

## **Written submission from FDA**

I am responding on behalf of FDA as General Secretary. In doing so I have consulted with Allan Sampson, who joined FDA in September 2015. (His predecessor retired in 2015 and sadly passed away in June 2020). In addition, I have consulted the relevant Convenors and other branch reps who supported members within Scottish Government (SG) as well as policy development over the period you have identified in your letter.

### **Background**

The FDA represents public service managers and professionals. We have a long-established branch in the Scottish Government (SG) which works in partnership with the Council of Scottish Government Unions (CSGU). CSGU is made up of the five trade unions recognised by the Scottish Government for collective bargaining and employee relations purposes. Engagement with the CSGU by the Scottish Government is governed by a Partnership Agreement.

### **Policy Development**

It was under that Partnership Agreement that FDA worked from January 2008 to September 2010 with our partners to develop the policy change from a 'Dignity at Work' policy to what became the 'Fairness at Work' policy published in September 2010. The FDA now holds very limited information on our involvement in this but a copy of what we do have is attached (**Annex A**).

The FDA is not aware of any relevant policy changes between 2010 and 2017 although we made representations as appropriate to the SG during this period when members concerns were raised (see below under 'Culture').

In the autumn of 2017 the FDA engaged with the SG as a result of concerns based on a perceived increase in bullying and harassment issues being raised from our members in general, as well as the results from civil service People Surveys, and against a backdrop of specific approaches from our SG members and an understanding of actions being taken to support individuals in areas of the SG who had regular direct contact with Ministers. (This engagement was ultimately fed into the revised policy review and in particular our desire to strengthen the process for review and resolution in relation to Ministers as described below).

The FDA nationally had been actively involved throughout 2017 in relation to developments in the House of Commons and at that time was pressing for independent scrutiny of complaints against Ministers in all administrations. In addition, FDA nationally was responding to press activity around the '#me too' movement, and was made aware of a letter from Sir Jeremy Heywood to all Permanent Secretaries of the UK Civil Service to review their policies in November 2017.

The FDA in the SG, along with our partners in CSGU, were informed by SG that the First Minister had asked the Permanent Secretary to review the SG policies and participated in the policy review to map out sexual harassment policy against existing policies, and to develop what became the Ministerial Harassment Policy.

A working group was set up by the SG including CSGU in order to co-ordinate and lead on this activity.

The FDA understands the initial intention was for this working group to review the existing suite of policies for conduct, discipline and grievance to ensure that they were collectively fit for purpose in light of the increased focus on sexual harassment in the workplace arising from the 'me too' movement as well as responding to the request from the First Minister to the Perm Sec to review the SG policies.

The purpose of the new policy development evolved as the working group looked at the route map and the gaps within existing policies.

As part of the working group, the FDA was therefore involved in the review of the suite of policies and the development of the harassment policy. The FDA shared with the working group relevant information from their 2017 survey of FDA members across the UK (including the devolved administrations) on bullying and harassment, the result of which was published in January 2018.

The FDA was conscious that the original SG Fairness at Work policy of 2010 was the only extant policy in the UK that included a process for employees to raise concerns about Ministers' behaviour separate from the Ministerial Code. Given all that was happening in the wider world, the FDA raised other examples of good practice, not least work being done (ultimately successfully) in the House of Commons.

The FDA was not made aware of any changes to any policy being reviewed at a political level. The drafts produced by the working group reflected comments made by us, and formed the final policy document.

The FDA expressed the strong desire to see a fully independent process in place for the investigation of Ministerial harassment complaints in line with what we had pressed for to be included within the House of Commons process. This was not adopted and instead the agreed policy required the investigation to be conducted by an independent party within the organisation. This work was paused in January 2019.

The information held on our involvement in the Harassment policy review is attached (**Annex B**).

## **Culture**

It is almost impossible to define an organisational culture and clearly, from a trade union perspective, we often are involved where relationships in particular, have gone wrong.

Those working at the heart of government, particularly in and around ministers will have witnessed many times, the stress of events unfolding that can create tension between ministers and civil servants. This is the very nature of government where some of the most complex and difficult issues have to be resolved under an incessant media spotlight and often in a hostile political environment.

Most relationships between ministers and civil servants are respectful, productive and strong. Both recognise each other's values and civil servants recognise that ministers, regardless of their political affinity, are committed public servants. They also witness first-hand the pressures ministers face and the enormous strain this places on them and their families. Their instinct, almost in their DNA, is to look to support ministers and do whatever is possible to assist. As in many workplaces where people work together towards a common goal, often under extreme pressures, strong bonds will be built among the team and ministers will be included in this.

I emphasise this for two reasons. Firstly, most relationships between civil servants and ministers (indeed the vast majority) are, as I have said, professional and respectful. Secondly, the environment is routinely high-pressured, and civil servants will know this before they consider a role working in the private office of, or closely with, Ministers. There is never any excuse for bullying or inappropriate behaviour in the workplace, from civil servants or ministers, but those working at the heart of government will experience frequently the stresses and occasional lapses in behaviour that can arise in that environment.

The FDA has supported members since the inception of the Scottish Parliament in handling informal and formal complaints against Ministers. Members have reported concerns of bullying or inappropriate behaviour of Ministers towards civil servants in all the administrations of varying political colours.

The FDA worked with our CSGU partners and SG and pushed for the changes to the policy in 2010 to ensure the behaviour of Ministers could be addressed, and this led to the publication of the Fairness at Work policy in September 2010. This policy was considered a flagship policy and was seen as a progressive step forward by other administrations within the UK. As we have indicated elsewhere, this was in part driven by concerns members had been raising over many years and a lack of any formal process in resolving these when it came to concerns about the conduct of ministers.

Around this time, the culture within the former First Minister's Office and other ministerial offices in relation to bullying behaviour became a concern for us and was raised with successive Permanent Secretaries. Although action was taken and short-term improvements or apologies were made, this did not bring about an overall change in culture. Some civil servants expressed to us that they were operating in a culture of fear and were unable to speak truth unto power and discharge their duties effectively.

The culture within the Ministerial offices in the organisation was such that despite the support of FDA, some members made clear to us that they did not trust SG to handle complaints effectively or to ensure confidentiality of the complainants. They furthermore expressed concerns over the effectiveness of the policies at that time. In particular, members in the former First Minister's office indicated that they felt isolated and out of the policy protection of the rest of the SG. Individuals spoke in confidence and did not wish to raise complaints because they thought this may be detrimental to their career aspirations or their current role.

FDA undertook analysis of the cases where members sought personal support within Scottish Government and this first featured in the annual reports to our members from 2017 onwards. Bullying and Harassment has been in the top 3 themes for personal support every year. The percentage of members coming forward for personal support

has risen year on year against a backdrop of an unprecedented increase in membership of the branch of 45% since 2017.

In response to the Westminster sexual harassment scandal and subsequent review of policies across the civil service, the FDA had surveyed all our members in the UK on these issues to inform our dialogue with the Cabinet Office on the outcome of the review.

The results of this UK survey were shared with Scottish Government with a direct approach to ask SG to do more than just talk about being an excellent employer but make a concerted effort to review policy and handle complaints effectively.

The full survey and breakdown for SG are attached (**Annex D**). The response rate for the entire membership was just under 7% and for SG, just over 5%.

<https://www.fda.org.uk/home/Newsandmedia/News/Survey-flags-real-concern-over-workplace-harassment-bullying.aspx>

In reflecting back on the last 10 years we are aware of approaches on behalf of around 30 members in relation to at least 5 Ministerial Offices, ( [redacted] ). A number of these approaches were resolved through mediation and formal resolution. However, many of those who approached FDA did not want us to pursue the matter as the perception was that their concerns would not be handled sensitively or in confidence and they were concerned that raising the issue could impact on their career.

We do not routinely collect stats on this area of casework. Given the sensitive and political nature of raising complaints against a minister, a complaint of this nature would normally be raised to the level of General Secretary. Over the same period, only a handful of issues have been raised within other government departments across our entire membership.

Clearly there could be many explanations for this - reluctance to approach the union or indeed that those with concerns were not trade union members. The number of known potential complainants from SG does however stand out quite significantly when compared with not only other government departments of a similar size, but the rest of the FDA membership across the civil service.

It is also clear that despite Scottish Government remaining the only part of the UK civil service with a clear process for civil servants to raise complaints about ministers, rather than having to rely on the opaque Ministerial Code, this has not proved effective in eliminating behaviour that raises concern. We can see no sign of any discernible reduction in the number of concerns raised by members.

Extracts of some of our communications with Members and Scottish Government on culture are attached (**Annex C**).

I have received your letter of 30<sup>th</sup> July 2020 with regards to oral evidence on the 25<sup>th</sup> August 2020 and I will attend on behalf of FDA and I am course happy to expand on this evidence at that point.

**Dave Penman**

**General Secretary**  
**4 August 2020**

List of Annexes:

**Annex A** – Policy development information

**Annex B** – Harassment policy review

**Annex C** – Communications with Members and Scottish Government

**Annex D** – FDA members survey

## Index

30 <sup>th</sup> January 2008	SWOT Analysis of Dignity at Work and fairness at work proposal
6 <sup>th</sup> June 2008	Paper for CSGU meeting of June 2008 with first draft of F@W policy
11 June 2008	Paper with draft standards of behaviour for CSGU
23 July 2008	Full draft paper of CSGU revised policy

**Summary of outputs from Grievance and appeals workshop - 30<sup>th</sup> January 2008**  
**CSGU Paper 080020**

## 1 Summary SWOT (all 3 groups)

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>▪ We have a procedure!</li> <li>▪ The approach is structured</li> <li>▪ Someone external to the management chain can deal with it</li> <li>▪ Complies with legislative requirements</li> <li>▪ SG is an exemplar employer</li> <li>▪ Union involvement</li> </ul>	<ul style="list-style-type: none"> <li>▪ Confusion and lack of understanding</li> <li>▪ Lack of clarity and communication – need to simplify wording</li> <li>▪ Inconsistency</li> <li>▪ Lack of guidance</li> <li>▪ No links to support systems such as EAP</li> <li>▪ No detail on timescales</li> <li>▪ Staff may feel threatened</li> <li>▪ Stressful process – no “winners”</li> <li>▪ No alternative to the process</li> <li>▪ Timing of intervention</li> <li>▪ No training</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>▪ Involvement of staff from all areas ie HR, Union, policy, staff, in development</li> <li>▪ Introduction of in house mediation/ADR</li> <li>▪ Change behaviours</li> <li>▪ Simplify and clarify</li> <li>▪ Set out timescales</li> <li>▪ Improve the links to welfare and support</li> <li>▪ Improve communications</li> <li>▪ Make it easier for people to choose which route to take</li> <li>▪ Review of outcomes by HR (lessons learned)</li> <li>▪ Introduce training</li> <li>▪ Offer support and guidance to managers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lack of confidence in process – worried that it will make situation worse</li> <li>▪ Too much change at one time</li> <li>▪ Will the complaint remain confidential?</li> <li>▪ Will future career prospects be affected (seen as ‘troublemaker’)?</li> <li>▪ Lack of buy-in and credibility</li> <li>▪ Timing – political environment and PBIG</li> <li>▪ Business itself – inconsistency in practice</li> <li>▪ Staff will leave</li> <li>▪ People won’t use the process</li> <li>▪ We are exposed to bigger claims</li> <li>▪ Not enough resources to implement</li> <li>▪ Process used for the wrong reasons</li> </ul>

## 2 Stop/Start/Continue summary

### STOP

- Using the policy for the wrong reasons

### START

- Clarification of the different processes which can be used (grievance/ Dignity at Work)
- Specify timescales for disputes
- Introduce ADR and/or mediation and publicise its availability – taking a business case approach (specifying costs and benefits)

- Improved training and communication for managers, to increase buy-in and credibility
- Clear, consistent, business-focused guidance
- Improved keyword searching on Intranet HR pages
- Marketing of the overall service including communications

## CONTINUE

- Complying with the law
- Offering welfare services
- Accessibility of policies
- Involving staff in all aspects

## 3 Immediate actions

- Summarise the outputs and make an action plan (involving the trade unions)
- Begin the drafting process, taking into account the views expressed at the workshop
- Ensure that SCS are covered by the process
- Ensure good communication – keep stakeholders informed about the process
- Clarify what the grievance process covers – do we need all the different approaches?
- Draw together related policies (eg Dignity at Work) so users can see where to start
- Stay in touch with HR about possible use of ADR/mediation
- Explore Gibbons' review/recommendations – Better Dispute Resolution
- Look at where the legislation is heading and consider a proactive approach to managing disputes, before drafting a new policy
- Foster more discussion across the organisation
- Investigate the issues raised today further to see if they are feasible to include
- Update the Unions on today's discussions and ensure their involvement throughout the review

## 4 What I can do

SGLD	<ul style="list-style-type: none"> <li>▪ Give legal advice if and when required</li> </ul>
Race equality network member	<ul style="list-style-type: none"> <li>▪ Review drafts</li> <li>▪ Be an advocate of change</li> </ul>
Staff representatives	<ul style="list-style-type: none"> <li>▪ Disseminate information to colleagues</li> <li>▪ Be part of the ongoing working group to ensure the policy is clear, fair and reasonable</li> </ul>
e-HR rep	<ul style="list-style-type: none"> <li>▪ Be aware of impact of changes of policy on e-HR</li> </ul>
Finance representative	<ul style="list-style-type: none"> <li>▪ Review drafts and give opinions, contribute to ongoing consultation process</li> </ul>
Disability network convenor	<ul style="list-style-type: none"> <li>▪ Facilitate discussion of these issues with the Network</li> </ul>
Diversity team	<ul style="list-style-type: none"> <li>▪ Continue giving Diversity input into the process</li> </ul>
HR	<ul style="list-style-type: none"> <li>▪ Continue to support and participate from HR perspective</li> <li>▪ Assist in putting together suggestions and looking at feasibility</li> <li>▪ Offer own time and energy to the project</li> <li>▪ Continue to support business with these issues</li> </ul>
CLS	<ul style="list-style-type: none"> <li>▪ Communicate key messages to and from managers and staff via training</li> </ul>
LGBT network member	<ul style="list-style-type: none"> <li>▪ Review policy implications for LGBT staff and anticipate any novel problems</li> </ul>

Civil Justice team	<ul style="list-style-type: none"> <li>▪ Maintain contact with HR and pass along consultation reports</li> </ul>
Senior Staff team	<ul style="list-style-type: none"> <li>▪ Ensure SCS interests represented</li> </ul>
Employee Engagement	<ul style="list-style-type: none"> <li>▪ Observe the change</li> <li>▪ Help get staff involved</li> </ul>

## HR POLICY DEVELOPMENT PROGRAMME

### HIGH LEVEL OVERVIEW OF GRIEVANCE AND APPEALS REVIEW PROCESS

CSEU Paper 080022

Activity	Who involved	Approx timeline
<i>1. Consultation process</i>		
Development, launch, conduct and writing up of open workshops for staff to give views	Policy team, staff (including Agencies), Facilitation Bank	Set up by end February Conduct workshops during March
Dedicated workshops for LGBT staff, at request of network	LGBT Staff network, Diversity team, policy team	March
Dedicated workshop for Disability Staff Network at convenor's request	Disability Staff network, Diversity team, policy team	March
Development and launch of area of HR Intranet site describing review, possibly offering the opportunity to complete a survey on grievance and appeals	Policy team, ISIS, OCR (if survey used)	Set up by end February, run through til April
Completion of research into experiences of staff who have participated in grievance and appeals processes	OCR	Mid February
Completion of benchmarking exercise looking at grievance and appeals in other organisations	Price Waterhouse Coopers	Mid February
Periodic stakeholder updates (via email, and attendance at stakeholder team meetings)	Policy team	Ongoing
<i>2. Policy options generation</i>		
Circulation of consultation outputs to stakeholders for consideration	Policy team, stakeholders	Early April
Stakeholder workshop(s) to consider consultation outputs and set policy direction	Policy team, stakeholders	Mid April
<i>3. Drafting and negotiation</i>		



Using workshop outputs, draft policy documentation	Policy team	Late April
Circulate to stakeholders for comment and contribution	Policy team, stakeholders	By end April
Negotiate with trade unions	Policy team, CSEU	May
Present agreed policy to PBIG for sign off	Policy team, CSEU, PBIG, Cabinet Secretariat	Early June
<i>4. Implementation and communications support</i>		
Involve e-HR team in process so that systems design (eg caseworking) can keep pace with policy developments	Policy team, e-HR	Ongoing
Research into cost, benefit and practicalities of in-house mediation schemes, including research into the experiences of other organisations which have done this	Policy team, Civil Justice Directorate, Diversity team, possibly union official with expertise in area	During February-March
Develop communications materials (including asking staff to review for plain English and accessibility purposes)	Policy team, staff representatives, Corporate Communications & Engagement teams	During May, when broad policy direction apparent
Ensure alternative communications methods in place for staff with particular needs	Policy team, Diversity team, Disability network	During May, when broad policy direction apparent
Discuss training needs and available support from CLS	Policy team, CLS	During May, when broad policy direction apparent

## **CSGU Paper - June 2008**

### **FAIRNESS AT WORK**

#### **Policy Statement**

The Scottish Government is committed to providing a workplace free from unfair discrimination and to ensuring the fair treatment of staff. But, it recognises that any employee may at some time have a problem or concern about their work, working conditions or relationship with colleagues. They may feel that a certain management action or decision is unfair and has affected them adversely. In these circumstances, it is fair that the employee has access to a procedure that enables him or her to raise those concerns without feeling intimidated or concerned that the matter will not be given fair consideration. Or, that they may be treated less favourably or victimised in some way for raising the matter.

The Scottish Government is committed to dealing with staff grievances fairly, consistently, quickly and that no-one will be penalised for raising a complaint in good faith. It aims to ensure that the outcome of any complaint will always be based on reasonable and balanced judgement following full consideration of the facts of the case.

It also recognises the potential value to all parties of offering the opportunity to resolve a dispute in an alternative way. It has therefore, introduced the ability to resolve issues through mediation.

The SG recognises that if concerns are not dealt with in a way that is perceived as fair or left unresolved, the working relationship may deteriorate and impact on the individual's or team's wellbeing and affect the business.

This commitment to fair treatment at work is underpinned by the following procedures.

For more information about conduct, behaviour standards and management responsibilities related to the SG's Fairness at Work, Equal Opportunities and Diversity policies please go to XXXXXLINKS. (This will include most of the paras currently in part one of the D@W policy and the annexes on unacceptable behaviour.)

#### **Scope**

##### **Who is covered by this policy?**

This policy and its procedures apply to all employees. This includes permanent and all types of fixed-term employees. For secondees, the conditions of their secondment appointment applies. This means that they can raise matters informally with an appropriate line manager. However, if they wish to pursue a formal grievance this is done through their employer's grievance procedure. Employment agency workers are not covered by this policy. If they have a complaint they must raise this through their agency who may then liaise with the SG.

##### **What does it cover?**

This policy and its procedures now provide a common system for raising most types of problems or concerns. This includes those previously covered by the Dignity at Work policy.

It also uses the new common appeals system. The sorts of issues that might cause grievances could include but are not limited to:

- \* bullying and harassment
- \* relations with colleagues
- \* new working methods
- \* re-organisation of work or other organisational change
- \* equal opportunities
- \* working conditions – including health and safety
- \* work loading

The procedure does not apply where:

- \* there are more appropriate procedures such as Performance Management, Resourcing Policy matters and challenging a management decision on disciplinary action where appeals are built into these policies.
- \* an individual is disputing the terms of a collective agreement, specific terms of their employment or an HR Policy. Separate arrangements have been put in place to resolve this through HR and the trade unions - see Special Cases.
- \* there is a complaint raised by more than one employee. It will be normal to try to resolve such complaints informally first – see Special Cases. If this fails then the process for resolution will be with the trade unions.

