

Dignity at Work Policy



ORGANISATIONAL DEVELOPMENT

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This document is also available in Welsh / Mae'r ddogfen hon hefyd ar gael yn Gymraeg

Version Control

This document is intended for:

- Council staff only School-based staff only Council & School-based staff

Version	Key Changes	Approved By
Mar 2020	Reformatted and EAP details added	DMT
Oct 2023	The Corporate and Schools policies have been merged into one.	DMT
Apr 2024	EAP details updated	OD

This document may be reviewed and amended at any time and without consultation in response to legal requirements or in response to an organisational requirement and where the changes do not reflect a fundamental change or affect the spirit or intent of the document.

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1. Policy Statement

The Council/School is committed to creating a safe working environment free from bullying, harassment and victimisation, where everyone is treated with dignity and respect, and where complaints of bullying, harassment and victimisation are dealt with quickly, positively and confidentially even where the alleged bullying, harassment and victimisation is not directed at the complainant.

The Council/School will not tolerate any form of bullying, harassment or victimisation of a person who has raised an allegation and where necessary it will be treated as a disciplinary matter.

The Council/School also recognises that its employees may also be subject to bullying, harassment, or victimisation from third parties.

The Policy is guided by the Equality Act 2010, which states that every person must be free from discrimination.

2. Introduction

The aim of this Policy is to highlight the options available to employees if they are subject to bullying, harassment, or victimisation and to ensure that those responsible for managing and supporting employees are aware of their responsibilities.

Bullying, harassment and victimisation causes stress, anxiety and unhappiness to individuals, it creates an unpleasant environment in which to work and may, in some cases if substantiated, be the basis for prosecution in law. Bullying, harassment and victimisation can also reduce efficiency and may ultimately have an impact on the way in which services are delivered to customers. For these reasons it is important that the Council/School, as an employer, and individual employees strive to achieve a working environment which is harassment free.

This Policy is written to take account of all forms of bullying, harassment and victimisation based on discrimination and will take all reasonable steps to deal with such situations in line with the Equality Act 2010 (refer to [Appendix 1](#)).

3. Scope

This Policy applies to all employees. If the complainant or alleged harasser is not employed by the Council/School (e.g. agency worker, contractor, job applicant) this Policy will apply with any necessary reasonable modifications. If an employee is experiencing bullying or harassment from a third party the Council/School will act reasonably in upholding its duty of care towards its own employees.

4. Definitions

The definition of harassment within the context of the Equality Act 2010 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”.

Whether intentional or not, harassment is unacceptable and all complaints will be treated seriously.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of employees. This kind of conduct is usually, but not always, sustained over a period of time.

Examples of bullying are:

- shouting at an employee in front of others
- sarcastic comments deliberately aimed at the individual
- ridiculing someone or deliberately setting them up to fail
- overbearing supervision or other misuse of power or position
- making threats about job security without foundation
- undermining a competent worker by overloading and constant criticism
- using social media sites for ‘cyber bullying’

Harassment can take many forms including (but not limited to):

- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity);
- Copying memos that are critical about someone to others who do not need to know;
- Ridiculing or demeaning someone i.e. 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; including signs, pin ups and calendars (Wales TUC have produced a Sexual Harassment Toolkit which is available via their [website](#));
- 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;
- Jokes, banter, emails or deliberate abuse directed at a person or group perceived as inappropriate;

- Using social networking sites such as Facebook, X, etc. to make inappropriate comments on colleagues. This includes misuse of such sites outside of working time.

Victimisation is being treated unfairly because you made or supported a complaint to do with a 'protected characteristic', or someone thinks you did. Protected characteristics under the law are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Whilst the list of above examples of bullying and harassment are not exhaustive it is representative of many types of behaviour that others may object to and find offensive which could create an intimidating working environment.

An important consideration in cases of bullying, harassment and victimisation is that of 'perception'. Behaviour that may be seen as acceptable by one employee may be seen as 'bullying, harassment or victimisation' by another. It is not necessary for the victim's perception to be shared by others for an allegation to constitute an act of bullying, harassment or victimisation. A judgement must be made on whether the behaviour is unacceptable by 'reasonable normal standards', and is hurtful or offensive to the person or people subjected to it. There is clearly a need to develop a sense of perspective and to communicate acceptable standards of behaviour to all staff.

5. Roles and Responsibilities

The Council/School expects that all employees will be aware of the fact that they are individually and collectively responsible for their own behaviour.

Managers/Headteachers/Chair of Governors (and other relevant school leaders) have a direct responsibility for ensuring the proper implementation of the Dignity at Work Policy and for raising employees' awareness of this Policy.

