



DIGNITY AT WORK POLICY

Our values

- **Integrity**
- **Commitment**
- **Accountability**
- **Pride in what we do**
- **Listening and engaging**
- **Creativity and learning**

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1. Policy position

The SSSC is committed to providing a positive workplace which supports an environment free from bullying, harassment, discrimination and victimisation. These behaviours will constitute unlawful discrimination where they relate to one of the protected characteristics listed under the Equality Act (2010). This includes sex, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, religion or belief, disability and age.

We adopt a zero tolerance approach towards bullying and harassment and any employee who is found to have harassed or bullied a colleague will be subject to disciplinary action.

The SSSC Codes of Practice for Social Services Workers and their Employers describe the standards of conduct and practice that are expected from social workers, social care workers and their employers. The Codes have treating others with respect at their core and similarly as an employee of the SSSC, we expect you to treat colleagues, external partners, registrants, stakeholders and any other individual you come in to contact with throughout the course of your work with dignity and respect.

All our employees have the right to expect fair and reasonable treatment at work in line with the provisions of our policies on equality and diversity and we are committed to ensuring that all our employees and managers receive appropriate training in this area.

2. Scope

- This policy applies to all SSSC employees.
- This policy does not apply to any issues or complaints relating to grading, salary, recruitment and selection, "whistle-blowing", disciplinary or grievance issues.
- Council members are covered by a separate Code of Conduct which sets out equivalent expectations of behaviour and conduct.
- If you are already the subject of a disciplinary investigation for other reasons that investigation will not normally be deferred to allow a dignity at work claim to proceed. In these circumstances concerns should be raised with the nominated officer under the disciplinary process. An exception to this may be where the complaint concerns the nominated officer.
- Incidents outside of normal working hours, or those which do not occur on SSSC premises including through social media,

may still require investigation and action where they involve employees of the SSSC.

3. Guiding principles

All employees are entitled to work in an environment where they are treated with dignity and respect demonstrating the SSSC's values below. Pressures at work or outside of work are not an acceptable reason for treating others without respect.

- Integrity – honest conversations that show trust and respect and an understanding and awareness of others.
- Commitment – caring about our work and valuing colleagues. Being responsible for good work and learning from any mistakes.
- Accountability – doing what we say we will, delivering promises on time and checking the quality of our work.
- Pride in what we do – striving for accuracy and providing a good quality service. Going the extra mile.
- Listening and engaging – listening to others to understand what they need and to find solutions together.
- Creativity and learning - continuously improving our service by being prepared to think differently and creatively to meet the SSSC's needs.

We will take all issues of bullying and harassment seriously and will handle any complaints promptly, sensitively, fairly and with an open mind.

Employees should be able to raise concerns without fear of victimisation.

We will maintain confidentiality to the maximum extent possible, the investigation of allegations will normally require limited disclosure to witnesses on a need to know basis.

All parties involved have the right to be accompanied or represented at any meetings within this policy by a person who is either a fellow worker or a trade union official.

Managers and/or Human Resources should confirm if special arrangements are required for any part of the Dignity at Work policy to allow all parties to participate fully.

Wherever possible, we will try to ensure that the employee complaining of harassment or bullying and the alleged harasser/bully are not required to work together while the complaint is under investigation.

In the case of serious allegations, the organisation may suspend any employee who is under investigation for a temporary period. Suspension does not constitute disciplinary action.

4. Monitoring and review

Human Resources and the Partnership Forum are responsible for monitoring this policy. In consultation with the Partnership Forum, the policy will be reviewed on a three-year basis.

5. Dignity at work in practice

The aim of this policy is to ensure that all employees are treated with dignity, respect and courtesy whilst at work and to feel able and supported to meet their full potential through working in a non-threatening environment free of bullying, harassment, discrimination and victimisation.

Harassment can be seen as unwanted behaviour which has the effect of being intimidating, embarrassing, offensive or humiliating.

Bullying can be seen as treating someone in an aggressive, intimidating or insulting way, where it has the effect of humiliating, threatening or upsetting a person.

