

Dignity and Respect at Work Policy

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1. Purpose Statement

- 1.1 The Council is committed to providing a work environment which promotes dignity and respect for everyone and a culture which is safe, healthy, fair, and aligned with the Council's Guiding Principles.
- 1.2 The Council is committed to promoting an inclusive and supportive environment where employees are treated with dignity and respect, free from inappropriate behaviour such as bullying (including Cyber-bullying), harassment, discrimination, or abuse. This policy provides a mechanism to report concerns of unacceptable behaviour if they occur and gives reassurance that employees will not be subjected to unfavourable treatment or victimisation as a result of making a complaint in good faith.
- 1.3 The Dignity and Respect at Work policy provides a framework within which employees are supported to raise any concerns raised about the behaviour of others and supports managers and employees in maintaining good working relationships.
- 1.4 The purpose of this policy is to set out the responsibilities and arrangements which will allow the Council to mitigate the risks (including risk to employees health and wellbeing and financial and reputational risk to the Council) which may arise from circumstances where an employee's behaviour has fallen short of the expected standards. Expected standards are determined through the code of conduct, contract of employment, job profile, Guiding Principles and other relevant organisational policies, procedures, and guidance or through reasonable expectations set by the manager. The Dignity and Respect at Work policy provides a framework with an accompanying procedure to ensure that matters are addressed without unreasonable delay and in a fair and consistent way, including where informal support has failed to achieve the required results.
- 1.5 All employees are valued, and individual circumstances are considered. The policy therefore aims to support issues to be addressed in the most appropriate way, based on the circumstances surrounding the case and the individuals concerned and as quickly as possible. Wherever possible, this will be through the provision of informal support. The health and wellbeing of all employees is a priority. At the outset of any process falling within this policy employees will be provided with details of the wellbeing support available to them, including the Employee Assistance Service and Chaplaincy. Further details can be found in the accompanying Dignity and Respect at Work Procedure and Guidance
- 1.6 An overview of the Dignity and Respect at Work Procedure can be found at Appendix A

2. Application and Scope Statement

- 2.1 This policy applies to all employees in the Council. This policy does not apply to agency and casual workers. Agency workers should raise concerns through their individual

agency under their own processes. Casual workers should refer to their terms of engagement letter.

2.2 The Council recognises its legal responsibilities under the Equality Act 2010 to prevent discrimination in relation to protected characteristics (see paragraph 6.7).

2.3 The Council does not tolerate bullying (including Cyber-bullying), harassment, victimization, or discrimination in any form.

2.4 The primary aims of the policy are to positively resolve working relationship difficulties between employees where possible and address any unacceptable behaviour. Issues raised will be taken seriously, resolved promptly and confidentially at the lowest level of management practicable.

3. Responsibilities

3.1 The Council will adhere to its statutory and contractual responsibilities in relation to the implementation of this policy.

3.2 Everyone has a responsibility to work effectively and co-operatively to finding solutions. It is necessary to listen, seek to understand, and act accordingly, being open to learning from mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

3.3 Chief Officers are responsible for the application of the policy and associated guidance within the service delivery remit.

3.4 Line managers have responsibility for applying this policy, its provisions and managing complaints submitted by their employees. They should specifically:

- Ensure employees are aware of this policy
- Create an environment where employees feel able to raise any concerns
- Make every effort to ensure fairness and consistency in relation to the provisions of this policy
- Maintain confidentiality
- Endeavour to try to resolve complaints at an informal stage where possible
- Ensure that employees are treated with dignity and respect throughout

3.5 Employees have a responsibility to:

- Familiarise themselves with the contents of this policy
- Co-operate with the requirements of the policy
- Maintain confidentiality

- Raise their concerns informally in the first instance, where possible, with the appropriate manager
 - Co-operate with management in attending meetings and providing information in relation to any concerns raised
- 3.6 The investigating Officer is responsible for conducting a thorough investigation and making recommendations based on the evidence gathered.
- 3.7 People and Organisational Development is responsible for providing advice to managers and employees on the application of the policy.
- 3.8 A breach or misuse of this policy may result in the potential use of a corporate policy e.g. Managing Discipline policy.
- 3.9 Non-compliance with this policy should be reported to the employee's line manager, a more senior manager or People and Organisational Development.
- 3.10 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer – People and Organisational Development or Employee Relations and Wellbeing Manager and this will be taken into account as part of the regular review of this policy.