### **How does it work?**

There are three steps available to staff. These are informal, formal and appeal. It is in the organisation's and the individual's best interest to try to resolve problems before they develop into major issues. For this reason, the first step is normally always to try to resolve matters locally and informally. In addition, for staff and managers, there is the opportunity to agree to use the mediation service. (This is currently a pilot scheme which will be subject to evaluation prior to its permanent embedding in the process.) The use of the service is voluntary and must be agreed by both parties. This will not prevent the individual from raising a formal grievance but the process is suspended during mediation. The mediation service can be an option prior to pursuing and during the formal process. For information on mediation, when it might be appropriate and how referrals work, see XLINKX.

### **What are the responsibilities of those involved?**

To emphasise the importance the SG places on resolving matters, tight time limits are placed on dealing with each step. All parties are required to stick to these time limits unless an alternative is mutually agreed. Sometimes the complexity of a case will mean more time is needed and in such cases it is essential that all parties are advised of delays.

All parties must recognise the importance of dealing with issues confidentially, especially those of a more sensitive nature.

Individuals can only raise issues that the SG has the power to resolve. At the informal stage, line managers are required to give complaints their proper attention and to try to resolve matters taking into account the needs of the business and fair treatment of the individual. It is an opportunity to review what has been done, reflect on the impact and consider whether, in the circumstances, it is fair. The outcome may not always be what the employee hopes to achieve but adhering to the principles of dealing with complaints should make it feel like they have had a fair hearing and fair consideration.

All parties are expected to approach the raising of a complaint or problem and its resolution with good faith. Where it becomes clear that an accusation is false, this will be regarded as a disciplinary issue.

When dealing with complaints, managers must consider the needs of those who have a disability. This might include providing an interpreter or arranging meetings in ground floor rooms.

### **How do I raise an issue through the Fair Treatment Procedure?**

#### **Informal Resolution**

Irrespective of the nature of the complaint, all Fairness at Work issues should first be raised informally by the employee through the line management chain. There may be exceptions to this depending on the nature of the complaint and where you feel you cannot do this, please contact HR for advice.

You can raise the complaint either verbally or in writing with your line manager, asking for a private meeting with an appropriate line manager (XLINKX to information on appropriate line manager and guidance for managers in handling complaints). To encourage resolving conflicts in the workplace quickly, complaints should be raised as soon as possible and preferably within 5 days after the issue or incident occurs. You should include in that initial notification, what the problem is with examples and how you would like to see matters resolved.

Following notification, the line manager **must:**

- \* agree which manager in the line management chain is most appropriate to deal with the issue.

- \* normally within 3 working days of receiving the complaint, the appropriate manager will meet with you allowing you the opportunity to explain what your issue is and how you think it should be resolved. He/she will consider how and if the matter can be resolved, making further enquiries and investigation as necessary. There may be other support options and advice sources that can help at this stage including HR, EAP and CAWS. Information and advice on dealing with complaints about another colleague's behaviour can be found at XLINKX. You may wish to take advice from your union representative.

- \* meet you again normally within 2 days of the initial meeting to explain his/her decision and any action being taken. The manager will confirm the decision in writing.

\* arrange to review the situation with you in a month unless you have decided to take formal action.

Depending on the outcome, the manager or individual may find it useful to discuss the use of mediation XLINKX in resolving matters before taking further action through formal stages.

## **Special Cases**

***Collective agreement, terms and conditions of employment and HR Policies*** – Most terms and conditions of employment are subject to a process of collective bargaining with recognised trade unions. For this reason, complaints about the application or interpretation of collective agreements may not be able to be resolved by line management. In such situations, at the informal stage, the manager may only be able, after seeking HR's advice, to ascertain that the agreed terms have been applied correctly. Should you still wish to pursue the matter, you should state your case in writing using **form XXX** including how you would like to see this resolved. This should be submitted via your line manager to the Head of Employee Relations who will arrange for your complaint to be investigated. This will include a meeting with you following the lines of the formal stage of the Fairness Procedure. It will also include consultation with the trade unions. The decision on your complaint will be made in writing. Whenever possible this will be done within the timescales laid down under the formal procedure. If you are not satisfied with the decision, you can appeal through the Common Appeals Process described at the end of this procedure.

***Group/Team complaints*** – It is usual where a number of staff wish to raise the same complaint that this is done so via normal staff representation channels. However, the informal stage can work effectively in such situations and the group should first try to resolve the problem via the line management chain. An appropriate manager from the line will meet with the group where they will be given the opportunity to resolve the issue through open and reasoned discussion.

Where there are issues raised between two teams, two appropriate managers will meet first with their own team to understand the complaint and possible resolution. The two managers will then meet to assess how the matter can be resolved and then feedback to each team with the proposals. A joint meeting of both teams (or each team can select two representatives) along with the managers will follow to agree the final solution, where possible.

Where agreement cannot be reached through the informal stage and the parties wish to take the matter further, they should refer the matter to HR and their trade unions.

***Whistleblowing*** – The Public Interest Disclosure Act gives protection to workers who blow the whistle about a wrongdoing and who are dismissed or suffer an other detriment for doing so. Alongside the provisions of the Act you have the protections set out in the Civil Service Code. Specific procedures apply in the Scottish Government, go to **LINK** for details.

***Complaints about an external Third Party*** – As the SG will not necessarily have the ability to deal directly with an individual affiliated to or employed by another organisation, other arrangements apply to these situations. Please see **LINK** for reporting incidents. Where you feel these special arrangements fail to protect you in going about your normal work, you can raise the matter under the formal stages of this policy.

**Complaints about Ministers** –Complaints against Ministers will be dealt under the spirit and aims of the Fairness at Work policy. Where you have a complaint against a Minister, this should be notified to your line manager who will arrange to advise the line Director. The Director will meet with you normally within 5 days to ascertain the nature of your complaint. Your Director will discuss the issue with the Head of Human Resources. Following this, your Director will meet with you again to discuss your options and possible resolution.

## **Formal Resolution**

*(Note – PAs working with X - will advise if complaint can be submitted via e-HR)*

If you have tried to resolve the situation informally but do not feel that your concerns have been properly addressed, you can make a formal complaint within 5 working days of being given informal decision. Mediation XLINKX will be available to the parties concerned as an alternative to the formal process at any point. If both parties choose mediation, the formal process will be suspended.

You should make your formal complaint in writing using form XXXXXX to HRSSC providing:

- \* what the problem or complaint is, giving specific instances and details of witnesses if appropriate**
- \* why you think the informal stage did not address your concerns**
- \* how you would like to see matters resolved**

HRSSC will arrange for your case to be referred to an HR Professional Adviser (HRPA) who will acknowledge your complaint. The first step will be for HR to arrange for at least one Deciding Officer (selected from a pool of line managers from across the Scottish Government) to be appointed and who will make a decision on your case. More than one Deciding Officer will hear the complaint where the matter is particularly sensitive or of a complex nature. Information on the role of the Deciding Officer is available at XLINKX. The Deciding Officer (DO) will be supported by an HR Professional Adviser (HRPA) throughout the process. In some cases, HR may need to appoint an Investigating Officer (IO) to carry out further fact finding before the DO can hear the complaint. Information about the IO role is at XLINKX. The IO must produce a report for the DO normally within 5 days.

You should also inform the manager who dealt with the informal stage.

You may also wish to seek the support of a trade union representative or colleague to help you present your case. You may also wish to seek support and advice through EAP.

## **Deciding Officer Action**

Within 5 working days of the complaint being received or the IO's report being received, the DO will, along with an HRPA;

- \* arrange to meet you to allow you to explain your case and how you think it should be resolved. If an IO has been appointed, you will be provided with a copy of the report and any related papers prior to the meeting. You have the right to be accompanied at the meeting by**

your trade union representative or a colleague. An HRP will attend the meeting to support the DO in terms of minute taking and procedural and other advice.

- \* consider, particularly where an IO has not been appointed, whether anyone else needs to be interviewed e.g. the line manager or any further enquiries need to be made.

- \* once the DO has considered the complaint and reached a decision, you will be advised in writing of the decision and reasons for it within 2 working days. You will also be provided with a copy of the minutes of the meeting.

- \* in cases which involve bullying, harassment or discrimination, the individual complained against will also be advised of the result with reasons. Where such allegations are founded, the DO must also consider whether the matter should be referred to HR to be dealt with under disciplinary procedures. He/She may also recommend other action such as the transfer of either party or training.

## **Appeal**

*(HRPs case mgt – to check e-HR facility for submitting appeal)*

If you feel that your complaint has not been dealt with satisfactorily, you have a right of appeal against the formal stage decision. XLINKX provides details of the Common Appeals Process. You must appeal in writing/ using e-hr(?) within 5 working days. This should include your grounds for appeal.

## **HR Action – Integration and Review**

Shortly after the completion of the formal or appeal process as appropriate, an HRP will contact those involved. They will work to assist them in moving on from the process. This may involve the PA in providing advice, support and coaching. This will apply regardless of the outcome. Please remember the services of the EAP and CAWS are always available to you.

**Review** – After each case, an HRP will also review how each case progressed. This is not about questioning the outcome but about the process. It is about learning from situations and feedback for the policy review. Parties to the process may be asked for their views on the way the matter was handled.

This policy will be reviewed regularly taking in account feedback from those involved in grievances, best practice and legislation.

**16 May 08**

**CSGU Paper on Standards of Behaviour June 2008**

**Scotland expects - the Scottish Government Guide to standards of behaviour**  
*CSGU Paper 080094*

**Section 1 Our commitment**

1. Our commitment as an employer
2. The purpose of this policy statement

**Section 2 Our expectations**

1. What you can expect from us as an employer
2. What we expect from our staff
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**Section 3 Our standards of behaviour**

1. Unacceptable behaviour

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**Section 1 Our commitment**

1. Our commitment as an employer



1.1 The Scottish Government (SG) is an equal opportunities employer, committed to treating every member of staff with dignity and respect. It is our policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in their terms and conditions of employment and are able to work, and undertake work-related activities, in an environment free from harassment, victimisation, discrimination and/or bullying.

1.2 We believe that **all** of our employees should be treated with respect, regardless of sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, gender identity, disability, religion or any other irrelevant difference, e.g. social background, working pattern or trade union activity. This can only happen if every member of staff is aware of the standards of behaviour that we expect from them and behaves accordingly.

1.3 This policy statement is endorsed by the Permanent Secretary and applies to all staff including members of the Senior Civil Service and those in the agencies and associated Departments of the Scottish Government's Main Bargaining Unit. We also expect Scottish Ministers to behave acceptably and to act in the spirit of this policy statement.

1.4 The Council of Scottish Government Unions (CSGU) has been fully involved in the creation of this policy statement and the standards it sets out.

## **2. The purpose of this policy statement**

2.1 The purpose of this policy statement is to make clear that the Scottish Government, as an employer, will observe a policy of zero tolerance in respect of incidents of behaviour that is found to be unacceptable.

2.2 It also sets out the standards of behaviour that we expect of our staff managers and others both in the workplace and when undertaking work-related activities to ensure that the Scottish Government is free from harassment, victimisation, discrimination and bullying.

## **Section 2 Our expectations**

### **1. What you can expect from us as an employer**

1.1 As an employer, we have a responsibility to take all reasonably practicable steps to ensure that staff are able to work in a safe and non-threatening working environment. This includes contact with Ministers, external stakeholders and other third parties.

1.2 We:

- will ensure that all line managers and other staff dealing directly with allegations of harassment, victimisation, discrimination and bullying in the workplace are equipped to identify and deal with these issues.
- give our commitment that all complaints will be dealt with sensitively, professionally, effectively and as quickly as practicable.
- will monitor incidents of alleged unacceptable behaviour as defined by this policy and address any issues arising from our monitoring quickly and appropriately.
- review this policy regularly, taking into account changes in best practice and legislation.

## **2. What we expect from members of staff**

### **2.1 As a member of Scottish Government staff, you:**

- have a responsibility to respect the dignity of others.
- must avoid behaving in a way that may cause offence or distress to your colleagues or others with whom you have contact as part of your duties, including service users and external contacts.

**It does not matter whether the perceived harassment, victimisation, discrimination or bullying is intentional.**

- should be aware of, and adhere, to the Scottish Government's policies on [equal opportunities and diversity](#).
- should also support any colleague who feels that they have been harassed, victimised, discriminated against or bullied and encourage them to seek help from an appropriate source.
- behave appropriately at all times towards the people you work with.
- remember that inappropriate behaviour is behaviour which is "viewed as demeaning and unacceptable to the recipient".
- make sure you are familiar with the Government's policy on Fairness at Work and undertake training as necessary.
- should raise issues informally in the first instance if you feel that you have been treated unacceptably, or report the matter in writing to the HRSSC if you do not feel able, or if this doesn't work.
- you should try to support anyone that you feel is being treated unacceptably and encourage them to seek help. If they do not feel able to report the behaviour themselves, **you** should:
- alert your line manager, or, alternatively, the Human Resources Shared Service Centre (HRSSC).

**Remember - unless you tell us about alleged unacceptable behaviour we may not be aware of it and will not be in a position to take steps to address it.**

## **3. What we expect from our managers**

### **3.1 As a line manager, you:**

- have a responsibility to ensure that your staff work in an environment which is free from unacceptable behaviour and to encourage an atmosphere of tolerance and respect.
- should make sure that you have undertaken the appropriate level of training to carry out your duties effectively and try to lead by example through a fair and open management style.

- should make sure that all of your staff are aware of, and understand, the SG's fairness at work, diversity and equal opportunities policies, including the support options available to them. Ideally, this should be done as part of the induction process.
- must act if you are made aware of alleged inappropriate behaviour. It is not acceptable for you to do nothing as you may later be held accountable for your lack of action under the SG's performance appraisal or disciplinary procedures, or, in more serious cases, through the legal process.
- should apply this, and other policies, in a fair and consistent manner and staff should know who to contact if you are not available. This will normally be a more senior officer in the line management chain.

3.2 If any of your staff raise concerns about unacceptable behaviour, you:

- must take this seriously and act on their concerns quickly. In particular, you should make sure all of your staff are aware of their responsibilities and what action they should take if they become aware of unacceptable behaviour.

3.3 If approached informally, you should:

- investigate the circumstances of the complaint and take any action you feel is appropriate.
- keep a record of the incident and any action taken.

3.4 If the complaint is more serious, you should:

- assist the individual in making a formal complaint to the HR Shared Service Centre, or should do so yourself.
- make sure all parties to the complaint are aware of the support available to them.

#### **4. What we expect when managing performance**

4.1 You also have a responsibility to manage your staff effectively. This may involve:

- issuing reasonable instructions and expecting them to be carried out.
- setting expected standards of performance supported by the [appraisal standards](#);
- giving appropriate performance markings in accordance with the [performance management system](#);
- giving legitimate, constructive, timely and fair feedback on performance or behaviour at work.
- making [reasonable adjustments](#) for disabled staff.

#### **5. What we expect from our countersigning officers**

5.1 If any of your staff raise concerns about unacceptable behaviour, you must:

take this seriously and act on their concerns quickly.

5.2 In particular, you should:

- take the actions outlined in “Your role as a line manager”.
- make sure all of your line managers are appropriately trained and that all staff are aware of what is expected of them.
- act as a role model in and ensure that your work area is free from all types of unacceptable behaviour.
- carry out these duties in a fair, reasonable and consistent manner.

5.3 If you do so, your actions and behaviour **cannot be viewed as unreasonable**. However, you must also ensure that you perform these duties whilst upholding the principles of this policy statement, treating all staff fairly and respecting their dignity.

## **6. What we expect if you are accused of unacceptable behaviour,**

You:

- should try not to get defensive and listen to any advice and information you are given.
- should work with colleagues to try and reach satisfactory outcome to any complaint and seek support if you require it.
- must implement any recommendations made to you as a result of the complaint.

## **9. What we expect if you are a witness to unacceptable behaviour**

9.1 You should:

- take any appropriate action to try to end such behaviour.
- participate fully with any action that is required of you during any investigation or resolution process.

## **10. What we expect from Human Resources (the HRSSC and HR Professional Advisers)**

10.1 Human Resources will:

- ensure that you are provided with advice if you feel that you have been the subject of unacceptable behaviour.
- take action if you make a formal complaint under the *Fairness at Work* procedures and ensure each complaint is fully and properly investigated as quickly as possible.
- take forward any recommendations resulting from any complaint of unacceptable behaviour, including disciplinary action.

## **Section 3 Our standards of behaviour**

## Unacceptable behaviour

3.1 There is no single definition of what constitutes unacceptable behaviour. The Advisory, Conciliation and Arbitration Service (ACAS) refers to “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. **The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient**”.

2. What is acceptable behaviour to one member of staff may not be acceptable to another and we should all be aware of the effect that our behaviour or language may have on others.

3. These behaviours have a detrimental effect on both individuals and the organisation as a whole. They can significantly lower staff morale and motivation, cause increased absenteeism and turnover of staff and, in some cases, end in legal proceedings.

4. A list of examples of behaviours which may be considered unacceptable and which may amount to misconduct and, in some cases, serious misconduct, can be found in Annex A. This list is not exhaustive.

**June 2008**

**Examples of unacceptable behaviour**

**General**

- Refusing to work with, ignoring or deliberately isolating or excluding colleagues, including from social events.
- Displaying or circulating offensive materials, including sectarian materials, homophobic or anti-gay or pornographic pictures/pin-ups.
- Discouraging someone from taking advantage of relevant and suitable training on grounds of irrelevant difference.
- Taking credit for others' work.
- Not taking the blame when things go wrong.
- Excessive, or inappropriately, detailed supervision.
- Lack of supervision which leaves the individual feeling unsupported or demoralised.
- Undermining an individual's authority.
- Reducing a job to tasks inconsistent with a person's grade, skills and abilities.
- Unjustifiably blocking promotion or training opportunities.
- Withholding information, ostracising, marginalising, spreading rumours etc.
- Unfair work allocation.
- Displaying tattoos that may be offensive in terms of dignity at work, equal opportunities or diversity.

**Verbal**

- Deriding an individual's religious or other beliefs or other personal circumstances, e.g. their trade union involvement.
- Unwelcome comments or jokes.
- Use of offensive language, name calling, taunts, jokes, mockery.
- Unwanted or derogatory comments about dress or appearance.
- Leering and suggestive gestures, comments or innuendo.
- Jokes, banter, insinuations, insults and taunts based on any irrelevant difference, including being Scottish, English or another UK nationality.
- Inappropriate questions about someone's personal life or questions about someone's sex-life.

- Aggression, bawling out, threats, shouting, swearing, abuse, physical or verbal intimidation.
- Humiliating, ridiculing or belittling efforts in front of others or in private.
- Gossip and speculation about an individual's personal life, e.g. their sexual orientation.

### **Physical**

- Inappropriate physical contact, advances or propositions.
- Physical or verbal attacks, abuse or intimidation.

### **Making assumptions**

- About an individual's personal or social life.
- About their physical or mental capability.
- About the existence of a non-visible impairment.
- Assuming that everyone is heterosexual.
- Assuming that all gay men are HIV positive.
- About age-related retirement.
- About ability or competence.

**FAIRNESS AT WORK POLICY AND PROCEDURES**  
**AND SUPPORTING DOCUMENTS**

1. Policy Statement
2. Behaviour Standards
3. Scope of Policy and Procedures
  - 3.1 Who it covers
  - 3.2 What it covers
4. How does it work?
5. What are the responsibilities of those involved?
6. How do I raise an issue through the Fairness at Work Procedure?
  - 6.1 Informal Resolution
  - 6.2 Mediation
  - 6.3 Special Cases
  - 6.4 Formal Resolution
  - 6.5 Appeal
7. What if a complaint is made against me?
8. HR Action
  - 8.1 Integration
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**ANNEXES**

- Annex A - Behaviour standards and responsibilities**
- Annex B - Mediation Guide**
- Annex C - Complaints about External Third Parties**
- Annex D - Conducting an Informal Meeting – Manager's Guide**
- Annex E - The Deciding Officer Role**
- Annex F - The Investigating Officer Role**
- Annex G - Appeal Process**
- Annex H - What if a complaint is made against me? Guidance**
- Annex I - Action Flow Charts**
- Annex J - Fairness at Work – form still to be prepared**



## **FAIRNESS AT WORK POLICY AND PROCEDURES**

### **1. Policy Statement**

1.1 The Scottish Government (SG) is committed to providing a workplace free from unfair discrimination and to ensuring the fair treatment of staff. But, it recognises that any employee *may* at some time have a problem or concern about their work, working conditions or relationship with colleagues. They may feel that a certain management action or decision is unfair and has affected them adversely. In these circumstances, it is fair that the employee has access to a procedure that enables him or her to raise those concerns without feeling intimidated or concerned that the matter will not be given fair consideration. Or, that they may be treated less favourably or victimised in some way for raising the matter.