Cyber-bullying can be defined as bullying, harassment and victimisation conducted through social media such as blogs or social networking e.g. posting offensive or threatening comments directed at a member of staff, posting inappropriate photographs or the posting of sensitive personal information of or about a member of staff.

Examples of harassment and bullying include:

- Physical – such as physical gestures, personal contact, threats or assaults
- Verbal – such as insulting or ridiculing someone, using abusive language, undermining someone, innuendo, jokes or remarks about someone, especially if they have a protected characteristic.
- Non-Verbal – such as circulating offensive material, sending abusive messages, withholding information to affect someone's work. It can also include looks or gestures made towards the recipient.

Inappropriate behaviour is never a joke or harmless fun. It is not the intent of the harasser but the impact on the recipient that defines harassment or bullying. Even well-intentioned behaviours can be perceived as patronising and unhelpful.

Line managers have a particular role under this policy to model good behaviour and ensure that they treat their staff with dignity and respect as well as being vigilant to the behaviour of others and addressing any inappropriate behaviour that they witness.

You and your manager should always seek to resolve any difficulties informally in the first instance. Where this is not possible both parties should consider the use of an independent third party to help mediate the process.

A third party need not necessarily come from outside the SSSC but could be an internal facilitator/mediator, a highly skilled manager or an HR professional that has not been involved in the process so far.

6. Support for those involved

The SSSC expects that anyone who raises a complaint, and any other employee who participates in an investigation under this policy, will not suffer any form of retaliation or victimisation as a result. Any employee found to have retaliated against or victimised someone for making a complaint under this policy or for participating in an investigation will be subject to our disciplinary procedure.

Raising a complaint under the dignity at work policy or being subject to a complaint can be stressful. Our employee assistance programme offers a free, confidential counselling service that is open 24 hours a day, seven days a week. They can be contacted on 08005 875 670.

You can access support to raise an issue from your line manager, Human Resources, your trade union representative or another colleague. Where your complaint is against your line manager, Human Resources may make changes to the normal dignity at work policy and agree these with you. At any meetings throughout all of the stages you may be accompanied or represented by a single companion who is either a fellow worker or a trade union official.

Employees who go off sick during the course of a dignity at work will be provided with support by their line manager and Human Resources to help them to continue to participate in the process. The investigation will continue despite the sickness absence, if in the opinion of the senior manager it is reasonable to do so.

7. Stages in the policy

This policy has three stages as follows:

Stage 1: Informal
Stage 2: Formal Complaint
Stage 3: Formal Review

7.1 Stage 1 : Informal

Wherever possible, all concerns about behaviour at work should first be discussed with a manager informally before submitting a complaint under the formal stage of this policy. This will help to

gain an objective perspective on an incident or demonstration of behaviour and it often helps to get a view point from an individual who was not involved. Normally this would be your line manager however where the complaint is against your line manager this should be referred to a member of the OMT/EMT.

Possible options are set out below:

Raising the behaviour directly with the individual. If the individual concerned has not been aware that their behaviour is causing a problem this may be sufficient to resolve the problem. If you feel that you cannot approach the individual directly, an alternative may be to write down your concerns with examples of behaviour and share it in an informal meeting as a means of opening up discussions.

Another alternative is to tell the individual's line manager either verbally or in writing with examples of the behaviour which is causing you concern and setting out how you would like to see the matter resolved. In this case, the individual's line manager will encourage you both to engage in direct and informal discussions. At this point in the interests of openness and transparency the content of the written concerns will be shared with all parties.

Where the complaint is against an employee's own line manager, changes to the normal procedure may be required.

All parties involved have the right to be accompanied or represented at any meetings within this policy by a person who is either a fellow worker or a trade union official.

Facilitated meeting

Where necessary, support for a facilitated meeting between the parties involved may also be requested from Human Resources.

This is a meeting between the person who feels they have been the subject of unacceptable behaviour and the individual they are complaining about, with an appropriate person there to facilitate (make it easier). The appropriate person may be an independent manager or a member of Human Resources. They will make sure the issues are discussed in a safe, confidential and supported way with the aim of reaching a resolution.