All employees, particularly those who supervise staff, are responsible for ensuring that they understand what bullying, harassment and victimisation is, their responsibilities to take action to stop it and the procedures to be followed where such cases occur. Where relevant training is identified, Managers will be encouraged to attend. These measures will assist in ensuring that bullying, harassment and victimisation does not occur and all employees are afforded the right to dignity at work.

Failure to deal with allegations of bullying, harassment, or victimisation at work or by a third party such as a client of the Council/School may expose both the Council/School and employees to a number of legal consequences. Complainants can cite both the employer and individual employees as respondents at Employment Tribunal and, if the case is upheld, both may be held liable. Everyone must therefore take responsibility to ensure that their area of work is free from bullying, harassment and victimisation.

Employees

No one should practice, encourage or allow any form of behaviour that contravenes this Policy or may be viewed by others as bullying, harassment or victimisation. Every employee is expected to support colleagues who may be experiencing bullying, harassment or victimisation and raise concerns with a relevant Manager, Headteacher (or other school leader or the Chair of Governors where the allegation is against the Headteacher). Employees should also recognise the difference between performance management and acceptable challenge in the workplace which differs from bullying, harassment or victimisation.

Managers

The Council/School requires Managers to behave in a professional manner at all times and to be aware of how their own behaviour can adversely impact on staff and potentially be perceived as bullying, harassment or victimisation depending on the circumstance, including:

- Criticising individuals in front of colleagues.
- Excessive or overbearing monitoring of a particular employee's work without good reason.
- Expecting a particular employee to work below his or her level of ability, or to perform mundane demeaning tasks, with no proper reason.
- Removing an employee's responsibility without consultation and for no proper reason.

Managers are responsible for ensuring that where an employee reports any act of bullying, harassment or victimisation, whether by a work colleague or a third party such as a client of the Council/School, that these complaints are dealt with in a timely manner and that reasonably practicable steps are taken to prevent such occurrences.

The Council/School may be liable if an employee reports third party harassment and the Council/School has failed to try to prevent this.

6. Procedure

The decision-maker may choose not to investigate a dignity at work complaint that is raised a considerable length of time after the incident or issue arises. This will generally apply to complaints raised more than 6 months after the incident or issue occurred, although this will depend on the facts of each case.

Issues of bullying, harassment or victimisation can be addressed using either the informal process and/or the formal process as outlined below. The complainant has the right to proceed to “Stage 2 – Formal” if they feel that:

a. the complaint is serious and therefore the informal processes are insufficient

or

b. has tried to resolve the issue informally without success

STAGE 1 - INFORMAL

Many problems can be resolved at a very early stage by using some or all of the following methods:

- Speaking to the alleged harasser - This would involve the complainant speaking to the alleged harasser explaining that they feel uncomfortable in the way that they act towards them. If complainants feel unable to do this, they may ask their Manager, Headteacher or a colleague to do this on their behalf. If the alleged harassment concerns the person's Manager then the employee should discuss the matter with that person's Manager. In the case of concerns being raised against a Headteacher then this should be directed to the Chair of Governors. Employees may wish to seek support from their Trade Union representative or Organisation Development to facilitate reporting the complaint.
- Employees may wish to seek support from a trained Counsellor (see section on Employee Assistance Programme).
- Mediation – this is a flexible approach to conflict resolution and an opportunity to discuss issues with an ‘impartial third party’. This is a voluntary, confidential and independent process which can be used at any stage of the Dignity at Work process (refer to [Appendix 2](#)).

STAGE 2 - FORMAL

Making a formal complaint

If the complainant feels it is necessary to progress the matter more formally, the complaint must be made in **writing** either to their Manager or next appropriate Senior Officer/Headteacher/Chair of Governors (in the case of a complaint against a Headteacher).

Duty of Care During Investigation

The Council/School has a Duty of Care towards all employees, therefore depending on the nature of the allegations, and to ensure that the integrity of the investigation is not compromised, it may be difficult for both parties to continue to work in the same environment. In specific circumstances, it may be appropriate to consider temporary redeployment (if available) or suspension, however, it would be advisable in situations like this to contact your OD Team to discuss alternative options in the first instance. In cases where suspension is being considered this must be done in line with the Council/School Disciplinary Procedure. All staff involved should be notified of the Council/School's Employee Assistance Programme and where additional support can be accessed.

Investigation Process

An Investigating Officer will be assigned to explore the allegations made by the complainant and provide a written report of their findings.

In cases for corporate staff, the investigating officer will usually be the Manager. It may be appropriate for the Manager to consider an alternative Manager to investigate. Further advice on selecting an independent investigator to ensure a fair investigation process can be obtained from Organisational Development.

In cases for school-based staff, the investigating officer may be a member of the senior management team, or another independent person. It may be appropriate for the School to consider appointment of an independent external investigator. Further advice on selecting an independent investigator to ensure a fair investigation process can be obtained from Organisational Development.