1.2 The SG is committed to dealing with staff grievances fairly, consistently, quickly and that no-one will be penalised for raising a complaint in good faith. It aims to ensure that the outcome of any complaint will always be based on reasonable and balanced judgement following full consideration of the facts of the case.

1.3 It also recognises the potential value to all parties of offering the opportunity to resolve a dispute in an alternative way. It has therefore, introduced the ability to resolve issues through mediation.

1.4 The SG recognises that, if concerns are not dealt with in a way that is perceived as fair or left unresolved, the working relationship may deteriorate and impact on the individual's or team's wellbeing and affect the business.

1.5 This commitment to fair treatment at work is underpinned by the following procedures.

### **2. Behaviour Standards**

2.1 For more information about behaviour standards and management responsibilities related to this policy and its procedures and Equal Opportunities and Diversity policies please go to Annex A.

**Temporary note – wording underlined and in italics has been added or amended after discussion with the trade unions.**

### **3. Scope**

#### **3.1 Who is covered by this policy?**

3.1.1 This policy and its procedures apply to all employees. This includes permanent and all types of fixed-term employees. For inward secondees, the conditions of their secondment appointment applies. This means that they can raise matters informally with an appropriate line manager. However, if they wish to pursue a formal grievance this is done through their employer's grievance procedure. Employment agency workers are not covered by this policy. If they have a complaint they must raise this through their agency who may then liaise with the SG.

*(An employee can raise a complaint about an agency worker or secondee through this procedure – see Complaints about an External Third Party.)*

### 3.2 What does it cover?

3.2.1 This policy and its procedures now provide a common system for raising most types of problems or concerns. This includes those previously covered by the Dignity at Work policy. It also uses the new common appeals system. The sorts of issues that might cause grievances could include but are not limited to:

- \* bullying and harassment
- \* relations with colleagues
- \* new working methods
- \* re-organisation of work or other organisational change
- \* equal opportunities
- \* working conditions – including health and safety
- \* work loading

3.2.2. The procedure does not apply where:

- there are more appropriate procedures such as: *performance appraisal or dealing with less than satisfactory performance **XLINKX**. Managed moves and promotion issues (unless it is about the conduct of the board members or others involved in the selection process). Please see the Resourcing Policy for more information **XLINKX** Also, challenging a management decision on disciplinary action where appeals are built into the procedure **XLINKX***
- an individual is disputing the *terms* of a collective agreement or Human Resources (HR) policy or specific terms of their employment. Separate arrangements have been put in place to resolve this through HR and the trade unions - see Special Cases at 6.3 **Link to 6.3**
- there is a complaint raised by more than one employee. It will be normal to try to resolve such complaints informally first – see Special Cases. If this fails then the process for resolution will be with the trade unions.

### **4. How does it work?**

4.1 There are three steps available to staff. These are informal, formal and appeal. It is in the organisation's and the individual's best interest to try to resolve problems before they develop into major issues. For this reason, the first step is normally always to try to resolve matters locally and informally. In addition, for staff and managers, there is the opportunity to agree to use the mediation service. (This is currently a pilot scheme which will be subject to evaluation prior to its permanent embedding in the process.) The use of the service is voluntary and must be agreed to by both parties. This will not prevent the individual from raising a formal grievance but the process is suspended during mediation. The mediation service can be an option prior to pursuing and during the formal process. For information on mediation, when it might be appropriate and how referrals work, see Annex B.

### **5. What are the responsibilities of those involved?**

5.1. To emphasise the importance the SG places on resolving matters, tight time limits are placed on dealing with each step. All parties are required to stick to these time limits unless

an alternative is mutually agreed. Sometimes the complexity of a case will mean more time is needed and in such cases it is essential that all parties are advised of delays.

5.2 All parties must recognise the importance of dealing with issues confidentially, especially those of a more sensitive nature.

5.3 Individuals can only raise issues that the SG has the power to resolve. At the informal stage, line managers are required to give complaints their proper attention and to try to resolve matters taking into account the needs of the business and fair treatment of the individual. It is an opportunity to review what has been done, reflect on the impact and consider whether, in the circumstances, it is fair. By dealing with complaints in this manner, employees should feel they have had a fair hearing and full consideration even when the outcome is not what they had hoped.

5.4 All parties are expected to approach the raising of a complaint or problem and its resolution in good faith. Where it becomes clear that an accusation is false, this will be regarded as a disciplinary issue. HR will follow up on the disciplinary issue and will also aim to provide support to the individual who has been falsely accused.

5.5 When dealing with complaints, managers must consider the needs of those who have a disability. This might include providing an interpreter or arranging meetings in ground floor rooms.

## **6. How do I raise an issue through the Fair Treatment Procedure?**

### **6.1 Informal Resolution**

6.1.1 Irrespective of the nature of the complaint, all Fairness at Work issues should first be raised informally by the employee through the line management chain. There may be exceptions to this depending on the nature of the complaint where you feel you cannot do this. This could include, for example, where the issue is with your line manager. In these circumstances, please contact HR for advice.

6.1.2 You can raise the complaint either orally or in writing with your line manager, asking for a private meeting with an appropriate line manager. To encourage resolving conflicts in the workplace quickly, complaints should be raised as soon as possible after the issue arises or incident occurs. You should include in the initial notification, what the problem is with examples and how you would like to see matters resolved.

6.1.3 Following notification, the line manager **must:**

- \* agree which manager in the line management chain is most appropriate to deal with the issue.

- \* normally within 3 working days of receiving the complaint, the appropriate manager will meet with you giving you the opportunity to explain what your issue is and how you think it should be resolved. He/she will consider how and if the matter can be resolved, making further enquiries and investigation as necessary. There may be other support options and advice sources that can help at this stage including HR, Employee Assistance Programme (EAP) and the Counselling and Welfare Service (CAWS). Information and advice on dealing with complaints about another colleague's behaviour can be found at Annex A. You may wish to take advice from your union representative.

- \* meet you again normally within 2 working days of the initial meeting to explain his/her decision and any action being taken. The manager will confirm the decision in writing.

\* arrange to review the situation with you after one month unless you have decided to take formal action.

Guidance for managers in handling complaints is given at Annex D.

## 6.2 Mediation

Depending on the outcome, the manager or individual may find it useful to discuss the use of mediation (see Annex B) in resolving matters before taking further action through formal stages.

## 6.3 Special Cases

**6.3.1 Terms of collective agreements or HR Policies or specific terms of your employment** – Most terms and conditions of employment are subject to a process of collective bargaining with recognised trade unions. For this reason, complaints about the application or interpretation of collective agreements will not be able to be resolved by line management. In such situations, at the informal stage, the manager may only be able, after seeking HR's advice, to ascertain that the agreed terms have been applied correctly. Should you still wish to pursue the matter, you should state your case in writing using **form XXX** including how you would like to see this resolved. This should be submitted via your line manager who will forward it to the Head of Employee Relations who will arrange for your complaint to be investigated. This will include a meeting with you following the lines of the formal stage of the Fairness Procedure. It will also include, as per the Partnership Agreement, consultation with the trade unions. The decision on your complaint will be made in writing. Whenever possible this will be done within the timescales laid down under the formal procedure. If you are not satisfied with the decision, you can appeal through the Common Appeals Process described at the end of this procedure.

**6.3.2 Group/Team complaints** – It is usual where a number of staff wish to raise the same complaint that this is done via normal staff representation channels. However, the informal stage can work effectively in such situations and the group should first try to resolve the problem via the line management chain. An appropriate manager from the line will meet with the group where they will be given the opportunity to resolve the issue through open and reasoned discussion.

Where there are issues raised between two teams, two appropriate managers will meet first with their own team to understand the complaint and possible resolution. The two managers will then meet to assess how the matter can be resolved and then feedback to each team with the proposals. A joint meeting of both teams (or each team can select two representatives) along with the managers will follow to agree the final solution, where possible.

Where agreement cannot be reached through the informal stage and the parties wish to take the matter further, they should refer the matter to HR and their trade unions.

**6.3.3 Whistleblowing** – The Public Interest Disclosure Act gives protection to workers who blow the whistle about a wrongdoing and who are dismissed or suffer an other detriment for doing so. Alongside the provisions of the Act you have the protections set out in the Civil Service Code. Specific procedures apply in the Scottish Government. Go to **LINK** for details.

**6.3.4 Complaints about an external Third Party** – As the SG will not necessarily have the ability to deal directly with an individual affiliated to or employed by another organisation; other arrangements apply to these situations. Please see Annex C for reporting incidents.

Where you feel these special arrangements fail to protect you in going about your normal work, you can raise the matter under the formal stages of this policy.

**6.3.5 *Complaints or issues about Ministers*** –*Complaints against or issues concerning Ministers will be dealt under the spirit and aims of the Fairness at Work policy. Where you have a complaint against a Minister, this should be notified to your line manager who will arrange to advise the line Director. The Director will meet with you normally within 5 days to ascertain the nature of your complaint. Your Director will discuss the issue with the Head of Human Resources who will be able to advise on ways to take this forward. Following this, your Director will meet with you again to discuss ways in which this matter may be handled.*

## **6.4 Formal Resolution**

6.4.1 If you have tried to resolve the situation informally but do not feel that your concerns have been properly addressed, you can make a formal complaint within 15 working days of being given the informal decision. You can ask your trade union representative to support you through the process. Mediation (see Annex B) will be available to the parties concerned as an alternative to the formal process at any point. If both parties choose mediation, the formal process will be suspended.

6.4.2 You should make your formal complaint in writing using form **XXXXXX** to HR via HR.Help providing:

- \* **what the problem or complaint is, giving specific instances and details of witnesses if appropriate**
- \* **why you think the informal stage did not address your concerns**
- \* **how you would like to see matters resolved**

6.4.3. HRSSC will arrange for your case to be referred to an HR Professional Adviser (HRPA) who will acknowledge your complaint. The first step will be for HR to arrange for at least one Deciding Officer (selected from a pool of line managers from across the Scottish Government) to be appointed and who will make a decision on your case. More than one Deciding Officer will hear the complaint where the matter is particularly sensitive or of a complex nature. Information on the role of the Deciding Officer is available at Annex E. The Deciding Officer (DO) will be supported by an HR Professional Adviser (HRPA) throughout the process.

6.4.4 In some cases, HR may need to appoint an Investigating Officer (IO) to carry out further fact finding before the DO can hear the complaint. Information about the IO role is at Annex F. The IO will be appointed within 2 working days of the complaint being received. The IO must produce a report for the DO normally within 10 working days.

6.4.5 You should also inform the manager who dealt with the informal stage.

6.4.6 You may also wish to seek the support of a trade union representative or colleague to help you present your case. You may also wish to seek support and advice through EAP.

6.4.7 Where serious allegations are made against a colleague, it may be more appropriate to follow the disciplinary procedures. This may be apparent when the complaint is made or following investigation. In such cases, the formal Fairness at Work action will be suspended pending the outcome of the disciplinary procedure and HR will provide advice and guidance.

## Deciding Officer Action

6.4.8 Within 10 working days of the complaint being received or within 5 working days of the IO's report being received, the DO will, along with an HRPAs;

- arrange to meet you to allow you to explain your case and how you think it should be resolved. If an IO has been appointed, you will be provided with a copy of the report and any related papers prior to the meeting. You have the right to be accompanied at the meeting by your trade union representative or a colleague. An HRPAs will attend the meeting to support the DO in terms of minute taking and procedural and other advice.
- consider, particularly where an IO has not been appointed, whether anyone else needs to be interviewed e.g. the line manager or, whether any further enquiries need to be made. Where resolution or other action is being recommended, the DO will discuss these with line management and HR to ensure they are workable.
- once the DO has considered the complaint and reached a decision, advise you in writing of the decision and reasons for it within 2 working days. You will also be provided with a copy of the minutes of the meeting.
- in cases which involve bullying, harassment or discrimination, advise the individual complained against, of the result with reasons. Where such allegations are founded, the DO must also consider whether the matter should be referred to HR to be dealt with under disciplinary procedures.
- The HRPAs will be responsible for ensuring that any recommendations in the report are actioned.

## 6.5 Appeal

6.5.1 If you feel that your complaint has not been dealt with satisfactorily, you have a right of appeal against the formal stage decision. Annex G provides details of the Common Appeals process. You must appeal in writing within 10 working days. This should include your grounds for appeal.

## 7. What if a complaint is made against me?

7.1 You may find the guidance at Annex H useful if you find yourself in this situation

## 8. HR Action – Integration and Review

8.1 **Integration** - Shortly after the completion of the formal or appeal process as appropriate, an HRPAs will contact those involved. They will work to assist them in moving on from the process. This may involve the PA in providing advice, support and coaching. This will apply regardless of the outcome. Please remember the services of the EAP and CAWS are always available to you.

8.2 **Review** – After each case, an HRPAs will also review how each case progressed. This is not about questioning the outcome but about the process and learning from experience. All those involved in the process, including trade union representatives, may be asked for

their views on the way the matter was handled. A member of the HR Employee Relations and Reward team will also review individual cases with the HRPAs to feed into the policy review, to assess how the process has worked and how the recommendations have been implemented.

HR will review the policy from time to time taking into account legislation, feedback from those involved and best practice.

## **Scotland expects - the Scottish Government Guide to standards of behaviour**

### **Section 1 Our commitment**

- 3. Our commitment as an employer
- 4. The purpose of this policy statement

### **Section 2 Our expectations**

- 9. What you can expect from us as an employer
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### **Section 3 Our standards of behaviour**

- 2. Unacceptable behaviour

### **Appendix 1 - Examples of unacceptable behaviour**



# Scotland expects - the Scottish Government Guide to standards of behaviour

## Section 1 Our commitment

### 1. Our commitment as an employer

1.1 The Scottish Government (SG) is an equal opportunities employer, committed to treating every member of staff with dignity and respect. It is our policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in their terms and conditions of employment and are able to work, and undertake work-related activities, in an environment free from harassment, victimisation, discrimination and/or bullying.

1.2 We believe that **all** of our employees should be treated with respect, regardless of sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, gender identity, disability, religion or any other irrelevant difference, e.g. social background, working pattern or trade union activity. This can only happen if every member of staff is aware of the standards of behaviour that we expect from them and behaves accordingly.

1.3 This policy statement is endorsed by the Permanent Secretary and applies to all staff including members of the Senior Civil Service and those in the agencies and associated Departments of the SG's Main Bargaining Unit. We also expect Scottish Ministers to behave acceptably and to act in the spirit of this policy statement.

1.4 The Council of Scottish Government Unions (CSGU) has been fully involved in the creation of this policy statement and the standards it sets out.

### 2. The purpose of this policy statement

2.1 The purpose of this policy statement is to make clear that the SG, as an employer, observes a policy of zero tolerance in respect of incidents of behaviour that are found to be unacceptable.

2.2 It also sets out the standards of behaviour that we expect of our staff managers and others both in the workplace and when undertaking work-related activities to ensure that the SG is free from harassment, victimisation, discrimination and bullying.

## **Section 2 Our expectations**

### **1. What you can expect from us as an employer**

1.1 As an employer, we have a responsibility to take all reasonably practicable steps to ensure that staff are able to work in a safe and non-threatening working environment. This includes contact with Ministers, external stakeholders and other third parties.

1.2 We:

- will ensure that all line managers and other staff dealing directly with allegations of harassment, victimisation, discrimination and bullying in the workplace are equipped to identify and deal with these issues.
- give our commitment that all complaints will be dealt with sensitively, professionally, effectively and as quickly as practicable.
- will monitor incidents of alleged unacceptable behaviour as defined by this policy and address any issues arising from our monitoring quickly and appropriately.
- review this policy regularly, taking into account changes in best practice and legislation.

### **2. What we expect from members of staff**

2.1 As a member of Scottish Government staff, you:

- have a responsibility to respect the dignity of others.
- must avoid behaving in a way that may cause offence or distress to your colleagues or others with whom you have contact as part of your duties, including service users and external contacts. (See Appendix 1)

**It does not matter whether the perceived harassment, victimisation, discrimination or bullying is unintentional.**

- should be aware of, and adhere, to the Scottish Government's policies on [equal opportunities and diversity](#).
- should also support any colleague who feels that they have been harassed, victimised, discriminated against or bullied and encourage them to seek help from an appropriate source.
- behave appropriately at all times towards the people you work with.

- remember that inappropriate behaviour is behaviour which is “viewed as demeaning and unacceptable to the recipient”.
- make sure you are familiar with the SG’s policy on Fairness at Work and undertake training as necessary.
- should raise issues informally in the first instance if you feel that you have been treated unacceptably, or report the matter in writing to the HR.Help if you do not feel able or if this does not work.
- should try to support anyone that you feel is being treated unacceptably and encourage them to seek help. If they do not feel able to report the behaviour themselves, **you** should:
- alert your line manager, or, alternatively, HR.Help.

**Remember - unless you tell us about alleged unacceptable behaviour we may not be aware of it and will not be in a position to take steps to address it.**

### **3. What we expect from our managers**

#### **3.1 As a line manager, you:**

- have a responsibility to ensure that your staff work in an environment which is free from unacceptable behaviour and to encourage an atmosphere of tolerance and respect.
- should make sure that you have undertaken the appropriate level of training to carry out your duties effectively and try to lead by example through a fair and open management style.
- should make sure that all of your staff are aware of, and understand, the SG’s Fairness at Work, Diversity and Equal Opportunities policies, including the support options available to them. Ideally, this should be done as part of the induction process.
- must act if you are made aware of alleged inappropriate behaviour. It is not acceptable for you to do nothing as you may later be held accountable for your lack of action under the SG’s performance appraisal or disciplinary procedures, or, in more serious cases, through the legal process.
- should apply this, and other policies, in a fair and consistent manner and staff should know who to contact if you are not available. This will normally be a more senior officer in the line management chain.

#### **3.2 If any of your staff raise concerns about unacceptable behaviour, you:**

- must take this seriously and act on their concerns quickly. In particular, you should make sure all of your staff are aware of their responsibilities and what action they should take if they become aware of unacceptable behaviour.

3.3 If approached informally, you should:

- investigate the circumstances of the complaint and take any action you feel is appropriate.
- keep a record of the incident and any action taken.

3.4 If the complaint is more serious, you should:

- assist the individual in making a formal complaint to HR.Help, or should do so yourself.
- make sure all parties to the complaint are aware of the support available to them.

#### **4. What we expect when managing performance**

4.1 You also have a responsibility to manage your staff effectively. This may involve:

- issuing reasonable instructions and expecting them to be carried out.
- setting expected standards of performance supported by the [appraisal standards](#); **NOTE CHANGE LINK TO 2008+**
- giving appropriate performance markings in accordance with the [performance management system](#);
- giving legitimate, constructive, timely and fair feedback on performance or behaviour at work.
- making [reasonable adjustments](#) for disabled staff.

#### **5. What we expect from our countersigning officers**

5.1 If any of your staff raise concerns about unacceptable behaviour, you must: take this seriously and act on their concerns quickly.

5.2 In particular, you should:

- take the actions outlined in “What we expect from our managers”.
- make sure all of your line managers are appropriately trained and that all staff are aware of what is expected of them.

