

AGENDA SUPPLEMENT (1)

Meeting: Staffing Policy Committee
Place: The Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Wednesday 4 May 2016
Time: 11.30 am

The Agenda for the above meeting was published on **Monday 25 April 2016**. Additional documents are now available and are attached to this Agenda Supplement.

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This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7 **Dignity at Work and Grievance Policy & Procedure (Pages 3 - 16)**

A copy of the draft Dignity at Work Policy & Procedure is attached.

This Supplement was published on Tuesday 3 May 2016

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Draft April 2016 Wiltshire Council Human Resources

Dignity at work policy and procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

The dignity at work policy and procedure sets out a framework for employees to raise concerns and complaints related to their dignity at work. **Inappropriate behaviour in relation to dignity at work can take many forms** and may include discrimination, harassment, victimisation and bullying at work (see definitions section).

The policy sets out the Council's expectations that employees will treat each other with dignity and respect and a procedure to ensure the fair and consistent treatment of employees.

Both informal remedies (including mediation) and formal remedies (including disciplinary action) may be appropriate depending on the seriousness of the allegations. This policy sets out details of the informal procedure including mediation and refers employees to the formal stage of the grievance procedure if they wish to raise the matter formally.

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Who does it apply to?

This policy applies to all Wiltshire Council employees, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to

teaching and non-teaching staff employed in maintained schools or academies.

In matters which involve chief/statutory officers and deputy chief officers (corporate directors and associate directors) this policy must be read in conjunction with their JNC terms and conditions of employment and Wiltshire Council's constitution.

Dignity at work complaints relating to job applicants, contractors sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy and procedure and the grievance policy and procedure.

When does it apply?

This policy applies during the recruitment process and throughout employment.

This policy and procedure could apply equally to a group of employees, in which case the group can appoint one of their members as a spokesperson, who will then follow the procedures on their behalf and the answers given to them will then be deemed to apply to all members of that group. However, where it becomes evident through investigation that group members have individually experienced differences in terms of severity and impact of unwanted behaviour or language, cases may need to be looked at and resolved on an individual basis.

When does it not apply?

There are no exemptions under this policy and procedure.

Our commitment

1. The council is committed to creating an environment of positive working relationships and all employees are to be treated with dignity and respect in the work place.
2. All employees are expected to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and beliefs. This includes behaviour set out in the following policy and procedures:
 - [Behaviours Framework](#)
 - [Equality and Diversity](#)
 - [Code of Conduct](#)

3. The council recognises the significant impact and serious consequences that inappropriate behaviour, including bullying and harassment and behaviour associated with this, can have on individuals. In particular, that this type of inappropriate behaviour can make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases can even lead to mental illness and suicide. Effects on the organisation can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the organisation's reputation.
4. The council will not tolerate bullying and harassment and inappropriate behaviour associated with this. All dignity at work allegations will be investigated and, if appropriate, disciplinary action will be taken. The council will also not tolerate victimisation of a person for making a dignity at work allegation in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.
5. Concerns and complaints raised under this procedure will be taken seriously, dealt with promptly and in confidence.

Inappropriate behaviour

6. Behaviour (conduct including physical, verbal and non verbal behaviour) which could contravene this policy can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. Behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
7. Inappropriate behaviour which is not in line with the [Behaviours Framework](#) could be raised under the grievance policy. This relates to all activities which take place in work and in certain circumstances outside of work (see code [of conduct – misconduct](#)).
8. Inappropriate behaviour can arise from a single or a combination of factors. Some examples are:
 - using behaviour which results in physical, mental or psychological hurt.
 - using types of behaviour which can range from violence to less obvious forms such as ignoring someone or offensive body language. It applies to all forms of communication including; written (including the use of social media, e-mails and internet), pictorial, verbal or non verbal. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant.