The process below should be followed:

The Investigating Officer will discuss the case with Organisational Development with particular reference to the existing working arrangements for staff affected and to initiate the necessary investigation before responding to the complaint. The Investigating Officer will then write to the employee acknowledging receipt of the complaint and advise on its handling, within a reasonable timeframe and normally within 10 working days of the complaint being received by the Investigating Officer.

The employee will be invited to a meeting with the Investigating Officer and will be informed in writing of the date, time and location of the meeting together with confirmation that the employee has the right to be accompanied by a Trade Union representative or a workplace companion.

The purpose of this meeting is to discuss the allegation(s) and to determine how they believe the matter may be resolved. The complainant should be advised that the allegations are being taken seriously however, if allegations are found to be malicious or vexatious, that disciplinary action may be initiated. In addition to the meeting with the complainant any witnesses considered relevant will be interviewed and signed statements taken. Witnesses must be advised that, should the matter proceed their statement may be referred to or they may be called to give evidence which could include at a disciplinary hearing or Employment Tribunal.

All those involved in the investigation should be reminded of the relevant confidentiality statement.

An accurate record will be taken of all relevant meetings and notes distributed as appropriate. Once the Investigating Officer has completed their investigation they will prepare a report containing their findings as soon as possible.

Investigation Outcome

The investigation should normally be concluded in a timely manner following the meeting with the complainant, however, this will depend on the complexity of the complaint and the number of individuals to be interviewed.

The Investigating Officer should conclude the written report and in the cases of corporate cases will consider the next steps. In cases for school-based staff the investigator will present the report to the Headteacher (Chair of Governors, in case against a Headteacher) who will consider the next steps.

Following completion of the investigation, one of the following outcomes need to be determined:

- On the balance of probabilities there is a case to answer and the matter referred to the relevant Disciplinary Policy regarding the alleged harasser;
- No case to answer therefore no further action;
- Both parties partially responsible therefore recommend support through mentoring/training, counselling and/or mediation;
- Complainant raised a vexatious claim and matter referred to the relevant Disciplinary Policy;
- Where applicable - no formal action but consideration given to potential redeployment of either party **if** a suitable post can be identified on the grounds of a fundamental breakdown in the working relationship and relevant action plans developed.

The employee will be informed in writing of the outcome of the complaint as determined by the Investigating Officer/Headteacher/Chair of Governors.

The employee will be notified of the right of appeal (see Appendix 3)

Disciplinary Process

Should a formal disciplinary hearing arise as a result of a Dignity at Work investigation, a separate investigation will not be required as the original Dignity at Work investigation will form the investigatory stage of the Disciplinary Procedure. The Investigating Officer will present their case at the disciplinary hearing.

7. Support

The Council/School recognises the need to offer support to employees who feel they have suffered bullying, harassment or victimisation. Employees are, therefore, encouraged to talk to their Manager, Headteacher, Chair of Governors or Trade Union Representative or alternatively they may wish to utilise the employee assistance programme detailed below. Support information is also available on the [ACAS website](#).

8. Employee Assistance Programme

An Employee Assistance Programme is in place with an independent provider called Vivup. With Vivup, you can benefit from confidential access to fully qualified counsellors and support specialists to discuss any emotional, personal, or work-related issues – 24/7, 365 days a year.

Whether you are facing problems at work or at home, you will be able to access impartial, confidential advice for issues such as anxiety, bereavement, stress, depression, workplace issues, trauma, relationships, family difficulties, finances, etc.

The service is free of charge and you don't need to ask your manager to use it. Contact details are below and additional information is available on the [intranet](#).

HOW TO CONTACT VIVUP

Call the free 24/7 helpline on
0800 023 9387

Visit the Vivup [website](#) to access self-help workbooks, podcasts and blogs.

Visit Vivup's "[Your Care](#)" proactive health and wellbeing platform and create an account to carry out wellbeing assessments, set goals and much more.

9. Monitoring & Review

This Policy will be reviewed as per the agreed OD policy review timetable involving the Trade Unions and taking into consideration legislative changes and best practice. There is a responsibility on each service area to monitor Dignity at Work statistics for their services and to identify any patterns. This Policy has been Equality Impact Assessed and no adverse impact has been identified.

10. General Information

This Policy will be made available to all employees through both electronic and hard copy versions and it is an amendment to the employee's terms and conditions of employment.

Appendix 1: The Equality Act 2010

The Equality Act, which was introduced in 2010, brought together and replaced the anti-discrimination Laws with one single Act. The Act includes a Public Sector Equality Duty (PSED), often referred to as the General Duty, which aims to ensure that public authorities (and those carrying out public functions) consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities.