4. Supporting Procedures & Documentation

- 4.1 Accompanying guidance on Dignity and Respect at Work has been put in place to support adherence to this policy. The process for raising and addressing complaints under this policy are detailed in the accompanying procedure and guidance.
- 4.2 This policy also links to:
- Employee Code of Conduct
 - Managing Discipline policy
 - Managing Grievances policy
 - Investigations Procedure
 - Diversity and Equality Policy
 - Social Media Guidance
 - The Council's Guiding Principles
 - ICT Acceptable Use Policy
 - Handling Allegations Against School Staff
 - Whistleblowing policy and procedure
 - Framework Agreement for Industrial Relations (FAIR)
 - Member - Officer Relations Protocol

5. Policy Statement

- 5.1 The policy is not creating any specific regulations or requirements other than what is stated under the core principles below.
- 5.2 Any complaints raised will be addressed by applying the principles of this policy and the guidance document associated with it. This is to ensure that the appropriate steps are taken to consider whether there are sufficient and reasonable grounds to uphold a complaint and any appropriate action to resolve taken.

Policy Core Principles

- 5.3 Acceptable standards of behaviour aligned with the Council's Guiding Principles and Code of Conduct are required of all individuals in the workplace to promote positive working relationships, and an organisational culture and environment where everyone is treated with dignity and respect at work.
- 5.4 Every individual is responsible for their own behaviour and has a duty to support a positive working environment promoting dignity and respect and which is free from bullying and harassment for themselves and colleagues.
- 5.5 The Council will not tolerate unfair treatment of individuals and anyone who is found to have bullied or harassed another person in the organisation may be subject to disciplinary action, which could include dismissal. Apart from being unacceptable, such behaviour may be unlawful.
- 5.6 Managers have a duty to manage employees and workers effectively, giving reasonable instructions when required and effective management does not contravene an employee's dignity and respect at work or constitute bullying and/or harassment. Effective management includes dealing with shortcomings in performance, conduct, attendance, and behaviour.
- 5.7 When dealing with a complaint under the Dignity and Respect at Work Policy, the principle of fairness applies equally to the complainant and the subject of the complaint.
- 5.8 Both the complainant and the subject of the complaint will be offered the opportunity to be accompanied by a trade union representative or work colleague at all stages of the procedure, including investigatory meetings, where appropriate (see guidance). Employees will not be permitted to be accompanied by a legal practitioner, spouse, family member or a friend.
- 5.9 In using this policy, reasonable allowance should be made for employees whose first language is not English or who have difficulty expressing themselves. Reasonable adjustments should be made for those with a disability.

- 5.10 Where complaints cannot be resolved informally, formal complaints made under the policy will be investigated promptly and confidentially within agreed timescales. Where timescales cannot be met, these matters should be resolved as quickly as possible.
- 5.11 All investigations will be carried out with sensitivity, discretion, and confidentiality.
- 5.12 A confidential record of the investigation and any recommendations will be kept. Both the complainant and the subject of the complaint will be informed of the outcome of the investigation.
- 5.13 Where the investigation has established that there is sufficient evidence to conclude that there is a case to answer on conduct grounds, the complaint will progress to a disciplinary hearing under the Council's Managing Discipline policy.

6. Definitions

6.1 Unacceptable/Inappropriate Behaviour

Unacceptable behaviour includes any form of conduct or behaviour of a physical, verbal or non-verbal (e.g. psychological or emotional) kind which:

- is unwanted, unsolicited, unreasonable, and personally offensive to the recipient(s) (irrespective of the intentions)
- creates an uncomfortable, intimidating, hostile or humiliating work environment for the recipient(s) affecting their dignity whilst at work
- fails to both respect the rights and recognise the impact that such behaviour may have on the recipient(s) and other employees
- threatens job security, creates instability in the workplace or disadvantages the recipient(s) in some way

6.2 Harassment

Harassment is defined under the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, or on other grounds, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Such behaviour may be physical, verbal, or non-verbal.

6.3 Bullying

Bullying is defined by ACAS as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

6.4 Discrimination

Discrimination is defined as actions which result in an individual being treated less favourably (either directly or indirectly) because of a protected characteristic(s) under the Equality Act 2010.

6.5 Victimisation

Victimisation is defined as treating someone unfairly because they made or supported a complaint in relation to a 'protected characteristic', or someone thinks they did or may do so.

6.6 Cyber Bullying

Cyber bullying can be defined as bullying, harassment and other unacceptable behaviour conducted online through for example social media sites, messaging apps, blogs, e-mail or online forums.

6.7 Protected Characteristics

The protected characteristics (defined under the Equality Act 2010) are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Further descriptions and examples of the above definitions are included in the accompanying procedure and guidance.

7. Risk

7.1 This policy and supporting documentation details how the Council shall mitigate against risk arising from non-compliance with the Dignity and Respect at Work framework set out in paragraph 1.2.