At this meeting the issues will be discussed and if possible resolution reached. If necessary, more than one facilitated meeting can take place to resolve the issue.

As part of any resolution reached there may be future actions which need to be implemented. A note of all meetings held setting out agreed actions and the way forward will be sent to both you and the individual. The impartial manager who facilitated the meeting

will monitor any future actions and ensure these are implemented and discuss with Human Resources should they have concerns.

Mediation

In some circumstances, it may be appropriate for the matter to be referred to mediation with a trained internal/external mediator, in order to seek a resolution, before moving to the formal procedure. Mediation will only be used where appropriate, and where all parties involved in the dignity at work complaint agree to take part.

Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Mediation is a voluntary process. Both parties must agree to participate in the process and be involved in setting the agenda. If either of the parties does not agree to participate, mediation cannot be used to resolve the issues.

Responsibilities of the employee

- The employee is not expected to complete any forms at this stage. Instead they should simply request a private meeting with the appropriate manager. If the employee feels that this is too difficult or embarrassing, they may, as an alternative, set out their concerns in writing.
- They must state the name of the individual they are raising a grievance against, what the issue is with examples and advise how they would like to see the matter resolved.
- Wherever possible, the concerns should be raised within 10 calendar days of the matter arising to stop it from reoccurring again.
- At any meeting to discuss the complaint, the employee may be accompanied or represented by a single companion who is either a fellow worker or a trade union official. The individual who the complaint has been raised against can also be accompanied.

Responsibilities of the manager

Although each case should be managed on its own merits, the person managing the complaint should generally follow the steps below:

- Meet the employee or respond to the employee's written concerns ideally within 10 calendar days.

- Where a meeting is requested, advise the employee of their right to representation in advance of the meeting taking place.
- If required, meet the individual who the concerns are against and allow them a full and fair opportunity to answer any allegations against them and/or explain their conduct.
- Take an informed decision that addresses the concern as quickly as possible. This may include a decision that an independent investigation is the best way forward.
- Confirm, in writing, the outcome of the informal stage detailing any decisions, follow-up actions and reasons behind them.
- Review the outcome and any actions within 3 months of the date of the meeting.

7.2 Stage 2: Formal complaint

Where no resolution and/or way forward is reached or the employee feels that their concern has not been adequately addressed and wishes the matter to be further considered under Stage 2 of this policy, or if the allegations are more serious than can be addressed by the informal process, the employee must formally complete the Dignity at Work notification form at Appendix D of this policy.

The employee should aim to have the complaint submitted to a member of OMT/EMT or alternatively Head of Human Resources, within 10 calendar days of receiving the outcome of the informal stage.

Responsibilities of the employee

The Dignity at Work notification form should be fully completed and set out full details of the conduct in question. This should include :

- The name of the alleged harasser or bully.
- The nature of the alleged bullying, harassment, discrimination or victimisation behaviour.
- Details of where and when the conduct in question occurred
- The names of any witnesses.
- Any action that has been taken so far informally to attempt to stop it from occurring.
- What actions you think would resolve your complaint.

The Dignity at Work notification form is attached to this policy at Appendix D.

Responsibilities of the senior manager and investigation officer

- With support from Human Resources, the OMT/EMT considering the complaint should identify the most appropriate employee to conduct an investigation of the complaint. The investigating

- officer should have appropriate experience and no prior involvement in the complaint.
- The investigation should be thorough, impartial and objective and carried out with sensitivity and due respect for the rights of all parties concerned. It is important that at no time is the complainant made to feel that he/she has invited the bullying, discrimination, harassment or victimisation nor is exaggerating their concerns as this may add to their perception of being bullied, harassed etc.
 - Those involved should be sensitive to the fact that the employee may well have difficulty talking about the incidents and may become distressed during any interview.
 - The investigating officer should meet with the alleged harasser or bully, who may also be accompanied by a colleague or trade union representative, to hear their account of events. They have the right to be advised of the nature of the complaint against them and the procedure being followed so that they can respond.
 - The senior manager should ensure that the complainant receives adequate support throughout the process. If the complainant and the individual concerned work together or regularly come into contact, an assessment should be made as to whether alternative arrangements are required until completion of the investigation.
 - It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality should be emphasised to them.
 - The investigating officer will be supported by Human Resources.