The Equality Act 2010 ensures that people with particular characteristics are protected from discrimination. These are called 'protected characteristics' and there are nine in total:

1. Age
2. Gender Reassignment
3. Sex
4. Race (Ethnic Origin, skin colour, Nationality)
5. Disability
6. Pregnancy & Maternity
7. Sexual Orientation
8. Religion or Belief
9. Marriage & Civil Partnership (*applies only within an employment context*)

The Public Sector Equality Duty

The PSED states that public bodies are required to have due regard to the need to:

1. Eliminate Unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
2. Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

The Equality Act 2010 Specific Duties

The Specific Duties were introduced as a set of specific steps that public authorities must take in order to demonstrate that they are meeting the PSED. The Specific Duties, which are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, cover:

- | | |
|-------------------------------------|-------------------------|
| 1. Setting Objectives | 8. Equality Information |
| 2. Engagement with protected groups | 9. Procurement |
| 3. Pay Differences | 10. Annual Reporting |
| 4. Strategic Equality Plans | 11. Publishing |
| 5. Equality Impact Assessing | 12. Review |
| 6. Staff Training | 13. Accessibility |
| 7. Employment Information | |

Public bodies can use the [Code of Practice](#) as the key point of reference when seeking to clarify any legal issues.

Appendix 2: Mediation

What is mediation?

Mediation is a process of conflict resolution between two individual employees facilitated by a trained mediator. The purpose of mediation is to allow the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. There needs to be willingness on the part of the employees concerned to enter into mediation on a voluntary basis, no-one can be forced into this process, and the outcome will be non-binding.

Mediation is appropriate when:

- An ongoing working relationship is required;
- There is a need to act co-operatively;
- Conflict/differences are affecting work;
- It is in both parties interests to resolve;
- There is a willingness by both parties to resolve.

Role of Mediator

To act as an independent third party to facilitate communication between the two employees and to promote a settlement.

The Council has ensured that trained mediators, selected from varying backgrounds, are available to facilitate this process. Organisational Development will be responsible for appointing an independent mediator.

How to access mediation

Organisational Development will be able to source an independent impartial mediator (who in some instances may be external to the Council), so please discuss this with a member of Organisational Development, as consideration will need to be given to the suitability of each case for mediation.

Appendix 3: Appeal

If an employee does not agree that the complaint has been satisfactorily resolved at stage 2, they may appeal against the decision.

The employee must appeal to Organisational Development within 5 working days of receiving the written stage 2 decision. For school-based employees the appeal must be submitted to the Headteacher/Governing Body Appeals committee (via the Clerk) within the same timescales as detailed above.

The appeal should be submitted in writing, detailing the specific grounds of appeal. This could include:

- Providing new information or evidence which could not previously be presented that related to the original complaint;
- Identifying procedural irregularities;
- Challenging the findings reached on the balance of the evidence.

The employee may find the appeal form (below), useful to ensure that sufficient information is provided. Should the employee fail to submit the required information in their written submission, an appeal form will be sent to the employee to complete.

Following receipt of the written appeal, the employee will be invited in writing to attend an Appeal Meeting. The Appeal meeting will be heard by an Appeals Officer who will be an appropriate Manager with no prior involvement in the case or initial decision. The employee will be asked to explain why they feel the matter has not been resolved satisfactorily. The employee will have the right to be accompanied at the meeting by a trade union representative or workplace companion.

For school-based staff, where the complaint was considered by the Headteacher or the Chair of Governors, the Appeals Officer will be the Governing Body Appeals Committee. Where the complaint was considered by the Manager and the Manager is not the Headteacher, the Headteacher will undertake the role of Appeals Officer. The appeal meeting will only be able to consider matters related to the original complaint and will not be able to consider any new or unrelated complaints.

The appeals officer may adjourn the meeting to enable further investigation, interview witnesses if appropriate and gather relevant documentation.

Following the conclusion of the investigation, the employee will be invited, in writing, to an appeal outcome meeting. At the meeting, the Appeals Officer will outline the appeal investigation and their conclusions and discuss any recommendations that can be taken to resolve the appeal, considering any comments from the employee.

The decision will be conveyed in writing without undue delay and usually within 5 working days of the appeal outcome meeting. If it is not possible to respond within 5 working days, the employee will be told the reason why and when a response can be expected.

The decision of the appeal meeting is final and represents the end of the internal Dignity at Work procedure.

Appeal Form



To be completed by employee.

To:

Name:

Job title:

Service/Directorate:

I am not satisfied with the decision reached at Stage 2 and wish to appeal against the decision.

I am appealing on the following grounds (please continue on a separate sheet):

The outcome I am seeking to achieve is:

Signature:

Date:

Please send this completed form to:
HRpayroll@blaenau-gwent.gov.uk