- act as a role model in and ensure that your work area is free from all types of unacceptable behaviour.
- carry out these duties in a fair, reasonable and consistent manner.

5.3 If you do so, your actions and behaviour **cannot be viewed as unreasonable**. However, you must also ensure that you perform these duties whilst upholding the principles of this policy statement, treating all staff fairly and respecting their dignity.

## **6. What we expect if you are accused of unacceptable behaviour,**

You:

- should try not to get defensive and listen to any advice and information you are given.
- should work with colleagues to try and reach satisfactory outcome to any complaint and seek support if you need it.
- must implement any recommendations made to you as a result of the complaint.

## **7. What we expect if you are a witness to unacceptable behaviour**

7.1 You should:

- take any appropriate action to try to end such behaviour.
- participate fully with any action that is required of you during any investigation or resolution process.

## **8. What you can expect from Human Resources (the HRSSC and HR Professional Advisers)**

8.1 Human Resources will:

- ensure that you are provided with advice if you feel that you have been the subject of unacceptable behaviour.
- take action if you make a formal complaint under the *Fairness at Work* procedures and ensure each complaint is fully and properly investigated as quickly as possible.
- take forward any recommendations resulting from any complaint of unacceptable behaviour, including disciplinary action.

## Section 3 Our standards of behaviour

### 1. Unacceptable behaviour

1.1 There is no single definition of what constitutes unacceptable behaviour. The Advisory, Conciliation and Arbitration Service (ACAS) refers to “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. **The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient**”.

1.2. What is acceptable behaviour to one member of staff may not be acceptable to another and we should all be aware of the effect that our behaviour or language may have on others.

1.3. Unacceptable behaviours have a detrimental effect on both individuals and the organisation as a whole. They can significantly lower staff morale and motivation, cause increased absenteeism and turnover of staff and, in some cases, end in legal proceedings.

1.4 A list of examples of behaviours which may be considered unacceptable and which may amount to misconduct and, in some cases, serious misconduct, can be found in Appendix 1. This list is not exhaustive.

## **Examples of unacceptable behaviour**

### **General**

- Refusing to work with, ignoring or deliberately isolating or excluding colleagues, including from social events.
- Displaying or circulating offensive materials, including sectarian materials, homophobic or anti-gay or pornographic pictures/pin-ups.
- Discouraging someone from taking advantage of relevant and suitable training on grounds of irrelevant difference.
- Taking credit for others' work.
- Not taking the blame when things go wrong.
- Excessive, or inappropriate, detailed supervision.
- Lack of supervision which leaves the individual feeling unsupported or demoralised.
- Undermining an individual's authority.
- Reducing a job to tasks inconsistent with a person's grade, skills and abilities.
- Unjustifiably blocking promotion or training opportunities.
- Withholding information, ostracising, marginalising, spreading rumours etc.
- Unfair work allocation.
- Displaying tattoos that may be offensive in terms of dignity at work, equal opportunities or diversity.

### **Verbal**

- Deriding an individual's religious or other beliefs or other personal circumstances, e.g. their trade union involvement.
- Unwelcome comments or jokes.
- Use of offensive language, name calling, taunts, jokes, mockery.
- Unwanted or derogatory comments about dress or appearance.

- Leering and suggestive gestures, comments or innuendo.
- Jokes, banter, insinuations, insults and taunts based on any irrelevant difference, including being Scottish, English or another UK nationality.
- Inappropriate questions about someone's personal life or questions about someone's sex-life.
- Aggression, bawling out, threats, shouting, swearing, abuse, physical or verbal intimidation.
- Humiliating, ridiculing or belittling efforts in front of others or in private.
- Gossip and speculation about an individual's personal life, e.g. their sexual orientation.

## **Physical**

- Inappropriate physical contact, advances or propositions.
- Physical or verbal attacks, abuse or intimidation.

## **Making assumptions**

- About an individual's personal or social life.
- About their physical or mental capability.
- About the existence of a non-visible impairment.
- Assuming that everyone is heterosexual.
- Assuming that all gay men are HIV positive.
- About age-related retirement.
- About ability or competence.



## ANNEX B

### Guide to Using the Mediation Service

1. The Scottish Government is introducing a mediation pilot scheme for all staff covered by the new Fairness at Work policy (staff on SG Main terms and conditions). The service may also be used by staff who are employed in Directorates and Agencies covered by SG Main but who have different terms and conditions e.g. ex-Scottish Homes staff who opted to retain their existing terms and conditions. The pilot will use trained internal mediators provided by the Scottish Prison Service.

2. Providing an alternative way of resolving conflict or disputes through mediation can help by offering a quicker resolution, causing less stress to individuals, preserving the working relationship and offering a better chance of reaching a mutually successful outcome.

#### **What is mediation?**

3. **Mediation** is a process by which an impartial third party helps people in a dispute work out an agreement. The parties to the dispute, not the mediator, decide the terms of the agreement. Mediation usually focuses on future rather than past behaviour.

4. It is an option you can explore if you are involved in a workplace conflict or dispute. Or, you are concerned about or confronted by a situation or behaviour that you find unacceptable and you wish to attempt to resolve without formal action.

5. Mediation provides a structured though informal way of resolving complaints, grievances and disputes. It can help rebuild relationships and restore broken communication and trust because it does not seek to apportion blame. It is a viable way to tackle disputes as it brings people together to talk about the situation and can foster a joint problem-solving attitude, both of which are essential if working relationships are to be maintained or improved. The key is that mediators provide a safe and confidential environment, enabling people to talk freely.

#### **When might it be appropriate?**

6. Mediation must be a voluntary process. Deciding what might be successfully resolved through mediation is very much a matter of personal choice. Decisions should be made on each case on its merits. If you feel the following situations apply to you then you might benefit from mediation:

- The conflict/dispute is at an early stage
- You are being affected by a situation at work in some way. It could be affecting your work performance, working relationship, emotion/physical wellbeing, personal or home-life
- You are willing to be honest and open and willing to attempt to resolve the situation
- You think the other party would be prepared to be honest and open and willing to seek to resolve the situation
- You are willing to look at your own role in the situation: and
- You are prepared to abide by a mediated agreement.

7. There will be maximum opportunity for resolution in cases that have the following characteristics:

- low levels of anger and physical or verbal intimidation
- no serious breaches of workplace guidelines
- no formal or other action being taken which would counter the mediation process
- allegation and counter allegation
- insufficient evidence for other action
- facts which are difficult to substantiate
- parties who are willing to contribute to resolution
- room for improvement in relationships
- parties who are not initially prepared to have face-to-face contact with their counterpart, but will with external help.

8. Mediation **may not be appropriate if:**

- there is a significant power imbalance between the parties which cannot be bridged
- behaviour is going on between the parties which makes one or the other or both feel unsafe to negotiate
- external rules need to be applied, for example if criminal activity is involved
- one or other side or both sides are unwilling or unable to mediate
- if a complaint involves behaviour which requires action against one of the parties e.g. serious misconduct, less than effective performance.

9. Mediation can be used to resolve disputes at all levels, peer, manager/subordinate, or team. It enables individuals or teams to improve their relationship and discuss the practicalities of working together.

10. Even if you do not choose to enter into mediation, you might wish to discuss your concerns in confidence with an HR Professional Adviser, your trade union representative or the Employee Assistance Programme (EAP) at their helpline.

### **The Process – Step 1**

11. The mediator will spend up to two or three hours with each party. At this initial meeting, each party is asked to talk in detail about their perspective of what has been going on. They are asked to be open about how they feel and what they consider needs to happen to resolve the situation and to create effective structures for future communication.

12. The mediator provides each party with the reflective space to work through difficult issues and build commitment to agreements.

13. They do this by:

- using reflective listening, empathy and rapport building to create a constructive atmosphere
- working with each party to identify issues, needs, concerns, vulnerabilities, habits and limiting beliefs
- exploring contributory factors on all sides, e.g. background issues, the general context

- highlighting with each party possible options, and ways forward
- if it becomes apparent at the Step One meetings that the issues have changed then it may be necessary to change the agreed process.

## **The Process – Step 2**

14. The mediator meets with the parties together, ideally in the same room, for up to three hours. The time will vary depending on numbers involved. There are ground rules to enable even those who may be feeling vulnerable to take part.

15. While it is preferable if the parties agree to talk face to face with the mediator as the intermediary, it is possible to use “shuttle” mediation where the mediator works with the parties in separate rooms. Shuttle mediation can be particularly helpful in the initial stages if emotions are running very high.

### **16. At the face to face session the mediator works to enable the parties:**

- to have the same opportunity to speak about their feelings and concerns, without interruption
- to look at the problems in turn, to move towards a mutual problem definition
- to generate ideas for solutions
- to plot potential hazards
- to generate a time-frame for change
- to create written agreements for future interaction where appropriate

## **Feedback**

17. **The Mediation process is totally confidential.** The detail of what is discussed between the Mediator and the parties cannot be provided to the referring client. However the Mediator will ask for written feedback from the parties on their assessment of the mediation. He/she will also ask if the parties wish feedback to be given to line management or HR. Please note that records will be kept of the number of cases referred so that the use of the service can be monitored.

18. The following pages explain how mediation works and are provided so that, when mediation is organised, **each party is aware of the ground rules and stages before it takes place. A form for applying for mediation is at Annex A.**

## **MEDIATION HANDOUT**

### ***How Does Mediation Work?***

Mediation is when an impartial, trained person helps two or more people in a dispute to talk about their situation, exchange their concerns and come up with ideas about how to move forward. What is discussed in a mediation session is confidential and there are ground rules to help people feel confident and safe enough to communicate their needs, feelings and concerns.

### ***Mediation Ground Rules***

**These apply to the parties involved and to the mediator.**

We ask you to:

1. Listen to what each person has to say and speak one at a time
2. Speak and behave in a non-threatening way; think how you would like to be treated
3. Be as open as you can about what your concerns are and what you need
4. Be as specific as you can about what you want to happen, what you can do and what you'd like others to do
5. Stay seated and discuss any problems and doubts with the mediator or request a private space with them if you feel you need to
6. The Mediator may pause the mediation or end it if he or she feels it necessary
7. Keep the detail of what is discussed private; the mediation is confidential; notes will be destroyed; *things said in mediation cannot be used in court or in any later internal procedures.*

### **The Mediator will:**

- ensure that everyone has equal opportunities to communicate (speak and listen), negotiate and work out realistic and fair agreements.
- prevent name-calling, abuse or behaviour which stops people negotiating fairly
- not take sides or make decisions for you.

### ***The Stages of Mediation***

A preliminary meeting with the mediator will be arranged so that you can:

- describe the situation from your point of view
- think clearly about ways of moving the situation forward
- get to know more about how mediation works and the benefits of using mediation to find a settlement.

**A face to face meeting** will be held which has five stages;

1. **Describing the problem** – Setting the scene – hearing both sides of the situation.
2. **Exploring the issues** – Being clear what the important issues are, checking facts, comparing views of the problem, agreeing what issues can realistically be settled by mediation, agreeing to continue.
3. **Building agreements** – Exploring what people want and what can be done about the situation, working through differences, managing conflict, problem solving, preparing for decisions.
4. **Making agreements** – Testing likely outcomes, describing in detail what will happen next, future arrangements, what if something goes wrong? The agreement can be made verbally or in writing.
5. **Closure and follow-up** – Evaluating the session and ending the session, agreeing plans for future contact between the mediator and the parties concerned, if needed. The parties decide if they agree to any feedback to line management or HR.

A number of important principles underpin the operation of mediation:

- It must operate in a way which eliminates any kind of bias
- Mediators should not work on the site at which they are based
- Mediators will not mediate with people with whom they have had substantial previous contact
- Parties will not be able to choose their Mediator
- Mediations will be totally confidential and there will be no reporting back on issues, outcomes or the process itself without explicit consent from the parties involved: and
- Mediation will not be used while other formal measures (such as grievance or disciplinary procedures) are in operation

For these reasons the provision of mediation is managed centrally via SGHR and requests for mediation should be forwarded to HR.Help following which an HR Professional Adviser will be allocated to your case. The HR Professional Adviser will discuss the use of mediation with you and the potential for its suitability to resolve your issue. Remember, both parties need to voluntarily agree to the use of mediation.

As well as the HR Professional Adviser, there are a few other options for you to discuss your issue and its suitability for mediation:

- Welfare Officer
- Employee Assistance Programme
- Your line manager, or if that individual is involved in the issue, another manager
- Your Trade Union representative

Once the decision to use mediation to resolve the issue has been made, you and SGHR should follow this process for requesting a Mediator:

1. **Confirm your intention to use mediation to the HR Professional Adviser.**
2. **Complete a standard referral form (Annex A)**
3. **Forward the form to the HR Professional Adviser who has been dealing with your case.**

4. **The HR Professional Adviser will then arrange for a mediator to be allocated.**
5. **If you cancel the mediation, please let the HR Professional Adviser know.**

There are times when the mediation process itself can be usefully supported by external mediators. These services can only be obtained through HR Professional Adviser. The same procedure should be followed if an external Mediator is required.

**Request for Mediation - Referral from Scottish Government Staff**

**Name of individual (s) requesting the mediation service:**

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**Work Location and phone contact numbers**

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**Circumstances relating to the mediation request:**

**Signed**\_\_\_\_\_ **Date**\_\_\_\_\_

**To [Redacted]**

**Endorsement by SGHR Professional Adviser:**

**SGHR PA Name and contact number**

**I have discussed this with the individuals concerned and the case is referred for mediation under the terms of our agreement. I will act as case manager throughout the process and will arrange meetings.**

**Signed**\_\_\_\_\_ **Date**\_\_\_\_\_

## ANNEX C

### COMPLAINTS ABOUT EXTERNAL THIRD PARTIES

**1. Note – Under discrimination legislation employers will be liable where they fail to take reasonable practicable steps to prevent repeated sexual harassment of an employee by third parties. They may also fall foul of Health & Safety legislation in failing to: carry out an effective risk assessment, design a safe system of work and provide related training and information.**

2. The nature of our work means that many of us have working relationships with external partners, customers and other stakeholders who are employed or affiliated to other organisations. Our standards of conduct and how we will deal with these external contacts is the same as with colleagues. That is, we deal with them with appropriate courtesy meeting the published service standards. In return, all staff should expect the same treatment. There may be situations where a position has to be taken or advice given which the third-party is unhappy with. While certain emotional reactions may be understandable, staff should not be expected to put up with bullying, harassment, intimidation or threats of, or actual physical harm.

3. All such instances should be reported to your line manager. The line manager will discuss with you and agree any possible course of action. Normally this will involve the line manager raising the matter with the other organisation; the expectation being that the organisation will investigate the complaint and if necessary, agreeing an interim course of action to deal with the working relationship. This, for example, could take the form of not dealing with the individual directly and instead going through another representative of the organisation. Or, it may mean that you would deal with the individual or situation only in the presence of others.

4. This is not only about the dignity of our staff at work but perhaps, more importantly, it may be a health and safety matter. Each Directorate and Agency is responsible for risk assessing the type of work carried out by their staff. Results of that assessment may indicate the need for a safe system of work to be designed. Staff can then be trained and provided with information on preventative measures and actions to be taken when certain situations arise. Advice on such matters can be sought from the Occupational Health and Safety team or your Agency local health and safety adviser.

5. Directorates and Agencies should also assess whether they have effectively set down the terms of engagement with these contacts. This, for example, may apply to those parts of the SG involved with inspection work.



## **ANNEX D**

### **MANAGER GUIDANCE** **CONDUCTING AN INFORMAL FAIRNESS AT WORK MEETING**

1. Members of staff who raise a complaint either orally or in writing with their manager are looking to have the matter addressed fairly and, if possible, resolved quickly. Therefore, it is important that the informal process is conducted in a professional manner and given appropriate attention within the timescale in the policy. It is crucial to try to resolve problems before they become major issues as resentment can build and impact on the work of the individual and possibly their colleagues. Managers are responsible for ensuring the work environment is one where staff feel comfortable about raising matters informally and discussing them face to face.

#### **If you receive a complaint:**

2. Consider whether or not you are the appropriate manager to hear the complaint, taking into account the following:

- the nature of the complaint
- whether you have the authority to make a decision regarding the complaint; and
  - whether you have a sufficient overview of the team/branch/division to assess whether or not there will be any impact on others or current working practices.

It may be more appropriate for your line manager or another manager within your division to hear the complaint. Choosing the most appropriate manager should ensure that the member of staff will attend a fair, open and meaningful meeting.

#### **Preparing for the meeting:**

3. Ensure that the meeting will be held in private, without interruption and allow plenty of time. Remember that special needs of disabled employees should be considered.

4. Advice can be sought from the HR.Help. HR can provide general guidance on dealing with complaints and may be able to provide information on how other similar complaints have been resolved to ensure consistency of treatment.

#### **Conduct during the meeting:**

5. Remember that a meeting to discuss a complaint is not the same as a disciplinary hearing; it is an occasion where the objective is that discussion and dialogue may lead to the matter being resolved.

6. Invite the member of staff to re-state their complaint and how they would like to see it resolved.

7. Complaints raised by staff can sometimes feel like a personal criticism against you as manager. Listen to what is being said in a calm and impartial manner. Be as fair to the employee as possible, given the constraints of business operations and other staff considerations, in trying to resolve the problem.

8. Care and thought should go into resolving complaints. They are not normally issues calling for snap decisions. Consider if any serious precedent is being set that the business could not support. Take advice from HR if necessary.

9. Make allowances for the emotions that the individual displays including reasonable 'letting off steam' if he/she is under stress. Go through any points again with them to make sure you have understood what the problem really is. Consider too, that the problem they are presenting may, after careful questioning and discussion, not be what is at the root of their discontent.

10. You should refer to the guide to standards of behaviour at Annex A when you have to deal with a complaint about another colleague's behaviour. In such cases, action you might consider could include:

- Encouraging the individual to resolve the matter directly with the other person
- Offering to facilitate between the two individuals
- Offering to represent the views of your member of staff with the other person; or
- Offering to take up the matter with the other person's manager

11. Always remind the individual of the support the Employee Assistance Programme, Counselling and Welfare Service, their trade union and HR can provide.

12. After summing up, you may find it useful to adjourn before reaching a decision on how or if the complaint can be resolved – you may need to:

- investigate the complaint further
- explore possibilities with other managers about the resolution of the grievance
  - give consideration to the impact any decision may have on the rest of your team and the business; and/or
- take advice on how to proceed further.

13. Tell the member of staff when they might reasonably expect a response if one cannot be made at the time, bearing in mind the time limits set out in the policy ( **link** ) (link to time limits only)

14. Respond to the member of staff's complaint within the time limits specified in the policy (**link** to time limits only), confirming your response in writing.

15. You should advise on the next step – raising the matter formally (**link** to Fairness at Work) or the possibility of mediation (**link**) so that the individual knows what to do if unhappy with your decision.

## **ANNEX E**

### **FAIRNESS AT WORK – THE DECIDING OFFICER**

#### **What is a Deciding Officer?**

1. A Deciding Officer (DO) is someone who considers all the relevant information surrounding a complaint or issue raised through the formal Fairness at Work procedure and makes a decision as to whether the complaint is well founded. The Deciding Officer may also make recommendations following his/her decision. An HR Professional Adviser (PA) will arrange for a DO (or two DOs where the case is complex) to be appointed to each case.

#### **Why does the Scottish Government need Deciding Officers?**

2. The Fairness at Work policy encourages the resolution of complaints at a local level. However in some cases, local efforts are not successful or the complainant feels unable to follow such a course of action and therefore submits a formal written complaint to HR. Deciding Officers, who are capable of reaching reasonable and logical conclusions are essential to the procedure to ensure a fair and unbiased hearing and a result based on reasonable and balanced judgement.