Action following the investigation

On conclusion of the investigation, a written report should be prepared by the investigating officer for consideration by the senior manager.

The senior manager will consider the findings and recommendations of the investigation and confirm, in writing, the outcome of the complaint, whether it is upheld or not, and any follow up action that should be taken. This may include:

- Mediation, counselling, awareness training etc.
- Convening a disciplinary hearing.
- Additional investigation work/activity required to support the disciplinary process.
- No further action.

Whether or not the employee's complaint is upheld, consideration should be given to how best to manage the on-going working relationship between the complainant and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change duties, working location or reporting lines of one or both parties or arrange for equalities training.

Should the investigation conclude that the allegation was malicious, the senior manager should consider what follow-up action is appropriate. This may include convening a disciplinary hearing under our Disciplinary Policy.

Any employee who deliberately provides false information or otherwise acts in bad faith as part of the investigation may be subject to action under the Disciplinary Policy.

7.3 Stage 3: Formal appeal

If the complainant is not satisfied with the outcome of stage 2, they may appeal the decision.

The appeal should be submitted in writing to the Head of Human Resources, within 10 calendar days of the date of the outcome of the formal complaint being communicated. Details of the grounds for the review should be included in this written submission. The Head of Human Resources will decide whether or not there are sufficient grounds to hold a formal appeal hearing.

All appeals will be heard by the SSSC's Appeals Sub-Committee. The decision of the Appeals Sub-Committee will be final and binding on all parties.

There is a key difference between the right of appeal under the dignity at work policy and the disciplinary procedure. This is summarised below :

If you raise a complaint of harassment, bullying or unacceptable behaviour which is investigated, and you disagree with the outcome, you have a right to appeal and ask for an independent management review of the case in accordance with stage 3 of the dignity at work policy.

If the outcome of the investigation is that the matter goes to a formal disciplinary hearing and you disagree with the decision of this hearing, you do not have a right of appeal against it.

The person against whom the complaint is made does not have a right of appeal against the outcome of an investigation, but does have a right to appeal against the decision of a formal disciplinary hearing in accordance with the disciplinary procedure.

8. Definition of terms

Below are the definitions of terms that are referred to in the Equality Act 2010 and throughout this Dignity at Work policy.

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.

Harassment is defined in the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, 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.

More information about what is bullying and harassment is in appendix B and C.

Direct discrimination occurs where a person is treated less favourably than another because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Indirect discrimination occurs when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic.

Reasonable adjustments - where someone meets the definition of a person who has a disability in the Equality Act 2010 (the Act) employers are required to make reasonable adjustments to any elements of the job which place a disabled person at a substantial disadvantage compared to non-disabled people.

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.

The Advisory, Conciliation and Arbitration Service (ACAS) Guidance

ACAS has provided the following as examples of bullying, harassment and discrimination:

