed to ensure its continuing relevance and suitability. The Council will consider regular management information to monitor trends and to ensure that positive behaviours continue to be promoted.

## ***Timescales for Dignity at Work Procedure***

<b>Stage of Dignity at Work Procedure</b>	<b>Heard by</b>	<b>Time Limits</b>	<b>HR Present</b>
<b>Informal</b>	Immediate line manager	Meeting arranged within 5 working days.  Written response to complaint within 10 working days of meeting.	No
<b>Stage 1</b>	Head of Service or nominated officer	10 working days to arrange formal meeting.  5 working days from conclusion of Hearing to issue written response	No

<p><b>Stage 2</b></p>	<p>Executive Director or nominated officer</p>	<p>10 working days to arrange appeal Hearing</p> <p>5 working days from conclusion of Hearing to issue written response</p>	<p>In normal circumstances to advise officer hearing the appeal</p>
<p><b>Stage 3</b></p>	<p>Appeals Sub Committee</p>	<p>Final Appeal Hearing to be held within 10 weeks of receipt of letter.</p> <p>5 working days from conclusion of Hearing to issue written response</p>	<p>If present at Stage 2, will present the Service's case</p>
<p><b>Investigation process</b> (where required)</p>	<p>Investigating officer(s)</p>	<p>20 working days for completion of investigation</p>	<p>If required</p>