- Health and Wellbeing – the policy promotes and supports all employees to conduct themselves in compliance with the culture of the organisation and thus mitigates the risk of inconsistent actions impacting negatively on the health and wellbeing of individuals and colleagues.
- Compliance and Financial – it aims to ensure a fair and legal process is followed to mitigate the impact of failing to comply with employment law and the ACAS codes, incurring financial awards (e.g. award of compensation by the Employment Tribunal).
- Strategic and Operational – the policy mitigates the risk of actions that are not consistent with the culture of the organisation and of concerns being allowed to escalate. The impact of such risk can impact on the ability of the organisation to deliver the day-to-day business and the attainment of strategic objectives.

- Reputational - Actions that are inconsistent with the culture of the organisation and failure to address employee concerns could have a negative impact on the reputation of the Council.

7.2 The Dignity and Respect at Work Policy and supporting documentation allows managers to identify and manage risks through effective mitigation controls, including monitoring of data through the People Performance Dashboard and where appropriate inclusion in operational risk registers.

7.3 There are no anticipated unintended effects, consequences and risks identified resulting from the introduction of the policy. This will continue to be monitored as the policy is applied.

8. Policy Performance

8.1 The main factors determining the effectiveness of the policy and whether it adds the value intended is the usage of the policy by employees who have a concern at work, the consistency in its application by managers and the satisfactory resolution of concerns for all parties involved at the lowest level.

8.2 The effectiveness of the policy will be measured through gathering data on the volume of formal Dignity and Respect at Work complaints submitted and their outcomes, and through collecting feedback from users of the policy.

8.3 The Chief Officer – People and Organisational Development will decide where and when data is reported on the effectiveness of the policy, ensuring that confidentiality is maintained.

9. Design and Delivery

9.1 The policy links to the 'Workforce Design' principle of the Operating Model in that it is concerned with organisational culture and promotion of equality in the workplace. It also accords with the Council's Guiding Principles, particularly in relation to the commitment to valuing and supporting employees. The policy supports compliance with statutory obligations, employment legislation and best practice including ACAS code of practice.

9.2 This policy also links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the city are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having a Dignity and Respect at Work policy in place for staff will help to contribute to this objective, providing a mechanism and supportive provisions for complaints and concerns to be raised and addressed.

10. Housekeeping and Maintenance

- 10.1 The policy will be monitored annually by People and Organisational Development, and any necessary updates will be proposed to the Staff Governance Committee where required, following agreed consultation arrangements.

11. Communication and Distribution

- 11.1 This policy and supporting documentation will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with the responsibilities set out in section 3.
- 11.2 The policy and documentation will be available for review on the organisation's shared areas on the intranet.
- 11.3 A communication plan is developed to assist with embedding the policy into the organisation, which includes training for managers.

12. Information Management

- 12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

Appendix A - Overview of the Dignity and Respect at Work procedure

Employee raises a complaint

- An employee raises an issue regarding someone's behaviour with their manager (or more senior manager)
- Manager/employee consult the Dignity and Respect at Work Guidance to determine how to proceed, either through informal support or a formal investigation. If in doubt, or the decision is to move to a formal investigation, advice should be sought from the Employee Relations & Wellbeing Team.
- For more information refer to examples in this document.

Informal Process

- Early intervention is often key to satisfactorily resolving Dignity and Respect complaints promptly.
- Informal 1-1, manager directed resolution, facilitated meeting or mediation may be used to resolve the issues
- The employee may consider the case to be resolved after the informal process has concluded. However, if unsuccessful, or the issues are more serious or complex, it may be determined that a formal investigation is needed to move forward.

Formal Process

- If during discussion with the Employee Relations and Wellbeing team it has been decided that a formal investigation should commence the next step is to appoint an Investigating Officer from a pool of trained investigators (list held by Employee Relations and Wellbeing team, who will make the appointment)
- Normal working conditions should be maintained wherever possible.

1. Investigation

- Refer to the **Investigations Procedure** for detailed information.
- The investigating officer will commence their investigation by meeting with the complainant and subject of the complaint, contacting relevant witnesses and gathering relevant evidence in order to write an investigation report including their findings, decision and recommendations.
- If allegations are upheld the case will go to a disciplinary hearing, and if they have not been upheld the case will end at this point.

2. Decision and Recommendations

- The investigating officer will decide if a disciplinary hearing is required under the Managing Discipline policy
- The investigating officer should also put forward recommendations to resolve the complaint and reconcile working relationships
- The investigating Officer informs both parties of their decision and recommendations.

3. Appeal

- The complainant has the right to appeal any recommendations and the decision, should the case **not** be proceeding to a disciplinary hearing
- The subject of the complaint has the right to appeal against the recommendations only under this policy, but **not** the decision to progress to a disciplinary hearing (right of appeal is outlined under the Managing Discipline policy)
- An appeal must be in writing outlining the grounds for appeal.
- An impartial chairperson is appointed and an appeal hearing takes place.