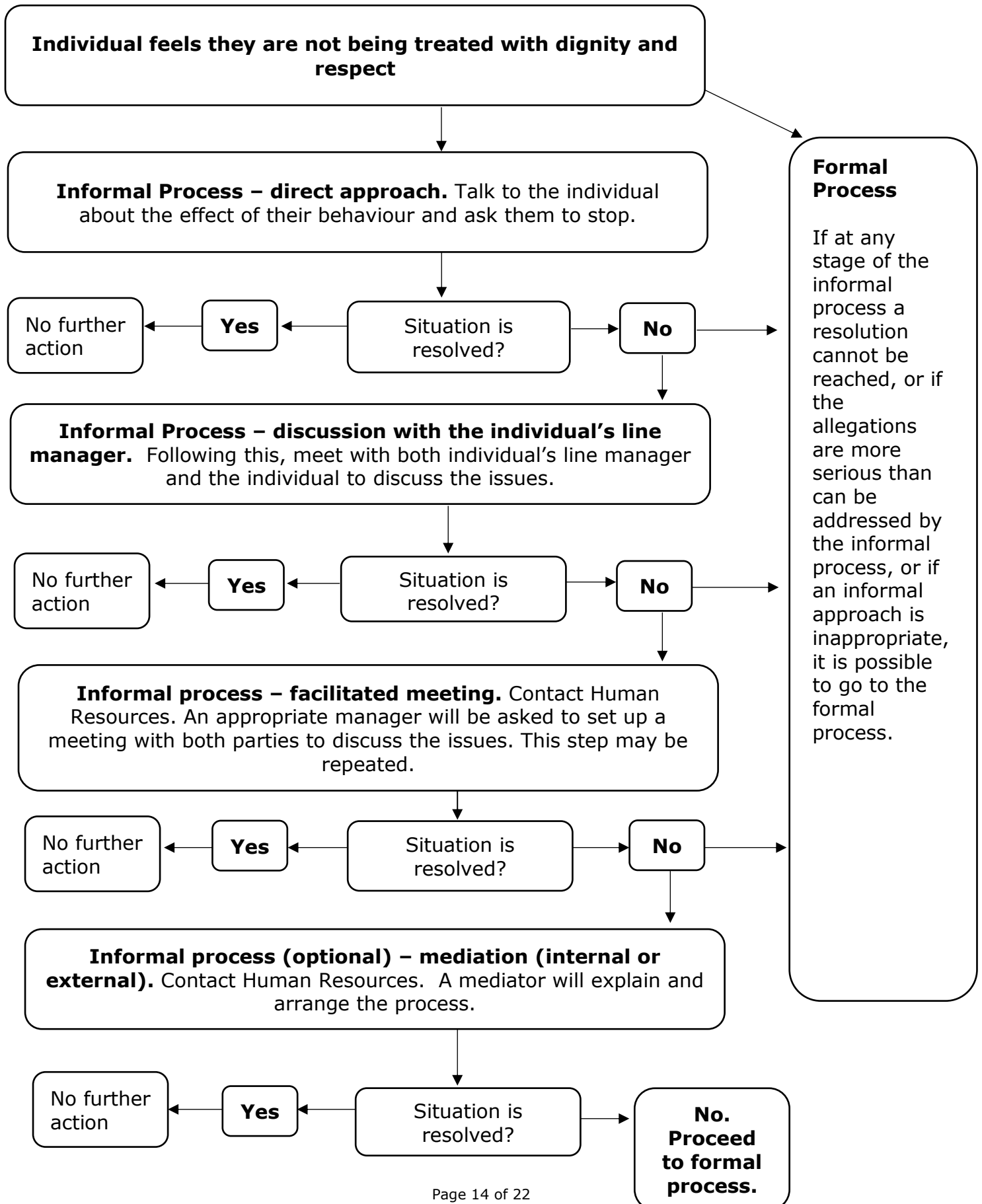
- Spreading malicious rumours, or insulting someone.
- Exclusion or victimisation.
- Unfair treatment.
- Deliberately undermining a competent worker by constant criticism.

9. Related legislation and SSSC policies

- The Equality Act 2010
- The Employment Act 2008
- The Employment Relations Act 1999
- ACAS Code of Practice
- Code of Conduct
- Disciplinary Policy
- Grievance Policy
- Equality and Diversity Policy
- Partnership Agreement