#### **What does the role involve and what does the Deciding Officer do with my complaint?**

3. The role of DO involves considering the facts of the case which will involve a meeting with you. The DO will liaise and work with the HR PA allocated to the case throughout the process. The HR PA will provide support and guidance and be responsible for the administration and management of the process including minute taking. The HR PA will also decide if an Investigating Officer (IO) needs to be appointed. This will depend on the complexity of the case. In cases of harassment or bullying or other allegation about a fellow colleague's conduct, it will be normal to appoint an IO.

4. If more than one DO is appointed, they will arrange to meet in advance of the meeting with the individual making the complaint, to review the papers, including the IO's report. The DO can seek further clarification from the IO if necessary. You will also get a copy of the IO's report.

#### **The Meeting**

5. The DO will meet you and read and analyse information presented including, if appointed, the IO's report. You are entitled to be accompanied at the meeting by either a colleague or a trade union representative and must be told this in the invitation to the meeting. HR hold standard letters that can be used by the DO.

6. At the meeting the DO will listen carefully to what you have to say, ask questions and answer any questions you may have. He/she *may* also want to interview or include others in the meeting if it will encourage open discussion, challenges to and questioning of information. If the case is a complaint about a colleague's behaviour, then the DO may wish to interview that individual before reaching a decision. Following the meeting, the DO will consider the full facts of the case before reaching a decision. He/she will then write a report which clearly demonstrates how the decision was reached and with recommendations that management or

HR may want to take forward which may include disciplinary action. The DO will check with the HRPAs and line management, as appropriate, that any recommendations are workable.

7. The report will be sent to the HR PA to take forward any recommendations. A copy of the report will also be sent to you. If the complaint involves allegations about a colleague's behaviour, the HR PA will arrange for the colleague to be informed of the DO's decision.

## ANNEX F

### **ROLE OF THE INVESTIGATING OFFICER – FAIRNESS AT WORK**

1. The role of the Investigating Officer (IO) is to investigate impartially the facts and evidence of the matter, detailing the findings in a report. The report will be used by the Deciding Officer (DO). It is not the IO's role to make judgements or recommendations about their findings: that is the role of the DO.
2. The HR Professional Adviser (HR PA) will consider whether the case needs an IO – this will depend on the circumstances of the case. The HR PA will meet initially with the IO to go over the current known facts of the case.

#### **Neutrality and Impartiality**

3. The IO will approach the investigation in a fair and impartial manner. He/she will avoid making snap judgements and assumptions and will be expected to put his/her own values to one side. All parties involved will be listened to and given a fair opportunity to put forward an explanation of the matters relating to the complaint.

#### **Conducting Interviews**

4. The IO will meet the parties to the complaint at a convenient office location. The IO will take into account any mobility or other special needs when arranging meetings. It is acceptable to verify the odd fact by phone or in writing subsequent to a meeting but the IO may also arrange follow-up meetings once others have been interviewed. To meet timescales, the meetings may be arranged by telephone. The individual raising the complaint will be interviewed first. This is to ensure the exact nature of the complaint is clear and to confirm any witnesses' details.
5. If the complaint or issue involves an individual being accused of unacceptable behaviour, then the individual will be given details of the complaint in advance of meeting the IO. They, and also all others interviewed, will be reminded of the support their trade union, CAWS and EAP can give and that they have the right to be accompanied by a colleague or trade union representative at the interview.
6. During the process the IO will record all action taken and all contact with the parties involved. The IO may also be accompanied by a note-taker. The IO will ask questions and encourage comments that are pertinent to the matter being investigated. Interviewees will be given the opportunity to add anything they consider relevant to the case at the end of the interview. Interviewees will be given notes of the meeting to agree and sign. Internal witnesses are expected to attend an interview called by an IO but external parties are under no obligation to attend.

#### **The Report**

7. A full report, which will include statements, interview notes and other evidence, will be passed to the HR PA who will provide a copy to the DO and the individual raising the complaint. If the complaint is about another individual's behaviour, then that individual can be provided with a copy of the report if they wish.

## **APPEALS**

### **Introduction**

1. This common appeals process is used where all other review processes have been exhausted and is the final internal recourse to have a decision reconsidered.

### **Process**

2. If you consider that the decision reached in your case is unsatisfactory (i.e. you consider the deciding authority's decision to be flawed, unfair or unreasonable) you may appeal against the decision.

3. You must make your appeal within 10 working days of receiving the relevant decision letter. All appeals should: be made in writing; set out clearly the grounds for the appeal; be sent to the HR Professional Adviser handling the case. As the appeal is by way of a review, the panel will not consider any new complaints but may consider new information relevant to your original case.

4. The appeal will be considered by an appeal panel consisting of 3 people: – the Chair who will be least one pay range above the previous Deciding Officer(s) or Panel/Board Chair; an HR Professional Adviser who will have had no previous involvement in your case; and another staff member from outside the HR area identified from a pool of trained SG staff. The membership of the panel will be confirmed to you in writing and no panel members will be from your line management chain.

(Note – the HR Professional Adviser will be part of the panel as an independent member who will view the information presented to the panel objectively. He/she will not be representing HR but will bring his/her experience of good practice, precedent and employment legislation. Also, the aim will be to ensure the panel is of mixed gender whenever possible.)

5. The panel will be set up within 10 working days of receiving your written appeal and you will be advised in writing of a day, time and place for the Hearing. You will be given 5 working days notice of the appeal Hearing date. You may be accompanied to the Hearing by a trade union official or colleague.

### **The Role of the Panel**

6. The panel will:

- give you the opportunity to present your case orally (and present any new relevant information);
- consider your oral and written representations and all other papers relating to the case to determine whether:

- the procedures were correctly and fairly applied;
- there were reasonable grounds to justify the finding; and
- the final decision reached was fair and appropriate.

7. The Panel may also suspend the Hearing pending further investigation and/or the provision of new evidence and reconvene when the investigation has been concluded with any resulting evidence provided to all appropriate parties.

### **The Panel's Decision**

8. In concluding its deliberations the Panel may:

- overturn the original decision. It may also, as appropriate to the nature of the case, recommend action to be taken after necessary consultation with management and HR
- uphold the original decision; or
- uphold the decision but determine that the penalty or solution imposed is inappropriate. In such circumstances the panel will look to the original policy and guidance to help them determine an appropriate alternative penalty/outcome.

9. You will be given the panel's decision normally within 5 working days of the panel Hearing. If this is not possible, you will be given an explanation for the delay and told when you can expect a response.

10. The panel's decision is final and the last stage in the internal process. However, in line with the provisions of the [Civil Service Management Code](#) you may appeal to the Civil Service Appeal Board against:

- refusal to allow participation in political activities
- forfeiture of superannuation
- dismissal and early retirement
- the level of compensation, including non payment of compensation, if you are dismissed on grounds of inefficiency because poor health has affected your attendance or performance (this does not apply to medical retirement).

### What if a complaint has been made against me? – Guidance

1. If you are accused of unacceptable behaviour it is natural that you may feel upset and defensive. Examples of unacceptable behaviour and the standards expected by the Scottish Government can be found at **XLINKX**. This may help you understand why the complaint has been raised. It is important that you remain calm and act in a fair and reasonable manner. You will be expected to work with colleagues to try to reach a satisfactory outcome to any complaint and seek support if you need it. Support and advice is available from Human Resources, your trade union, Counselling and Welfare Service and the Employee Assistance Programme.
2. If a colleague approaches you on an informal basis to discuss their concern, you should try to understand the nature of their complaint, how your actions may have been perceived and consider ways in which you can work with him or her to resolve the matter.
3. The colleague may choose to report the matter to their manager on an informal basis. The manager may contact you or your manager to try to find ways of resolving the matter early. The manager may wish to speak to you in order to gain your view on the matter. The manager may suggest ways of resolving the matter and you can also put forward suggestions. It is in your own interests to be open to any such suggestions since they may lead to early resolution of the issue and help to preserve the working relationship. On reflection, even if you don't think you behaved inappropriately but understand that a different perception of your behaviour has caused upset, you might wish to consider apologising.
4. Mediation may be considered as an alternative to pursuing a formal resolution. This is entirely voluntary and both parties need to agree to do this. Information on mediation can be found at **XLINKX**.
5. If the alleged conduct is very serious, it may result in an investigation as a disciplinary matter rather than being dealt with under the Fairness at Work procedure. If a complaint is raised by someone from another organisation, it would also be investigated under the disciplinary procedure.
6. Should it not be possible to resolve the matter informally the complainant may then raise the matter formally. If this happens, you will be interviewed to provide a statement. At the interview, you may be accompanied by your trade union representative or other colleague. This action is about considering the allegation and it does not necessarily follow that any formal action will be taken against you.
7. You will be kept informed of the progress of the grievance, its outcome and the reason for the particular outcome. You can have a copy of the investigation report if you wish.
8. At the formal stage, a Deciding Officer (DO) is appointed to review all the relevant information of a complaint and make a decision. He/she will provide a report which clearly demonstrates how that decision has been reached. HR will arrange for you to be advised of the decision. If the DO upholds the complaint, he/she may include recommendations which could include consideration of disciplinary action which HR would arrange to take forward. The disciplinary process includes a hearing at which you can be accompanied by your trade union or a colleague and has an avenue for appeal. You will be given a full opportunity to present your case.



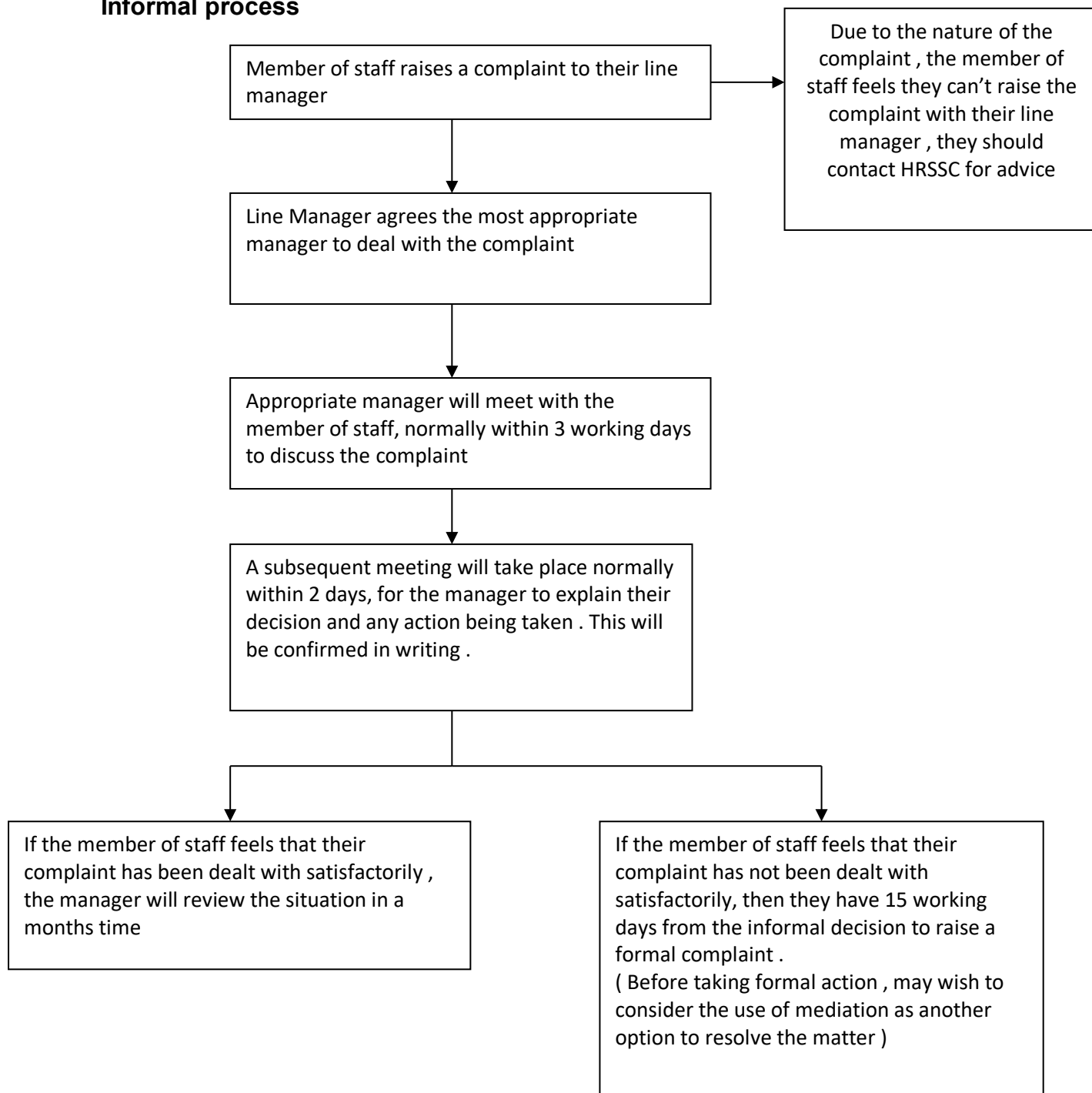
Other recommendations might include training, awareness raising, suggestions for development or reviewing local management arrangements and behaviours in the unit concerned. The DO might also recommend that a transfer of either party is the best option if it is detrimental for you to continue to work together. Any such action will be considered by HR and line management.

9. Where it is clear that an allegation is malicious, this will be viewed seriously and dealt with under the disciplinary procedure. If you have been the subject of a malicious allegation, you will be given support by an HR Professional Adviser.

10. A record of the complaint will only be kept on your file if a penalty is imposed under any disciplinary action.

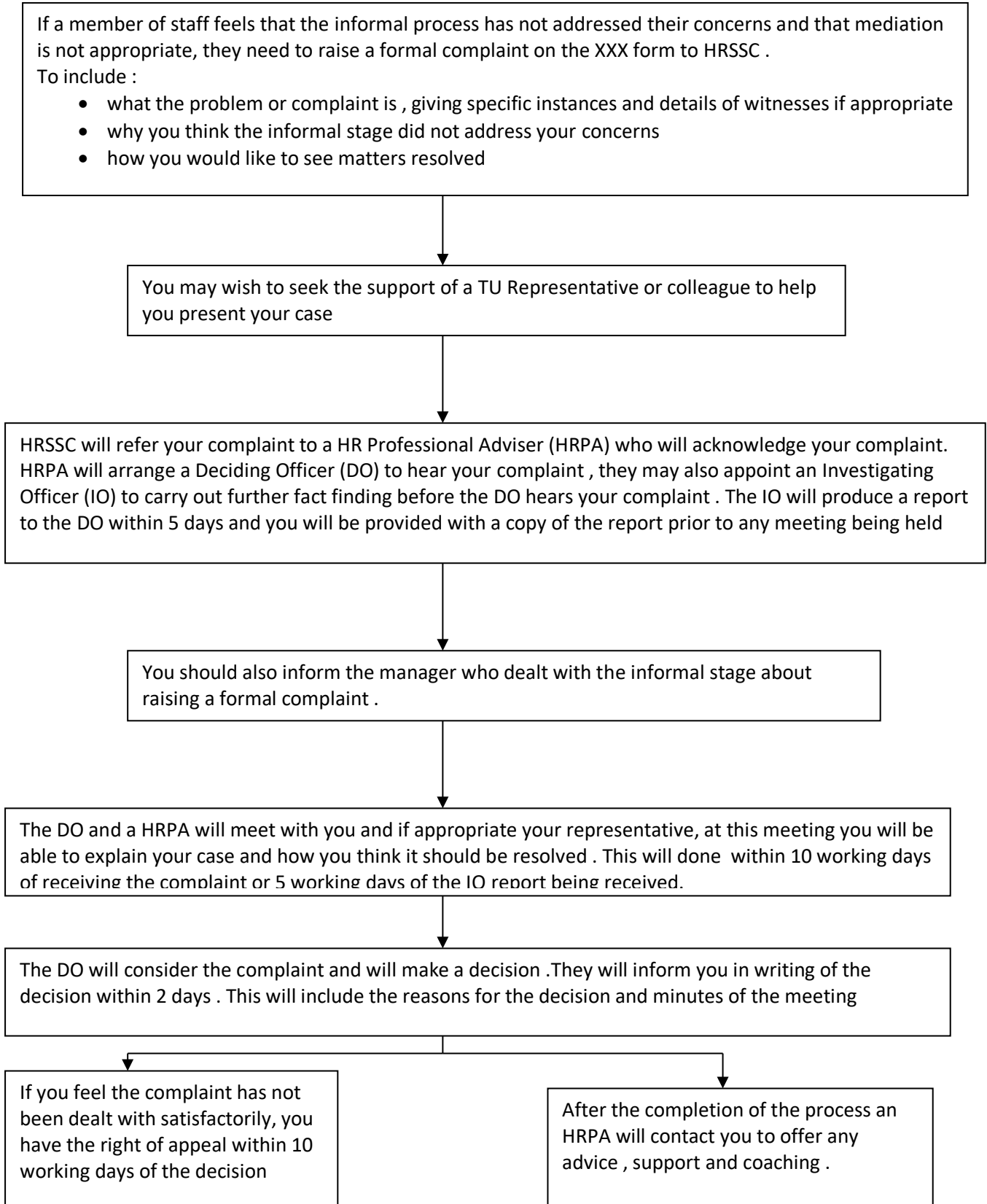
## Overview of Fairness at Work

### Informal process



## Overview of Fairness at Work

### Formal Process



## Fairness at Work Policy/Procedure -Points Raised by CSGU- January 2009

CSGU Paper 090005

Para 3.1.1 Scope	CSGU asked for a fuller explanation of which procedure applies for inward and outward secondees. Action– to send on fresh wording.
Para 5.5	Provision of interpreter – include contact in Diversity Team. This will be added.
Para 6.1.1 Raising an Issue	In very serious cases include provision for by passing line management chain and directly contacting Head of Professional Advisers' Unit This will be added.
Para 6.1.2	CSGU as that the words"...Line Managers have a responsibility to "follow through" on all complaints raised with them." be included. This will be added.
Para 6.3 Special Cases - Collective Agreements	HR should determine whether agreed terms have been applied correctly. There should be no further appeal provision on this – raises false expectation. Wording similar to: "Issues concerning collective agreements must be addressed through negotiations with trade unions. If you are not satisfied with the application\interpretation contact HR." will be added.
Para 6.3.5 Complaints about Ministers	CSGU requested that a more robust process should be agreed. HR will consider this point and get back to CSGU. Timescale "within 5 working days" is too long – provision for immediate action (example given of Bill Team with daily interaction with the Minister). Agreed to provide Scottish Parliament guidance on this to be passed to Trades Unions (this was sent to CSGU on 19/12.)
Para 6.4.2	CSGU agreed form useful - may provide some focus as complaint letter often 20-30 pages long. Form should contain 4 boxes - as stated plus any other relevant information could be attached.
Para 6.4.7 Serious allegations – disciplinary procedures	CSGU concerned that outcome of discipline procedure (in relation to D@W type complaints) affected by seniority of individual under investigation – lack of consistency across grades. Request message as regards consistency from Perm Sec as part of discipline/fairness at work policy launch.
Para 6.4.8 Deciding Officer Action	CSGU propose: 1) letter of thanks to witnesses advising of outcome; 2) victim (and others affected) advised in writing of recommendations (where this impacts on their work situation); and 3) perpetrator advised of the outcome recommendations and any referral for disciplinary action. [Redacted] confirmed that 1) and 3) included in the draft policy. [Redacted] will consider the letters to witnesses.
Annex A	Scotland Expects delete. Para 4 – Performance Management delete.