9. Inappropriate behaviour may be direct or indirect. Direct behaviour is aimed at a particular individual whereas indirect could be an overheard comment or discussion. However, it is not only the acts or the words that need to be considered but how the person on the receiving end perceives the behaviour. If it is behaviour that is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed.
10. Inappropriate behaviour may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, and victimisation are covered by the Equality Act 2010. Employees found guilty of discrimination, harassment or bullying may face disciplinary penalties, up to and including dismissal. Employees found guilty of harassment and bullying could be personally liable to pay compensation in legal claims. Serious harassment may be a criminal offence.
11. For further information and examples of these forms of dignity at work concerns including action for managers in relation to harassment by third parties, please see the [guide to dignity at work and equality and diversity](#).

Raising the matter

12. If you believe that the conduct of another employee is in breach of the policy you may choose to:
- deal with the matter yourself informally.
 - involve a third party (e.g. your manager, HR or a colleague) to assist in dealing with the matter informally.
 - make use of the [mediation service](#).
 - pursue the matter formally.
13. Every attempt must be made to resolve complaints at the earliest possible stage. Use of the mediation service will be encouraged to achieve this where possible.
14. If you believe that you have been harassed by a third party (non - employees including service users, members or customers) you should report the incident immediately to your manager who will consider a range of appropriate actions as set out in the guide to dignity at work and equality and diversity.

15. In addition to the above any incident at work involving violence with another employee or non-employee must be reported in line with the [violence at work policy](#) and the [accident and incident policy](#) to your line manager who will also ensure that the correct forms/investigations and notifications take place in accordance with these policies.

16. If you are unsure about the steps to take or you wish to discuss the matter with someone prior to seeking redress under this procedure, you may wish to discuss the matter further with one of the following sources of support including: your line manager, a colleague in HR, your union representative, or a member of one of the relevant staff forums if you have a protected characteristic.

Mediation

17. [Mediation](#) may be available at any stage of the policy. Mediation can be an effective way of resolving working relationship difficulties and you are asked to give it serious consideration to resolve your complaint if it is offered to you. You can also make a request to your manager for mediation.
18. If it is felt appropriate your manager may discuss mediation with you and any other individuals who are involved in the matter. If all the parties agree to use mediation, then this procedure or the grievance procedure (depending on the stage you have reached) will be temporarily suspended. A decision about whether to continue with the relevant procedure will be made by all parties once mediation has taken place.

Informal procedure

19. You can seek to take informal action under this procedure by choosing to:
- deal with the matter yourself informally.
 - involve a third party (e.g. your manager or a colleague) to assist in dealing with the matter informally.
20. Informal actions can be taken in the following ways:
- by approaching and explaining to the person considered to have used the inappropriate behaviour or language why it is unacceptable and requesting them to stop and referring them to this policy and to the behaviours framework.
 - if you feel unable to approach the person you can put in writing to them the points that need to be covered.

- you may ask someone else to approach the person on your behalf or to accompany you.
 - you can make a request for mediation through HR or the Occupational Health/counselling service.
 - records of any approaches made and any letters sent should be kept.
21. If you involve your manager in the informal stage of the procedure, they will confirm their involvement in writing including any outcomes and timescales.
22. In the interests of an informal resolution being reached it is not expected that the individual who has been complained about would be accompanied or represented at any meetings held under the informal stage.
23. You are strongly encouraged to use the informal procedure including consideration of mediation, to resolve difficulties before moving to the formal stage of the procedure.

Formal procedure

24. The formal procedure can be followed if it is not possible or appropriate to resolve issues informally. The formal procedure is the council's formal grievance procedure.
25. In line with the grievance procedure, in order to start the formal stage of the grievance procedure, you must submit your grievance in writing to your manager on the grievance notification form (GN1) provided for this purpose. If the grievance is against your manager then you can raise the grievance with your manager's manager.
26. The formal procedure is detailed in the council's [grievance procedure](#) and you should refer to this policy for further details. The formal grievance procedure includes:
- A formal investigation (where appropriate)
 - A formal grievance meeting followed by a formal outcome letter letting you know whether your complaint is upheld or not with recommendations for further action where appropriate.
 - An appeal stage
27. In certain circumstances the grievance policy may not apply (for example where a different policy or procedure is more appropriate) and your manager will inform you if this is the case. Please refer to the

grievance procedure for further details of when the policy may not apply.