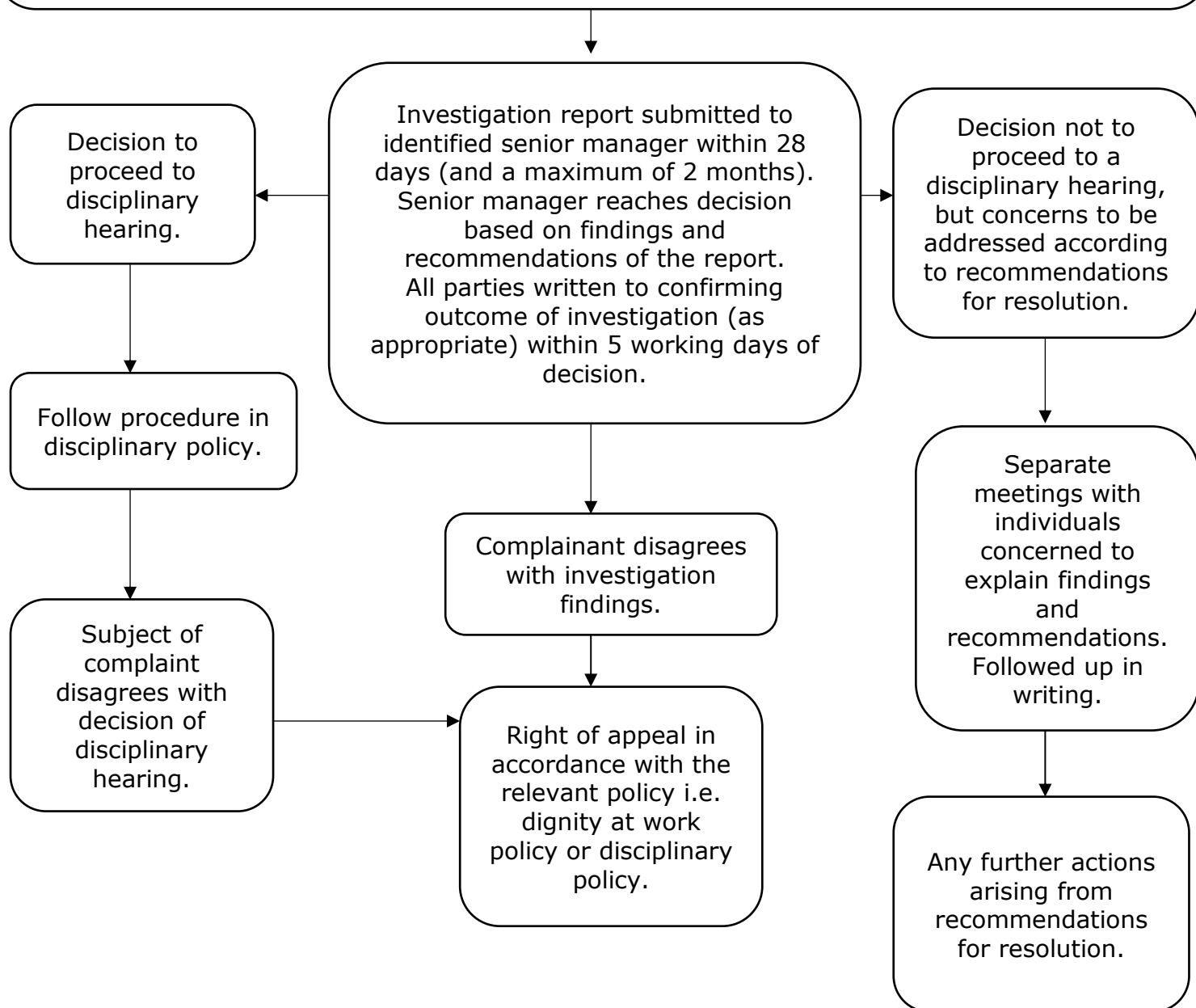
Further information about this policy and any assistance required in implementing can be accessed through any member of the Human Resources team.

10. Appendix A - Seeking resolution process flowchart – informal



Seeking resolution process flowchart – formal process

Formal Process – where no resolution is reached at the informal stage, the employee should complete the dignity at work notification form at Appendix D of this policy and submit to a more senior manager within 10 calendar days of the date of the outcome letter of the informal stage. The senior manager will normally be the complainant's line manager's own manager or, where more appropriate, a senior manager nominated by a Director. Or, alternatively submit to the Head of Human Resources. Arrangements will be made to investigate the complaint formally as soon as possible after receipt of the formal complaint.



11. Appendix B – Examples of unacceptable behaviour

This information is taken from the ACAS booklet: Bullying and Harassment at Work - A guide for managers and employers – June 2014.

There are many definitions of bullying and harassment.

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

The impact on the individual can be the same as harassment and the words bullying and harassment are often used interchangeably in the workplace.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. Examples of what is unacceptable behaviour in organisations may include:

- Spreading malicious rumours, or insulting someone by word or behaviour.
- Copying memos that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion or victimisation.
- Unfair treatment.
- Overbearing supervision or other misuse of power or position.
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email, phone and automatic supervision methods – such as computer recording of downtime from work or recording of telephone conversations – if these are not universally applied to all workers.