Behaviour Standards	
Annex B Mediation	consider mediation training to be provided for SG staff during period of pilot. Advertise as a skills development opportunity.
Annex C Complaints about External Third Parties	Should be facility to report incident immediately (not just on return to the office). This will be added.
Annex D	Para 3 – substitute the word “particular” for “special”
Annex E Deciding Officer	<p>“The DO will liaise and work with the HR PA allocated to the case throughout the process to <i>collect information relevant to the complaint.</i>” Will add words in italics.</p> <p>Decision on whether IO is necessary – illustrative examples i.e. definitely required in complex or bullying/harassment cases. HR is querying the necessity for this as the draft states, “In cases of harassment or bullying or other allegation about a fellow colleagues conduct, it will be normal to appoint an IO.”</p>
As above	Delete “ he/she may also want to interview or include others in the meeting if it will encourage open discussion, challenges to and questioning of information.” All available information should be gathered / investigated prior to hearing rather than have witnesses on the day.
Annex F Investigating Officer	Neutrality/Impartiality – the following words will be added, “..put his her own values <i>or personal views on the case</i> to one side.”
Annex G Appeals	CSGU suggested that a Business Partner good alternative to Professional Adviser on Panel/Board. CSGU suggest wording that, “ In all cases the panel will be of mixed gender.” HR is still of the view that the wording should be, “The aim is to ensure panel is of mixed gender.” The words “whenever possible” being deleted. This form of serious appeal level may be used for all types of appeal F@W, Discipline, Dismissal etc.
As above	<p>Discussion about disciplinary action following an appeal.</p> <p>If the appeal being heard is about a F@W (complaint about a colleagues behaviour), it is not for the appeal panel to decide level of disciplinary charge or to decide any suitable penalty level – it can only put forward its decision and recommendations. The panel may refer to HR to consider disciplinary action. There is no further appeal against the appeal findings.</p>
Annex H	<p>Para 8:- “Other recommendations might include compulsory training, awareness raising....”</p> <p>Para 8:- The DO might recommend that a transfer of either party...any such action will be considered by HR and the line manager <u>in discussion with the individual raising the grievance.</u>” These words will be added.</p>

**Index**

14 December 2017	Email from HR attaching the first draft of the Harassment complaints handling policy
15 December 2017	Extract All Member FDA SG branch update confirming the FDA role in the Harassment working group
19 December 2017	Email from HR with actions from harassment group meeting
19 December 2017	FDA Comments on the Draft Handling of Complaints involving Current or Former Ministers
20 December 2017	Email exchange about ensuring the policy was about harassment more widely and not just sexual harassment
1 February 2018	Extract of FDA SG BEC Committee meeting 1 February 2018 noting Perm Sec had written to FM about the policy review ( note to FM not held in our files)
22 February 2018	Extract of FDA SG Branch AGM Report Card to All Members confirming FDA role in developing the policy and asking members for input/feedback

**Email from HR dated 14 December 2017**

All

As discussed at PWC yesterday, I am now sharing with you in confidence the process for complaints against Ministers (now including former Ministers as well) which we have been working on with FM and Perm Sec in light of the request to carry out initial reviews of our policies and procedures in relation to the issue of sexual harassment.

While the driver for producing this process has been in response to the developing issue in society and media reporting on sexual harassment, you will see that the process is intended to cover all complaints against Ministers (and former Ministers) and not just potential sexual harassment complaints. In that regard, it is our intention that this process would replace the current arrangements set out in the Fairness at Work policy for complaints against Ministers.

As X explained yesterday, we have sought to develop the process in order to more clearly set out and establish the roles, responsibilities and authority of all involved. This reflects that FM ultimately is accountable for Ministers who are required to conduct themselves in accordance with the Ministerial Code. It also reflects that Perm Sec has the responsibility to exercise her duty of care to staff. Our view is that what we have developed provides a number of significant improvements on the arrangements currently set out in the Fairness at Work policy while at the same time retaining our position of having a formal and published process that allows our staff to take forward a complaint against Ministers.

It would be useful if we could meet next week to discuss the complaints against Ministers process specifically as well as to provide us the opportunity to review where we have got to with our Stage 1 review of our policies and procedures in terms of their effectiveness for dealing with any sexual harassment complaints that we might get. At the moment Tuesday looks good for us and we will take a look at calendars and issue a meeting invite. In the meantime happy to receive initial comments by e-mail.

### **Attachment to email of 14 December 2017**

#### **Handling of Harassment Complaints Involving Current or Former Ministers**

- **Initial contact**

1. An individual may choose to raise an issue involving a current or former Minister through a number of mechanisms. These may include a trusted senior manager, direct to HR or a Trade Union representative. If the approach is made through these routes it should be escalated to the Director of People for consideration and so that sources of support can be offered to the individual.

2. At this early point it will be important to support the individual to consider the outcome they are seeking. At this point the staff member's choices include:

2.1 Asking that their concern is acknowledged but without further action being taken, in order to recognise their experience and to assist our organisational commitment to help prevent the circumstances arising again (although, as set out at note (ii) below, the SG may require to take follow up action where deemed necessary in light of the concern being raised). The details of the concern, along with the staff member's decision not to proceed with a formal complaint, will be held on file; or

2.2 Indicating that they wish to make a formal complaint.

#### **Formal complaints against current Scottish Government Ministers**

3. The Scottish Ministerial Code sets out the general principle that Scottish Ministers are expected to behave in a way that upholds the highest standards of propriety. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions to Parliament and the public. The First Minister is, however, the ultimate judge of the standards of behaviour expected of a Minister, including in their interactions with civil servants, and of the appropriate consequences of a breach of those standards. Ministers can only remain in office for so long as they retain the First Minister's confidence.

4. Alongside Ministerial responsibilities under the Code, the Scottish Government as an employer has a duty of care to staff. Where a formal complaint of harassment is raised about the conduct of a current Minister, the Permanent Secretary will inform the First Minister. In line with her responsibilities under the Ministerial Code, the First Minister has instructed the Permanent Secretary that complaints of this nature should be investigated using the process set out at paragraphs 6-8, and to provide a report of the facts as provided by those concerned, or to establish if it is possible to seek a mutually agreed resolution between the parties involved.

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5. In situations relating to complaints against a current Minister, the Permanent Secretary will also take appropriate steps to (1) ensure that the staff member making such a complaint receives the necessary support throughout the process, and (2) put in train any further action that might be required within the civil service as a result of the issues raised by any complaint.

•

6. In the event that a formal complaint of harassment is received against a current Minister, the Director of People will designate a senior civil servant as the senior officer to deal with the issue. That person will have had no prior involvement with any aspect of the matter being raised. The role of the senior officer will be to undertake an impartial collection of facts from the parties involved, including the Minister and any witnesses, and prepare a report for the Permanent Secretary. The report will also be shared with the staff member and the Minister.

•

7. The Permanent Secretary will inform the First Minister of the outcome of the investigation. It will be for the First Minister to decide the appropriate response to any complaint about a Minister in light of the report produced following the investigation. The Permanent Secretary will also consider the report and take any actions required within the civil service to protect staff and ensure a positive working environment.

•

8. Current Ministers will be expected to cooperate fully with such an investigation. If the Minister declines to co-operate with the process the matter will be investigated as far as possible without their involvement. They will be advised of the complaint against them and the outcome of the investigation undertaken. This will be recorded within the SG. The First Minister will be advised where a current Minister has declined to cooperate and will be responsible for any further action.

9. Where a formal complaint of harassment is raised against the First Minister, the Permanent Secretary will instigate an investigation as set out above in line with the employer's duty of care to its staff and to assist the First Minister in discharging their responsibilities under the Code. The Permanent Secretary may draw upon the Independent Advisers on the Ministerial Code (the Rt. Hon. Dame Elish Angiolini QC DBE or James Hamilton) to reach a view on whether the First Minister has been in breach of the Code. The Permanent Secretary will take any action necessary to protect staff.

### **Formal complaints against former Scottish Government Ministers**

10. In the event that a formal complaint of harassment is received against a former Minister, the Director of People will designate a senior civil servant as the senior officer to deal with the issue. That person will have had no prior involvement with any aspect of the matter being raised. The role of the senior officer will be to undertake an impartial collection of facts, including written statements from the complainant and any witnesses, and to prepare a report for the Permanent Secretary.

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11. If the Permanent Secretary considers that the report gives cause for concern over the former Minister's behaviour towards current or former civil servants the former Minister should be provided with details of the complaint and given an opportunity to respond. The former Minister may wish to provide a statement setting out their recollection of events to add to the record. They may also request that statements are taken from other witnesses. If additional statements are collected the senior officer will revise their report to include this information and submit this to the Permanent Secretary. The Permanent Secretary will consider the revised report and decide whether the complaint is well-founded. The outcome of the investigation will be recorded within the SG. The Permanent Secretary will also determine whether any further action is required; including action to ensure lessons are learnt for the future.



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12. For complaints involving a former Minister who is a member of the Party of the current Administration, the Permanent Secretary will inform the First Minister both in this capacity and in their capacity as Party Leader, of the outcome when the investigation is complete. In their capacity as First Minister, they will wish to take steps to review practice to ensure the highest standards of behaviour within their current Administration.

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13. Where the former Minister was a member of an Administration formed by a different Party, the Permanent Secretary will inform the relevant Scottish Party leader of the outcome of the investigation and any action taken.

•

14. The final report will be provided to the staff member and the former Minister.

15. If the former Minister **declines to co-operate** with the process the matter will be investigated as far as possible without their involvement. They will be advised of the complaint against them and the outcome of any investigation undertaken. This will be recorded within the SG.

•

16. The First Minister will be advised where a current or former Minister who is a member of the Party of the current Administration has declined to cooperate and will be responsible for any further action.

17. Where the former Minister was a member of an Administration formed by a different Party, the Permanent Secretary will inform the relevant Scottish Party Leader of the outcome of the investigation and that the former Minister has declined to cooperate. It will be the responsibility of the Party to consider any further action.

• **NOTE:**

- (i) At all times the staff member is free to make a complaint directly to the Police. SG will co-operate fully with any Police investigation or criminal proceedings and may continue to investigate the complaint without awaiting the outcome of criminal proceedings. We will continue to offer support to the staff member.

•

- (ii) Throughout the process, all available steps to support the staff member and ensure they are protected from any harmful behaviour. However, if at any point it becomes apparent to the SG that criminal behaviour might have occurred the SG may bring the matter directly to the attention of the Police. Also, if it becomes apparent that the matter being raised is part of a wider pattern of behaviour it may be necessary for the SG to consider involving the Police in light of the information provided. Should either of these steps be necessary the staff member will be advised and supported throughout.

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### **Convenor Update 7 17 15 December 2017 Harassment Working Group**

This group was set up in response to Perm Sec commitment to review our policies to ensure there is a clear understanding of how to raise an allegation, how this will be investigated, how both parties will be supported and to clearly set out the roles and responsibilities and potential outcomes including aftercare. As sexual harassment is a matter of serious misconduct it come under the conduct and discipline policy irrespective of how it is raised.

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**Stage 1** of the review will be to set out clearly the policy and process in relation to sexual harassment and will be completed by the end of the year. At this stage there is no specific or explicit policy to cover this in any shape or form from the most heinous examples to uncomfortable language per se.

**Stage 2** will look at the range of policies for conduct and discipline including F@W to ensure there was a clear routemap for raising issues and a clear process in place.

X is representing FDA on the group and will keep members up to date on this but as always welcome your views and of course continue to encourage members to report unacceptable behaviour at all times.

### Email from HR to summarise next steps – 19 December 2017

All,

Thanks for time earlier and discussion. Summary of next steps below.

#### Ministerial complaints:

- X has noted initial comments raised today and proposed solutions
- X to provide further comments from CSGU tomorrow morning (20<sup>th</sup>)
- X to consider and provide refreshed policy doc.
- Intention is to use refreshed content for all complaints against ministers, not just sexual harassment
- X has updated Perm Sec's office of next steps

#### Fairness at work – Sexual Harrassment

- X has proposed slight amends to existing FAW to reflect the new fast-track procedure for allegations of sexual harassment, include the route map and provide refreshed saltire content on behaviours

Section 6.1 of FAW will be amended as follows to reflect the new fast-track process:

##### Amended Section

- 6.1.1 **Most** Fairness at Work issues should first be raised informally with your line manager. There may be exceptions to this depending on the nature of the complaint (such as complaints relating to sexual harassment), and/or where you feel you cannot do this, if the subject of the complaint is your line manager, for example. In these circumstances, please contact the HR Help for advice for general fairness at work issues, and X or X for complaints related to sexual harassment.
- A specific **Route Map (link)** is available to assist if you wish to make a complaint relating to sexual harassment.

### Previous Section:

- 6.1.1 **All** Fairness at Work issues should first be raised informally with your line manager. There may be exceptions to this depending on the nature of the complaint where you feel you cannot do this. This could include, for example, where the issue is with your line manager. In these circumstances, please contact the HRSSC for advice. Additionally, in exceptional and serious instances, you can contact X

### **Route Map**

A final draft route map was provided – this will be embedded in the Fairness at Work policy and referred to in the amended section above

### **Standards of Behaviour / Civil Service Code refresh**

As indicated at previous meeting, we've created new saltire content to make the standards of behaviour more prominent, and put this alongside the civil service code content. A draft of this is attached. We'll be liaising with the Saltire team to get this uploaded on to saltire

### **Next Steps – Review**

- Further review of Fairness at Work planned for the new year. This will include a separation of the existing fairness at work policy into distinct grievance and bullying / harassment policies, with clear links to the conduct policy (which will also be reviewed) and new agreed ministerial process.

## **FDA Comments on the Draft Handling of Complaints involving Current or Former Ministers- 19 December 2017**

### **Handling of Complaints Involving Current or Former Ministers**

- **Initial contact**

18. An individual may choose to raise an issue involving a current or former Minister through a number of mechanisms. These may include senior manager of your choosing, direct to HR or a Trade Union representative. If the approach is made through these routes it should be escalated to the Director of People for consideration and so that sources of support can be offered to the individual.

19. At this early point it will be important to support the individual to consider how best to resolve their grievance. At this point the staff member might want to consider possible resolutions such as::

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19.1 Asking that their concern is acknowledged but without further action being taken, in order to recognise their experience and to assist our organisational commitment to help prevent the circumstances arising again (although, as set out at note (ii) below, the SG may require to take follow up action where deemed necessary in light of the concern being raised). The details of the concern, along with the staff member's decision not to proceed with a formal complaint, will be held on file; or

19.2 Indicating that they wish to make a formal complaint.

### **Formal complaints against current Scottish Government Ministers**

20. The Scottish Ministerial Code sets out the general principle that Scottish Ministers are expected to behave in a way that upholds the highest standards of propriety. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions to Parliament and the public. The First Minister is, ultimately responsible for Ministers upholding the standards of behaviour expected of them, including in their interactions with civil servants, and of the appropriate consequences of a breach of those standards. Ministers can only remain in office for so long as they retain the First Minister's confidence.

21. Alongside Ministerial responsibilities under the Code, the Scottish Government as an employer has a duty of care to staff. Where a formal complaint is raised about the conduct of a current Minister, the Permanent Secretary will inform the First Minister. In line with her responsibilities under the Ministerial Code, the First Minister has instructed the Permanent Secretary that complaints of this nature should be investigated using the process set out at paragraphs 6-8, and to provide a report of the facts as provided by those concerned, or to establish if it is possible to seek a mutually agreed resolution between the parties involved.

22. In situations relating to complaints against a current Minister, the Permanent Secretary will also take appropriate steps to (1) ensure that the staff member making such a complaint receives the necessary support throughout the process including consideration of aftercare, and (2) put in train any further action that might be required within the civil service as a result of the issues raised by any complaint.

•  
23. In the event that a formal complaint is received against a current Minister, the Director of People will designate a senior civil servant as the senior officer to deal with the issue. That person will have had no prior involvement with any aspect of the matter being raised. The role of the senior officer will be to undertake an impartial collection of facts from the parties involved, including the Minister and any witnesses, and prepare a report for the Permanent Secretary. The report will also be shared with the staff member and the Minister.

•  
24. The Permanent Secretary will inform the First Minister of the outcome of the investigation. It will be for the First Minister to decide the appropriate response to any complaint about a Minister in light of the report produced following the investigation. The Permanent Secretary will also consider the report and take any actions required within the civil service to protect staff wellbeing and ensure a positive working environment.

•  
25. Current Ministers will cooperate fully with such an investigation. If the Minister declines to co-operate with the process the matter will be investigated as far as possible without their involvement. They will be advised of the complaint against them and the outcome of the

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investigation undertaken. This will be recorded within the SG. The First Minister will be advised where a current Minister has declined to cooperate and will be responsible for any further action.

26. Where a formal complaint is raised against the First Minister, the Permanent Secretary will instigate an investigation as set out above in line with the employer's duty of care to its staff and to assist the First Minister in discharging their responsibilities under the Code. The Permanent Secretary may draw upon the Independent Advisers on the Ministerial Code (the Rt. Hon. Dame Elish Angiolini QC DBE or James Hamilton) to reach a view on whether the First Minister has been in breach of the Code. The Permanent Secretary will take any action necessary to protect staff.

### Formal complaints against former Scottish Government Ministers

27. In the event that a formal complaint is received against a former Minister, the Director of People will designate a senior civil servant as the senior officer to deal with the grievance. That person will have had no prior involvement with any aspect of the matter being raised. The role of the senior officer will be to undertake an impartial collection of facts, including written statements from the complainant and any witnesses, and to prepare a report for the Permanent Secretary.

•  
28. If the Permanent Secretary considers that the report gives cause for concern over the former Minister's behaviour towards current or former civil servants the former Minister should be provided with details of the complaint and given an opportunity to respond. The former Minister may wish to provide a statement setting out their recollection of events to add to the record. They may also request that statements are taken from other witnesses. If additional statements are collected the senior officer will revise their report to include this information and submit this to the Permanent Secretary. The Permanent Secretary will consider the revised report and decide whether the complaint is well-founded. The outcome of the investigation will be recorded within the SG. The Permanent Secretary will also determine whether any further action is required; including action to ensure lessons are learnt for the future.

29. For complaints involving a former Minister who is a member of the Party of the current Administration, the Permanent Secretary will inform the First Minister both in this capacity and in their capacity as Party Leader, of the outcome when the investigation is complete. In their capacity as First Minister, they will wish to take steps to review practice to ensure the highest standards of behaviour within their current Administration.

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30. Where the former Minister was a member of an Administration formed by a different Party, the Permanent Secretary will inform the relevant Scottish Party leader of the outcome of the investigation and any action taken.

•  
31. The final report will be provided to the staff member and the former Minister.

32. If the former Minister **declines to co-operate** with the process the matter will be investigated as far as possible without their involvement. They will be advised of the complaint against them and the outcome of any investigation undertaken. This will be recorded within the SG.

•  
33. The First Minister will be advised where a current or former Minister who is a member of the Party of the current Administration has declined to cooperate and will be responsible for any further action.

34. Where the former Minister was a member of an Administration formed by a different Party, the Permanent Secretary will inform the relevant Scottish Party Leader of the outcome of the

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investigation and that the former Minister has declined to cooperate. It will be the responsibility of the Party to consider any further action.

- **NOTE:**

- (i) At all times the staff member is free to make a complaint directly to the Police. SG will co-operate fully with any Police investigation or criminal proceedings and may continue to investigate the complaint without awaiting the outcome of criminal proceedings. We will continue to offer support including aftercare throughout to the staff member.
- 
- (ii) Throughout the process, all available steps to support the staff member and ensure they are protected from any harmful behaviour. However, if at any point it becomes apparent to the SG that criminal behaviour might have occurred the SG may bring the matter directly to the attention of the Police. Also, if it becomes apparent that the matter being raised is part of a wider pattern of behaviour it may be necessary for the SG to consider involving the Police in light of the information provided. Should either of these steps be necessary the staff member will be advised and supported throughout.

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### **Extract of email exchange of 20 December 2017 about broadening to wider harassment**

XHR

Happy that this would apply to harassment and not just sexual harassment.

In fact, I think the best position for us would be that we agree as a holding position that this new process would apply to any wider complaint against Ministers and that the F@W process is in abeyance. This would reflect that we are in the process of reviewing the F@W arrangements and that we have (subject to the final text) already agreed in principle that we wish this new complaints procedure to be the one that applies.