28. If you are an employee who has had an allegation raised against you, you will be informed of this as soon as it is possible and appropriate in line with the grievance procedure. You should refer to the grievance policy and guidance for employees who are the subject of a colleague's complaint.
29. Depending on the seriousness of the allegation a brief period of suspension with pay or temporary redeployment may need to be considered. This could apply to either or both parties.
30. If you have raised a grievance you will be informed as to whether your grievance has been upheld or not in accordance with the grievance procedure. However you will not be informed of any specific outcomes relating to another individual as this will be confidential information and in these circumstances cannot be shared with you.
31. More specific details on potential sanctions and decisions relating to disciplinary action are contained in the [disciplinary procedure](#).

Roles and Responsibilities

Employee responsibilities

32. To treat colleagues, managers, councillors, service users and members of the public with dignity and respect, in accordance with the principles set out in this policy and in the following policies and procedures:
 - [equality and diversity](#)
 - [behaviours framework policy](#)
 - [code of conduct policy](#)
33. To comply with the principles set out in the this policy and to:
 - provide services in a fair and reasonable way and with consideration and politeness.
 - engage positively in measures designed to support your performance such as induction, appraisal and professional development.
 - participate in procedures where managers are addressing matters of performance, attendance and conduct.
 - not aide or collude in cases where employees, clients or customers are treated in a manner which contravenes the policy and reporting any such instances.

- ensure your colleagues are aware if their conduct or behaviour is a cause of concern.
 - provide support to someone who is subject to such conduct or behaviour.
34. If you are raising a dignity at work complaint, to comply with the process outlined in this policy for the informal stage and the grievance policy and procedure for the formal stage in a positive and constructive way including to:
- provide your manager/investigating manager with full information to assist them resolve your complaint
 - attend arranged meetings/hearings
 - arrange your representation if you chose to be supported in this way
 - notify your manager if you or your representative require adjustments or cannot attend arranged meetings
 - engage with recommendations to resolve your complaint including mediation
 - maintain a professional approach to colleagues in respect of your working responsibilities while the process is on-going
 - use a discrete and co-operative approach towards any witnesses to ensure that information collected is independent and not unduly influenced by external sources.

Manager responsibilities

35. To ensure that all employees are managed fairly and consistently in line with council policies and procedures and to manage the process related to dignity at work complaints including timescales, outcomes, support and the flow of information to all parties in the process in line with this policy for the informal stage and the grievance policy and procedure for the formal stage and following HR advice.
36. Promote positive working relationships and standards and eradicate inappropriate behaviour or language in accordance with this policy and the following policies and procedures:
- [equality and diversity](#)
 - [behaviours framework policy](#)
 - [code of conduct policy](#)
37. In line with this policy and procedure specifically:
- set appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner.

- foster a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships.
- ensure all employees under their control maintain a high standard of conduct between all colleagues and are advised of what is and is not deemed to be acceptable behaviour at work.
- use their judgement to identify and correct standards of inappropriate language and behaviour with employees and to remind them of the council's policy.
- take complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally.
- investigate complaints about inappropriate behaviour or language and making employees aware that where necessary appropriate action will be taken which could include using the disciplinary procedure or other action outlined in this policy and guidance in relation to third party harassment.
- make employees aware of the actions they can take, the support available if they feel victimised and the opportunity to discuss matters with HR and, where agreed, for trained mediators to be used.
- monitor sickness absences within their departments to identify if any sick leave is attributable to inappropriate conduct or language.