Harassment

The Equality Act 2010 uses a single definition of harassment to cover the relevant protected characteristics. Employees can complain of behaviour that they find offensive even if it is not directed at them. Harassment is "unwanted conduct related to a relevant protected characteristic, 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".

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Example: Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Claire shares an office with Paul and she too is claiming harassment, even though she is not disabled, as the manager's behaviour has also created an offensive environment for her.

In addition, the complainant need not possess the relevant characteristics themselves and it can be because of their association with a person who has a protected characteristic, or because they are perceived to have one, or are treated as if they do. Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination and marriage and civil partnership where there is no significant evidence that is needed.

Example: Steve is continually being called gay and other related names by a group of employees at his work. Derogatory homophobic comments have been posted on the staff noticeboard about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group know he isn't gay. This is harassment related to sexual orientation.

Harassment at work by others – an employee can make a complaint against their employer where they are harassed by someone who doesn't work for that employer such as a customer, client or passenger. As an employer, once you are aware of this unwanted behaviour you should take reasonable and proportionate action to address the issues.

Example: Chris manages a Council Benefits Office. One of her staff, Raj, is a Sikh. Raj mentions to Chris that he is feeling unhappy after a claimant made derogatory remarks regarding his faith in his hearing. Chris is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. Chris reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. She considers following it up with a letter to him pointing out that she will ban him if this happens again. Chris keeps Raj in the picture with the actions she is taking and believes she is taking reasonable steps to protect Raj from harassment.

12. Appendix C - What is / is not bullying

Sometimes behaviours and actions which cause us to feel distressed are not examples of bullying, even though they are unpleasant and often require action by an employer or manager. There are some common situations that can be confused with bullying:

The difference between fair, firm management and bullying

The differences between a manager who is firm and fair and a manager who is bullying and harassing staff can sometimes seem ambiguous. The table below offers examples of the types of behaviour which distinguish both styles.

Firm and fair management	Bullying or harassment of staff
Consistent and fair.	Aggressive, inconsistent and unfair.
Determined to achieve the best results but is reasonable and flexible.	Determined to achieve the best results but unreasonable and inflexible.
Knows their own mind and is clear about their own ideas, but is willing to consult with colleagues and staff before drawing up proposals.	Believes that they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions.
Insists on high standards of service in quality of work and behaviour in the team.	Insists on high standards of service and behaviour, but blames others if things go wrong.
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame to others when things go wrong.	Loses temper, degrades people in front of others, threatens official warnings without listening to any explanation.
Asks for people's views, listens and assimilates feedback.	Tells people what is happening, does not listen.
Shares credit appropriately.	Plagiarises, takes credit for other people's work/ideas.
Respectful and considerate.	Disrespectful and inconsiderate.
Demonstrably values others and their contributions.	Devalues or ignores the contribution of others.

Reasonable management action

It is important to differentiate between bullying and an employer's legitimate authority to direct and control the way work is done. It is reasonable for employers to allocate work and for managers and supervisors to give fair and reasonable feedback on a worker's performance.

Conflict with colleagues at work

People are bound to have occasional differences of opinion and these are a normal part of working life. Disagreements can leave people feeling upset but they should not be confused with bullying behaviour. However, these should not be ignored - if left unresolved, conflict may develop into a bullying situation.

13. Appendix D – Dignity at work formal notification form

Name of employee	
Job title	
Department and location	
Name of line manager	
Name of trade union representative (if applicable)	

Please say what your complaint is about. (If you need more space, please continue on another page and make sure you send any relevant information with this form.)

What action(s) do you think would resolve your complaint?

If the complaint has been considered formally before, please provide details.

Please tell us about the informal steps that have been taken to seek resolution, who has been involved in the process and the dates of any meetings you have had together with any notes of the meeting/agreed action plans.

Employee's signature:

Date:

If you are unsure which manager to send this complaint to, please contact a member of Human Resources.