We will look through your comments and come back with responses / revised draft. It is worth flagging as an initial response to your tracked changes that including terms such as “grievance” rather than “complaint” does present an issue in terms of terminology. Grievance is a well-established employment term and we have specifically used the word complaint to reflect the status of the agreed process and relationship to Ministers. This is a factor in the existing F@W process for complaints against Ministers in that it deliberately uses the term “complaint” and does not use the term “grievance”.

XCSGU

Do think it is best to be all-encompassing from the outset, both to avoid too many announcements and the accompanying confusion. Also concerned that a specific focus on ‘sexual harassment’ may make this more tricky, as that is of a more specific

nature whereas much harassment arises from the power dynamic and may be harder to classify.

Just my initial thought on this and conscious colleagues may have further views on this specific point.

XHR

Just a gentle reminder – can you get any additional comments back to me this morning. Perm Sec needs to put something back to FM today and the box closes at 3pm.

Where we might need to position this is that for the interim period this is the process that will apply to any sexual harassment complaints and that early in the New Year as part of closing off our Stage 1 review of our policies we intend to agree that this will become the process for all complaints against Ministers (and former Ministers) with some refinements to reflect discussions with CSGU.

### **FDA Bullying Harassment Survey results – published 8 January 2018**

Just a gentle reminder – can you get any additional comments back to me this morning. Perm Sec needs to put something back to FM today and the box closes at 3pm.

Where we might need to position this is that for the interim period this is the process that will apply to any sexual harassment complaints and that early in the New Year as part of closing off our Stage 1 review of our policies we intend to agree that this will become the process for all complaints against Ministers (and former Ministers) with some refinements to reflect discussions with CSGU.

- The FDA has urged the civil service to do “more than just talk about being an excellent employer”, after a union survey revealed widespread concerns about how the civil service deals with allegations of bullying and harassment at work.
- The FDA launched the confidential survey of members in the wake of high-profile complaints of harassment in several industries, including politics and the media. 45% of respondents to the FDA survey revealed that they had personally experienced harassment by a colleague.
- While just under two-thirds of respondents said they had reported the incident either formally or informally, only 19% of those individuals said they were satisfied with how their report was handled.
- Only one-third of respondents told the FDA that they felt confident a harassment complaint against a colleague would be properly investigated, while 40% said that they either had a ‘low’ or ‘very low’ level of confidence in the complaints process.
- The survey also sought members’ workplace experiences with people not employed by their organisation, such as MPs, ministers, special advisers and contractors, an area where there is currently little or no complaints process for large swathes of the civil service.

## **FDA WRITTEN SUBMISSION - ANNEX B**

- One in seven (14%) respondents said they had been personally harassed by an individual from outside their organisation – but 34% said that they had not reported the incident. Of those who did, 73% said they were unhappy with the outcome.
- While fewer than one in seven of those took part in the survey (17%) said they had been personally accused of harassment or bullying by a fellow employee, a majority (58%) of those who had been told the FDA that they were not satisfied with the way the accusation was handled.
- Respondents raised particular concerns over the length of time taken to investigate complaints, and the lasting reputational damage they could suffer even when complaints were later shown to be unfounded.
- The FDA also used the survey to gauge confidence in its own support services. While 60% of respondents expressed confidence that the FDA would support them if they brought a case to the union's attention, 11% of those who took part reported either a 'low' or 'very low' level of confidence in the union's support.
- Responding to the survey, FDA Assistant General Secretary Naomi Cooke said: "Firstly, I want to thank all those who took the time to fill in our survey. Some of the issues raised are clearly very recent and very raw, whereas others occurred many years ago but have left a lasting impact.
- "What is abundantly clear is that there are real concerns about how bullying and harassment are addressed, with neither those bringing complaints nor those who are accused feeling subject to a fair process. For too long the civil service has responded to many of these issues by moving people around departments. This has prioritised short-term problem avoidance over natural justice and long-term issue resolution.
- "The FDA will be working with CSEP, departments and others to ensure the civil service does more than just talk about being an excellent employer and takes the necessary steps to give its staff real confidence in this objective."

### **[BULLYING & HARASSMENT](#)**

#### **Note of FDA BEC Committee meeting Thursday 1 February 2018**

HR Policy Reviews -Sexual Harassment and Fairness at Work – BEC noted Perm Sec note to FM on sexual harassment policy for ministers and noted FM agreement. BEC asked for assurance that ministers were sighted and signed up to this. It was noted that Fairness at Work applied for all staff and for Ministers for all other forms of harassment and that this would be reviewed urgently to ensure that there was a clear understanding of the different forms of grievance that could be raised rather than one single policy covering all.

#### **FDA AGM Report Card to All Members -22 February 2018- Sexual Harassment and Fairness at Work**



## **FDA WRITTEN SUBMISSION - ANNEX B**

In 2017 following high profile cases in the media relating to sexual harassment, the Permanent Secretary set out a clear message to staff to speak up and be supported. FDA has continued to support members in this regards. We have been struck by issues of trust around the organisation ensuring that there is a space that is safe, confidential, and that there can be no impact on the career of any complainant. We are working with HR to review policies to ensure that all forms of bullying and harassment have a clear process in place and achieve a fair and transparent outcome to all parties. Please do contact us at the earliest opportunity if you have any concerns.

**Index**

6- 15 November 2017	Email exchange with regards to Perm Sec commitment to review our policies and setting up of Harassment working Group
17 November 2017	Extract All Member FDA SG branch update covering harassment and fairness at work and reiterating the Perm Sec message on this.
4 May 2018	Extract of FDA SG Branch Newsletter to all members updating on a range of policy reviews including fairness at work
15 June 2018	Extract of Personal Case Log themes- confirming ministerial bullying as a category of concerns
6 September 2018	Extract of FDA SG Branch Newsletter to All Members- updating members on FDA defence of members in press in relation to the allegations
8 January 2019	Email from Perm Sec re JR to unions
9 January 2019	Extract from Email to Dave Penman re JR and members views on this
10 January 2019	Extract from Email to Allan Sampson re JR outcome
10 January 2019	FDA Press round up to members from FDA including press on JR Outcome
22 January 2019	Extract of All Members FDA SG Branch Newsletter confirming outcome of Judicial Review
5 November 2019	Extract from FDA SG BEC Meeting note- confirming personal case themes.
15 May 2020	Extract of Personal Case review paper to FDA SG BEC
20 May 2020	Extract of note of FDA SG BEC Meeting reflecting comments on personal case paper and the support for members.

**Extract of Email Exchange 6-15 November 2017**

I have just attended the first meeting of the Harassment working group. This group was set up in response to Perm Sec commitment to review our policies to ensure there is a clear understanding of how to raise an allegation, how this will be investigated, how both parties will be supported and to clearly set out the roles and responsibilities and potential outcomes including aftercare.

As sexual harassment is a matter of serious misconduct it come under the conduct and discipline policy irrespective of how it is raised.

**Stage 1** of the review will be to set out clearly the policy and process in relation to sexual harassment and will be completed by the end of the year. At this stage there is no specific or explicit policy to cover this in any shape or form from the most heinous examples to uncomfortable language per se.

**Stage 2** will look at the range of policies for conduct and discipline including F@W to ensure there was a clear routemap for raising issues and a clear process in place.

However X mentioned addressing the issue of Minister in relation to the F@W policy. The issue raised (I think by FM) was that Perm Sec is accountable for Staff and as such the duty of care or outcome in relation F@W and our conduct policies is discharged for staff on her behalf. However FM is responsible for Ministers and as such is the one who can apply sanctions under the ministerial code including removal from office. The deciding panel who are assembled to deliver the outcome under F@W for staff, therefore are not empowered to

## FDA WRITTEN SUBMISSION - ANNEX C

decide the outcome or sanction in relation to a Minister. This of course does not mean that the inclusion of Ministers under F@W needs to change but the decision making process following the outcome of the investigation may have to.

Just to make sure I was absolutely clear and they were clear what I was asking - I asked whether there was any plans to change the fact that the F@W policy covers Minister- the answer was no. They were quite clear that the existing policy would continue to include raising allegations against Ministers and that this would be fully investigated in the same way that it would be for staff at present. However the process may need to be altered. This would also need to be a consideration in relation to sexual harassment.

We also raised the issue about resourcing emphasising a need to put resources behind this and F@W, to ensure claims were dealt with promptly. But also to ensure that there was clear plans for aftercare X and X citing examples of where this fell short – rather than 5 weeks some cases taking up to a year.

I will keep BEC members posted but given the currency thought a quick note on the back of the meeting would be helpful.

Thank you for your email. We warmly welcome the commitment to work with us/CSGU both in your email, and as set out in your reply to Sir Jeremy. We are a little disappointed that you make no reference however to reminding staff about the policy applying to Ministers and SpAds here (noting you issued an update yesterday to staff). We would encourage you still to do so.

Having a Fairness at Work policy that applies to Ministers and SpAds is something of which we should all rightly be proud, and something that sets us up as being more assiduous than our counterparts down south. I will want to message to members quite clearly that you support that, that Ministers here agree, and that they take it seriously. (Indeed we both know that the policy has been applied successfully recently). I would not want to be in a position where I feel I have to convey any notion that there may be any attempt to water it down. Your commitment and that of the FM to it, and to its promotion, would be appreciated. (I am drafting an Update to members at present and hope to send out this week). The FDA is particularly proud of this and our colleagues nationally are aware (and just a little envious).

I agree that it is for CSGU to engage on this now (they are aware of our correspondence of course). For the sake of clarity, the discussion with X and X was, as you would anticipate, on a 'without prejudice' basis. The principal that the policy would continue to apply to Ministers was not in issue: we merely discussed whether the policy might be improved procedurally and X agreed to draft something up and share. I know he has been very busy, and do not think I have seen anything since that meeting (which was now some time ago).

Given that, you won't be surprised by what I say now: that it will be important to resource this work properly. We are all too aware of the pressures in the People Directorate and elsewhere, to carry out day to day work without the number of additional projects including this, that now require to be worked on. Any commitment to add additional resource to support this work would be welcome.

I look forward to hearing from you and anticipate any further discussion beyond that will be taken up at CSGU.

## FDA WRITTEN SUBMISSION - ANNEX C

Thank you for your timely messages.

I agree it is important that our procedures refer to a mechanism for raising issues with Ministers. As you will recall, X in my office and X in People Directorate had initial discussions with you some time back about refining this reference so that it can dock effectively into the FM's responsibilities under the Ministerial Code.

The outcome from that initial discussion was an agreement to engage the wider CSGU. Given recent developments and the focus on sexual harassment complaints across society, it is essential that we complete that work as part of the general review of our policies and procedures that I agreed with the FM.

To that end, I will ask People Directorate to meet with you and wider CSGU colleagues to discuss both the general review of our policies and procedures and specifically the procedure for dealing with complaints against Ministers.

For your awareness I also attach my reply to Sir Jeremy's letter. As you will see and as you would expect, we have given a very clear commitment to working with the trade unions on reviewing our policies and procedures.

<< File: Letter - Leslie Evans to Sir Jeremy Heywood - Civil Service response to ....pdf >>

I refer to my previous email and look forward to hearing from you. I am keen to let members know we have raised this issue with you, given its importance to them. (As I mentioned SpAds below, I should have copied Barbara into my original email, and do so now).

You will also have seen the attached letter. We are be very keen to support the work initiated by Sir Jeremy. Again I am keen to alert members to this.  
Kind regards

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The FDA warmly welcomes your strong stand on harassment and supports entirely what you say both in your message to staff last week and additionally on Saltire today. As you say, we in the FDA (as well as the wider CSGU) already work to support members in such circumstances (whether the organisation is aware or not).

You quite rightly say that:

- "We all have an important part to play in creating a positive culture by making sure that we treat others with respect and dignity and by calling it out when that doesn't happen. This includes challenging unacceptable behaviour, reporting incidents and supporting colleagues, regardless of whether you think the perceived harassment, discrimination or bullying is intentional or unintentional", and,
- that "My position is clear - there is no place for harassment or discrimination of any kind in the Scottish Government and our commitment to promoting a positive and inclusive workplace is unwavering. We all have the right to go to work and live our lives free of abuse and intimidation".

## FDA WRITTEN SUBMISSION - ANNEX C

We would be keen to see you utilise this opportunity to remind all staff that our Fairness at Work procedure applies to Ministers (and SpAds) and their interactions with civil servants and that they too are covered by your remarks. The fact that Ministers are included in that procedure is a good thing for us here in the SG, and something we should be pleased about (given that we do not believe that to be the case in the wider UK civil service). No doubt it is something about which you will also want to remind the First Minister.

### Convenor Update No 6/2017

17 November 2017

#### Harassment in the work place/Fairness at Work

The FDA warmly welcomed the Perm Sec's strong stand on harassment which she expressed via all staff message and on Saltire. As she acknowledged, we in the FDA (as well as the wider CSGU) already work to support members in such circumstances (whether the organisation is aware of every such case or not). Leslie was quite right to say that:

- "We all have an important part to play in creating a positive culture by making sure that we treat others with respect and dignity and by calling it out when that doesn't happen. This includes challenging unacceptable behaviour, reporting incidents and supporting colleagues, regardless of whether you think the perceived harassment, discrimination or bullying is intentional or unintentional", and,
- that "My position is clear - there is no place for harassment or discrimination of any kind in the Scottish Government and our commitment to promoting a positive and inclusive workplace is unwavering. We all have the right to go to work and live our lives free of abuse and intimidation".

I wrote to Leslie to convey our support for her stance and urged her to remind all staff that our Fairness at Work procedure applies to Ministers (and SpAds) too. See [Fairness at Work link](#). Given the current context and zero tolerance approach to harassment, we think that having a Fairness at Work policy that applies to Ministers and SpAds is something of which we should all rightly be proud, and something that sets us up as being more assiduous than our counterparts down south. I have invited her and Ministers to be more openly supportive. We are ahead of the curve here and I know that colleagues in the UK are more than a little envious of our approach. I look forward to the Perm Sec articulating that support more publically.

The process of reviewing the related policies as set out in Perm Sec update has commenced with CSGU. We will of course keep you informed.

If any behaviour towards you (past and present) by someone with who you come into contact in your job falls below the standards expected as set out in the policy, then do please raise that with your line manager and/or seek our support. I am afraid to say that many of you have commented to me that not only do we have to do much, much more to create that safe space in order for that to happen, we also have to recognise that there will be past issues that may well be hidden that this process brings into the open. We on the BEC are very aware of the stresses and strains of working as a civil servant at present. Just know we are here to support you

### Convenor Update No 3/2018 -4<sup>th</sup> May 2018

#### HR Policy Reviews

HR are working with unions to review Fairness at Work policy, Attendance Management and to develop a new Health and Wellbeing Strategy. If you have recent experience of the policies and wish to offer comment on what worked well or not we would be happy to hear from you

## FDA WRITTEN SUBMISSION - ANNEX C

and ensure we feed this in to our discussion with HR. Please do email us at [fdaconvenor@gov.scot](mailto:fdaconvenor@gov.scot)

[Redacted]

### **Note of FDA BEC Committee meeting Thursday 14 June 2018**

HR Policy Reviews Fairness at Work/Grievance Policy – X fed comments on the policy landscape to HR who have noted and confirmed this will be clearly set out before any new grievance policy is announced. BEC will have sight of a route map for all grievance and conduct issues so both individual and managers know what applies and when. The next meeting with HR is July and we would hope this is available in draft at that point.

X to provide further update and route map at next meeting.

### **FDA SG Branch Newsletter to All Members 6 September 2018**

#### **Setting an example...**

You will all be aware of current events around the alleged conduct of the former First Minister. The FDA has been robust in its support for the position of the Scottish Government and our Perm Sec: our General Secretary made the FDA's views clear in his recent article in the Times as well as on Sky News. Many of you have commented to us on how welcome Dave's intervention and article was.

We must all work to ensure that anyone who wishes to come forward to report any alleged wrong doing can do so without fear, and in the knowledge that they will be supported. That is as much for us as individual civil servants as it is for the organisation as a whole.

As FDA members too, we should ensure that we, where appropriate, challenge others when we see that not happening. We must do everything to set an example of what is civil service good practice. (That may be, for example, stepping in and supporting staff who find themselves on the receiving end of abrupt, short or intemperate communications, or ensuring where staff work beyond their normal hours, all is done to ensure they receive the appropriate payment).

As FDA members, we must try to embody good practice and call it out when that does not happen. We will not all get it right all of the time, but how we conduct ourselves matters. Creating a safe space for those who wish to come forward is essential; in setting the example we ensure the right culture exists in which those who wish to do so can.

Whatever the outcome of the events now in the public domain, know that yet again, it is the FDA that is standing up for the civil service and civil servants when it seems as if no one else is, and indeed, those making allegations do so knowing we cannot defend ourselves.

### **Email from Perm Sec re outcome of JR to unions- 8th January 2019**

Dear all

You are aware of the judicial review in relation to complaints made about the Former First Minister (FFM) and I wanted to contact you directly given your key role in supporting staff.

Lawyers for Scottish Government and FFM have this morning informed the Court that the action has been settled and the Court has approved that settlement.

## **FDA WRITTEN SUBMISSION - ANNEX C**

As part of that settlement, the Permanent Secretary has accepted that the decision reached after the investigation of 2 complaints made against Mr Salmond should be set aside. This is because an issue has arisen which relates to the operational application of the procedure for handling complaints.

I have published a statement about this – <https://www.gov.scot/publications/statement-from-permanent-secretary-at-the-scottish-government-leslie-evans/>

My priority remains the duty of care to our staff, including anyone in the organisation who brings forward any concerns about inappropriate conduct, regardless of the identity or seniority of the individual concerned.

The procedural flaw in the investigation relates to the perceived impartiality of the Investigating Officer. There is nothing to suggest that the Investigating Officer did anything wrong. It is important to remember that this decision is being taken on a matter of technicality - and has no implications, one way or the other, for the substance of the complaints or credibility of the complainants. I am clear that the procedure we have is robust and it remains in place.

We were right to investigate the issues that were raised; and we will continue in our pursuit of encouraging everyone to speak up when they feel that they have not been treated fairly or appropriately at work.

If you would like to meet to discuss this then I would be very happy to do this.

Thank you.

Leslie Evans

### **Extract from Email to Dave Penman– 9<sup>th</sup> January 2019**

Members interests are paramount. We need some clarity/confirmation around the support being given to staff/members .. What plans does the SG have around the police case and support for members?

### **Extract from Email to Allan Sampson 10 January 2019**

For the meeting with Perm Sec couple of points:

General mood in the office is one of anger/despair at the conduct of HR and one of support for Perm Sec feeling is she has been let down. Of course HR reputation is not in a good place anyway so this has just compounded it.

I think it would be helpful to understand what the next steps are how we ensure that if it now moves to a criminal charge how we protect all individuals involved including reluctant witnesses.

I think Dave's Daily Record article was well received so FDA's continued support for Perm Sec and members to ensure the message is not about him and his victory but the alleged victims and the difficulty this has caused.

### **10 January 2019- FDA Press Round up**

## FDA WRITTEN SUBMISSION - ANNEX C

This week, the FDA once again came to Permanent Secretary Leslie Evans' defence following a string of personal attacks from former First Minister Alex Salmond.

On Tuesday, he won a case against the Scottish Government, and the investigation into complaints made against him was put aside. In the ensuing press conference, Salmond repeatedly called on the Permanent Secretary to "consider her position" and described the policy for dealing with complaints as a "botched mess introduced by the Permanent Secretary."

FDA General Secretary Dave Penman answered this behaviour, noting that it was not the first time Salmond had critiqued the Permanent Secretary for doing her job.

In an opinion piece for [The Times](#), Penman called out Salmond's "narrative" of victimhood. "The melodrama cannot distract from the allegations yet to be resolved," he said. "All the court has settled is one procedural point. Mr Salmond's statement on the steps of that court does not make for a final act."