HR responsibilities

38. A HR case adviser will be allocated to support managers where a dignity at work complaint is received.
39. The role of HR will be to provide:
- professional advice and guidance to managers to enable them to make an informed management decision;
 - an overview of the case to help ensure a timely resolution and progression of the matter;
 - an audit trail and chronology of the case;
 - co-ordination of the involvement of any other stakeholders (if necessary) e.g. mediators, other HR case advisers or legal;
 - support to managers in relation to meetings under this procedure where appropriate (this would not usually involve attendance at any meetings at informal stage);

Employee responsibilities if you have a complaint raised against you

40. These are set out in the guidance for employees who are the subject of a colleague's complaint.

Support

41. Details of the support available to staff who raise a dignity at work/grievance complaint or have a complaint raised against them are set out in the:

- [Employee guide – employees raising a grievance](#)
- [Employee guide – employees who are the subject of a colleague's grievance](#)

FAQ's

42. **What is expected from employees in helping to provide a positive working environment and culture?**

Employees are expected to comply with the requirements of this policy and the grievance policy and procedure and to the behaviours framework to co-operate and support managers in addressing and taking appropriate action to improve areas of concern. If they have concerns about their line manager they should raise it with a more senior manager in the service area.

43. **What examples of good management can help to support a positive working environment and good working relationships?**

Examples of good management include:

- setting achievable time limits and standards of work.
- positively supporting the performance of individual workers e.g. through induction, professional development, appraisal and one to one supervisions.
- addressing matters of performance, attendance and conduct through the appropriate procedure on the occasions where employees fall short of acceptable standards in a prompt and professional manner
- applying the relevant procedures e.g. absence, improving work performance and disciplinary fairly and consistently firm but fair management is not to be confused with behaviour that contravenes this policy.

44. **What effects can language or behaviour have in undermining dignity and respect?**

The effects of language or behaviour which contravenes this policy can be extremely damaging to the individual and everyone else involved. The subject of such behaviour may suffer from physical or emotional

symptoms such as disturbed sleep and loss of confidence. Individuals may be personally affected and their performance may deteriorate which will impact on service delivery. This may also impact upon an individual's self esteem and family relationships.

45. **What action can be taken against managers or staff who fail to comply with the policy?**

If possible matters should be resolved informally and mediation is another possibility that needs to be considered. However, if neither of these options are successful or suitable then action may need to be taken under the appropriate procedure.

46. **What action can be taken against contractors who fail to comply with the policy?**

Complaints relating to job applicants, contractors, sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy and procedure. Consideration can be given to terminating the contractual arrangements.

47. **If I witness offensive behaviour or language against another employee but this employee does not report it, am I expected to do anything?**

You can speak to the person who has been the target of the abuse and advise them to report it under the dignity at work policy. If they don't want to take the matter any further you should report the incident to an appropriate manager for them to follow up. Where you are involved in reporting this type of incident you can seek support as outlined above.

Equal Opportunities

This policy has been Equality Impact Assessed on 1 February 2012 to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in dignity at work

Definitions

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end e.g. picking on someone, ridiculing or setting someone up to fail, making threats or comments about someone's job security without good reason.

It is a key role of managers to set and monitor performance objectives and standards of behaviour of staff they manage and take steps to improve these where necessary. Objective feedback and action aimed at improving performance is different to unjustified bullying.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

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

Victimisation occurs when an employee is treated less favourably than someone else 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 example of victimisation might be where opportunities for training or progression have been blocked because an employee has previously made a complaint.

Legislation

The policy is underpinned and supported by a host of employment legislation which includes:

[Equality Act 2010](#)

Health and Safety Act 1974

Protection from Harassment Act 1997

Management of Health and Safety at work Regulations 1999 (SI 1999/3242)

Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

There are a number of related policies and procedures that you should be aware of including:

- [Code of conduct](#)
- [Disciplinary](#)
- [Equality and diversity](#)
- [Behaviour framework](#)

There is also a toolkit including manager guidance and supporting documents to use when following this policy and procedure.

Toolkit

[Guide to dignity at work and equality and diversity including discrimination, harassment and victimisation](#)

[Guidelines for employees](#)

[Guidelines for managers and investigating officers](#)

[Guidance for staff who are the subject of a colleague's complaint](#)

[The mediation scheme](#)

[Guidance on the right to be accompanied](#)

[Guidance for witnesses](#)

[Dignity at work toolkit – equal opportunities in dignity at work](#)

For further information please speak to your supervisor, manager, associate director or contact your [HR case adviser](#).

Policy author	HR Policy and Reward Team – (CC)
Policy implemented	21-05-2012
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