Speaking to [BBC Radio Scotland](#) (segment starts 02:08:00), Penman said: "I think what has been disappointing is the way Alex Salmond has continually targeted Leslie Evans from day one on this case, he's called it the 'Leslie Evans procedure'. He has always portrayed this as a personal vendetta, even suggesting the Civil Service was acting without ministerial authority. It was no surprise yesterday that Alex Salmond would therefore call for Leslie Evans' resignation."

Dave's comments were picked up in an article by PA, and subsequently distributed through the national, Scottish and regional press. [The Daily Mail](#); [The Guardian](#); [Yahoo News](#); [BT](#); [The Daily Echo](#); [The Herald](#); [The Scotsman](#); [The Daily Record](#) and [The Belfast Telegraph](#) all reported on his remarks. He also spoke to BBC Reporting Scotland.

Earlier this week, the FDA released a [press release](#) where Penman said, subject to the wishes of the complaints, the union "we would call on the Scottish Government to re-investigate the complaints at the most appropriate time." This was covered by the Scottish press, including [The Daily Record](#) and [The Scotsman](#).

**11 January 2019**



## FDA WRITTEN SUBMISSION - ANNEX C

“Senior Officials from FDA, PCS, Prospect and the Council of Scottish Government Unions met with Leslie Evans, Permanent Secretary at the Scottish Government today to discuss the outcome of the Judicial review taken by the former First Minister Alex Salmond.

The Permanent Secretary explained the decision taken by the Scottish Government to concede the Judicial Review, taken due to a procedural flaw relating to one paragraph in the process. The Trade Unions very much welcome the Permanent Secretary’s commitment to a full review of the process, and welcome her invitation for there to be trade union involvement in the review.

The unions representing staff at the Scottish Government re-iterate our pride in the role we have played in negotiating a procedure by which our members can raise concerns about the conduct of ministers and other politicians (current and past) that is unique to Scotland. A procedure which we believe makes the Scottish Government a safer and fairer place to work

We believe that the process we negotiated is a fair, robust and crucially an accessible one.

Any of our members who feels that they have an issue which requires investigation should have confidence in using the procedure to take forward a complaint, and have confidence that the Scottish Government will handle their complaint properly

### All Members Newsletter 22 January 2019

#### Judicial Review Outcome

You should have received the joint statement on 11 January 2019 issued on behalf of FDA, PCS and Prospect. The statement acknowledged that The Permanent Secretary had explained the decision taken by the Scottish Government to concede the Judicial Review, taken due to an issue with the application of one paragraph in the process. FDA with its partner unions welcomed the Permanent Secretary’s commitment to an internal review of that specific element and the Permanent Secretary welcomed the offer of our involvement in that review. Again we would just like to reiterate that FDA is here to support members affected by this or any other concern so please do get in touch if you would like our support at [fdaconvenor@gov.scot](mailto:fdaconvenor@gov.scot) or with Allan Sampson our National Officer at [allan@fda.org.uk](mailto:allan@fda.org.uk)

### Extract from FDA SG BEC Meeting – 5<sup>th</sup> November 2019

<b>Personal Cases- Log and themes</b>	<p>[Redacted]</p> <p>The broad themes of the cases include:</p> <p>Health and Wellbeing Bullying and Harassment including Ministerial bullying Probation Terms and Conditions We have now trained additional reps and have called on some to support individuals where we can. The likelihood is that there will be an intense period of support in 2020 in terms of parliamentary inquiries and press interest in relation to the allegations and outcome of trial involving the FFM. Allan Sampson confirmed that FDA would scope out the support required for those members who have come forward for support.</p>	
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## FDA SG Branch Paper to BEC on 15<sup>th</sup> May 2020

### Update on Personal Cases

#### Purpose

1. To provide an update to the BEC on the volume of personal cases, emerging themes and any concerns for the branch to address at the mid-point in 2020.
2. The top 5 themes for personal cases in 2019 were:
  - Bullying and Harassment including grievance support
  - Pay and Grading including equal pay, TRS and weighting of job roles
  - Attendance Management- sick absence and reasonable adjustments
  - Pensions
  - Probation
3. There were 64 cases logged in 2019 and 12 personal cases remain open [Redacted]. The cases over 2019 were handled by 8 different reps as we grew our capacity to support.

#### Current Position

4. In the first part of 2020 we have had 20 requests for support. Of those 20 request 11 have been resolved and a further 9 are ongoing. Some of those cases involve collective action and some are on hold at the moment whilst the next steps are agreed in the new norm. At this point we have on going:
  - 2 cases that were raised 12 months ago
  - 10 cases that were raised 6-9 months ago
  - 7 cases that were raised 3-6 months ago
  - 2 cases that were raised in that last 3 months.
5. Some of these cases involve complex issues and the time taken to reach a conclusion can be capturing the evidence, pause for reflection on next steps, time delays often due to other factors out with our, or our members control. All of this adds up to an ongoing commitment from the reps which can be very time consuming.
6. The common themes for the first part of 2020 are:
  - Bullying and Harassment
  - Pay and Grading (including equal pay)
  - Health and wellbeing
7. We have regular policy meetings with HR and in recent times the pace of this has raised concerns about effective engagement with the unions which has been raised with Lesley Fraser and Perm Sec. Our engagement has been welcomed with a focus on identifying problems and working together on solutions to proactively get to a position where we reduce the need for formal proceedings in some cases.

#### Note of BEC of 20 May 2020

## FDA WRITTEN SUBMISSION - ANNEX C

**Personal Support for Members** -The paper was noted and BEC discussed current work pressures and how this was impacting on wellbeing. The BEC agreed we should proactively reach out to members to get an understanding of the current mood and how they want the FDA to channel our support. In addition BEC asked to be kept informed of broad themes and our shared resource to manage them.

## Harassment

# Survey flags “real concern” over workplace harassment and bullying

The FDA has urged the civil service to do “more than just talk about being an excellent employer”, after a union survey revealed widespread concerns about how the civil service deals with allegations of bullying and harassment at work.

The FDA launched the confidential survey of members in the wake of high-profile complaints of harassment in several industries, including politics and the media. 45% of respondents to the FDA survey revealed that they had personally experienced harassment by a colleague.

While just under two-thirds of respondents said they had reported the incident either formally or informally, only 19% of those individuals said they were satisfied with how their report was handled.

Only one-third of respondents told the FDA that they felt confident a harassment complaint against a colleague would be properly investigated, while 40% said that they either had a ‘low’ or ‘very low’ level of confidence in the complaints process.

The survey also sought members’ workplace experiences with people not employed by their organisation, such as MPs, ministers, special advisers and contractors, an area where there is currently little or no complaints process for large swathes of the civil service.

One in seven (14%) respondents said they had been personally harassed by an individual from outside their organisation – but 34% said that they had not reported the incident. Of those who did, 73% said they were unhappy with the outcome.

While fewer than one in seven of those took part in the survey (17%) said they had been personally accused of harassment or bullying by a fellow employee, a majority (58%) of those who had been told the FDA that they were not satisfied with the way the accusation was handled.

Respondents raised particular concerns over the length of time taken to investigate complaints, and the lasting

**45%** of respondents to the FDA survey revealed that they had personally experienced harassment by a colleague



Only **one-third** of respondents told the FDA that they felt confident a harassment complaint against a colleague would be properly investigated



**One in seven** (14%) respondents said they had been personally harassed by an individual from outside their organisation – but 34% said that they had not reported the incident. Of those who did, 73% said they were unhappy with the outcome



reputational damage they could suffer even when complaints were later shown to be unfounded.

The FDA also used the survey to gauge confidence in its own support services. While 60% of respondents expressed confidence that the FDA would support them if they brought a case to the union’s attention, 11% of those who took part reported either a ‘low’ or ‘very low’ level of confidence in the union’s support.

Responding to the survey, FDA Assistant General Secretary Naomi Cooke said: “Firstly, I want to thank all those

who took the time to fill in our survey. Some of the issues raised are clearly very recent and very raw, whereas others occurred many years ago but have left a lasting impact.

“What is abundantly clear is that there are real concerns about how bullying and harassment are addressed, with neither those bringing complaints nor those who are accused feeling subject to a fair process. For too long the civil service has responded to many of these issues by moving people around departments. This has prioritised short-term problem avoidance over natural justice and long-term issue resolution.

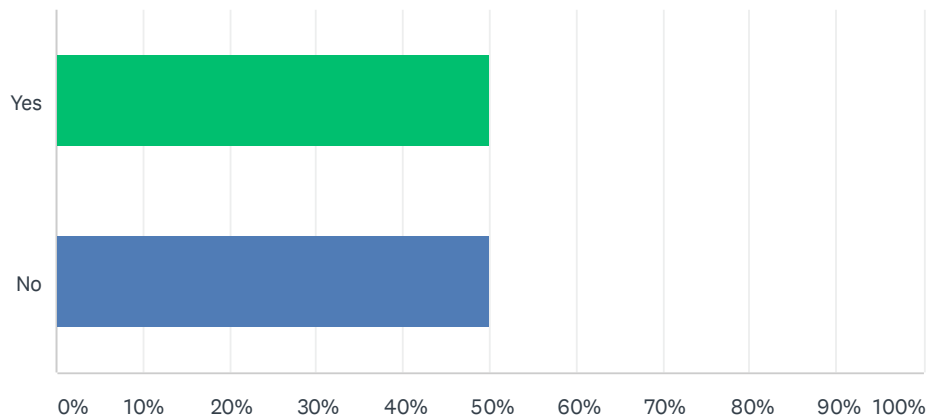
“The FDA will be working with CSEP, departments and others to ensure the civil service does more than just talk about being an excellent employer and takes the necessary steps to give its staff real confidence in this objective.”

**“Some of the issues raised are clearly very recent and very raw, whereas others occurred many years ago but have left a lasting impact”** Naomi Cooke

## Scottish Government responses to survey

Q1 Have you personally experienced harassment by a colleague  
(somebody employed by your organisation)?

Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	50.00%	11
No	50.00%	11
TOTAL		22

**Q2 On how many occasions have you experienced harassment by a colleague?**

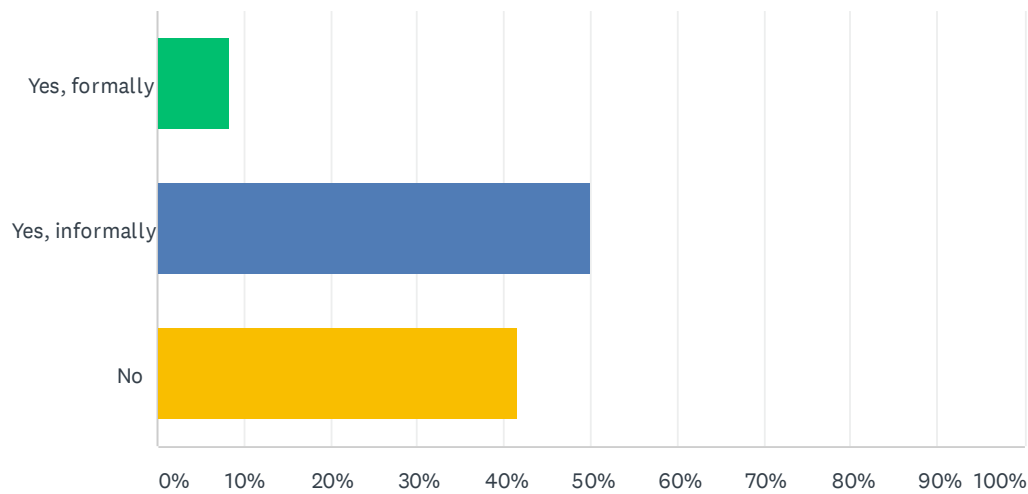
Answered: 12   Skipped: 10

### Q3 Could you briefly describe the incident(s)?

Answered: 11   Skipped: 11

## Q4 Did you report the incident(s)?

Answered: 12 Skipped: 10

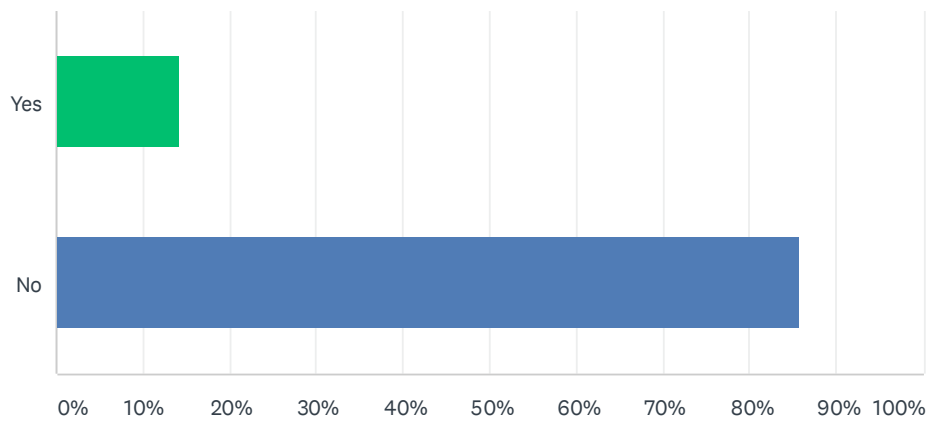


ANSWER CHOICES	RESPONSES	
Yes, formally	8.33%	1
Yes, informally	50.00%	6
No	41.67%	5
TOTAL		12



## Q5 Were you satisfied with the outcome?

Answered: 7   Skipped: 15



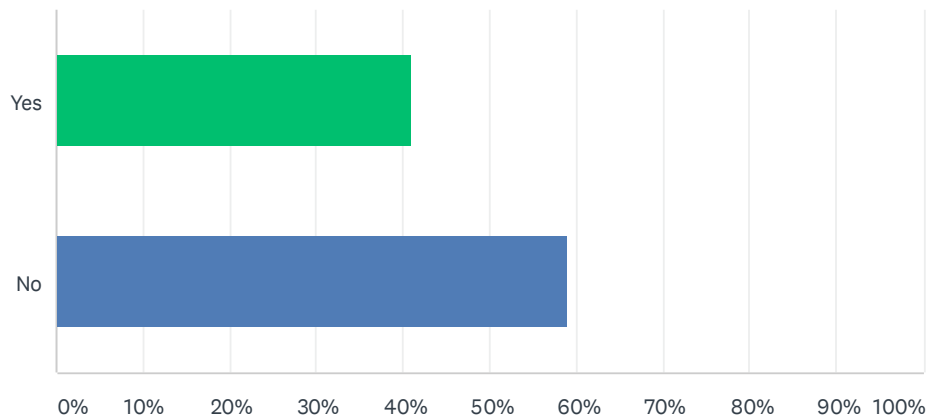
ANSWER CHOICES		RESPONSES	
Yes		14.29%	1
No		85.71%	6
TOTAL			7

## Q6 Can you briefly say why you made this decision?

Answered: 5   Skipped: 17

## Q7 Have you personally experienced harassment at work by someone not employed by your organisation?

Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	40.91%	9
No	59.09%	13
TOTAL		22

**Q8 On how many occasions have you experienced harassment by someone not employed by your organisation?**

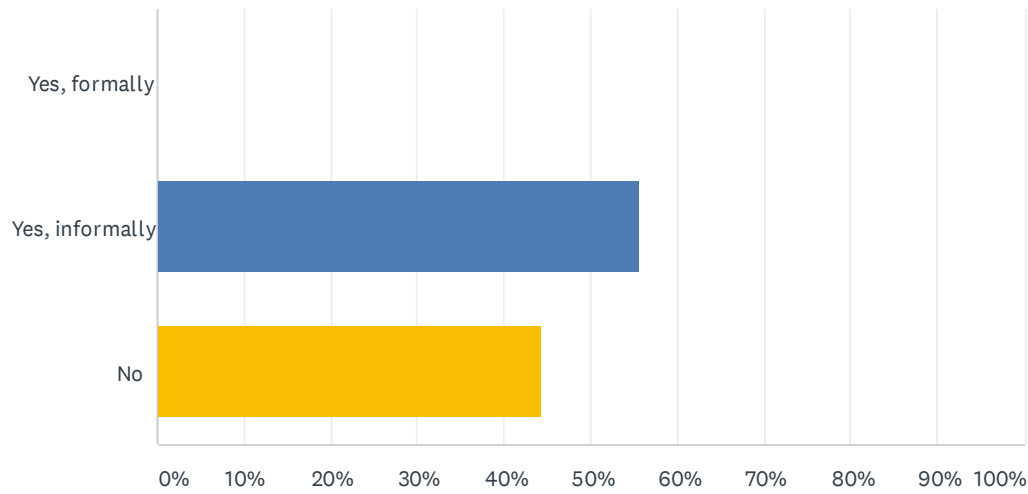
Answered: 9   Skipped: 13

Q9 Could you briefly describe the incident(s)?

Answered: 8   Skipped: 14

## Q10 Did you report the incident(s)?

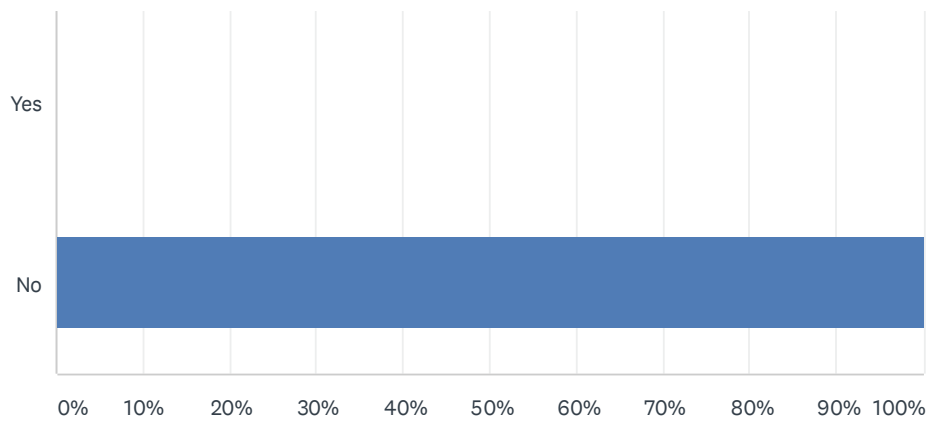
Answered: 9 Skipped: 13



ANSWER CHOICES	RESPONSES	
Yes, formally	0.00%	0
Yes, informally	55.56%	5
No	44.44%	4
TOTAL		9

## Q11 Were you satisfied with the outcome?

Answered: 5   Skipped: 17



ANSWER CHOICES		RESPONSES	
Yes		0.00%	0
No		100.00%	5
TOTAL			5

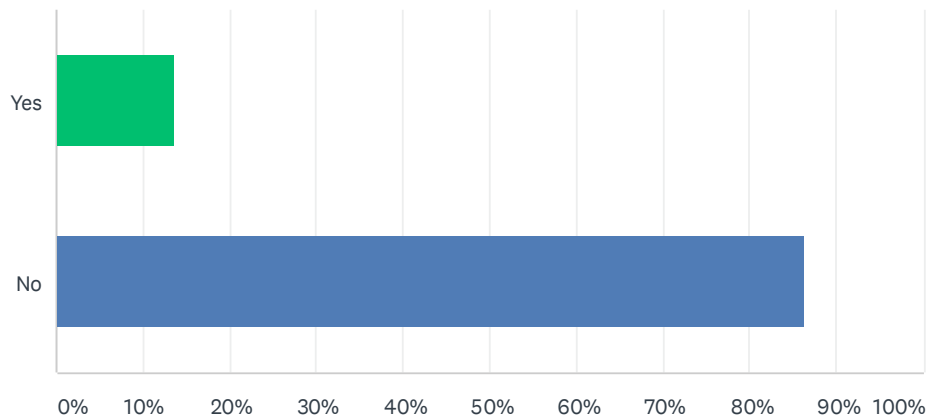
## Q12 Can you briefly say why you made this decision?

Answered: 4   Skipped: 18



## Q13 Have you been accused of harassment or bullying by a civil servant (or other employee of your organisation)?

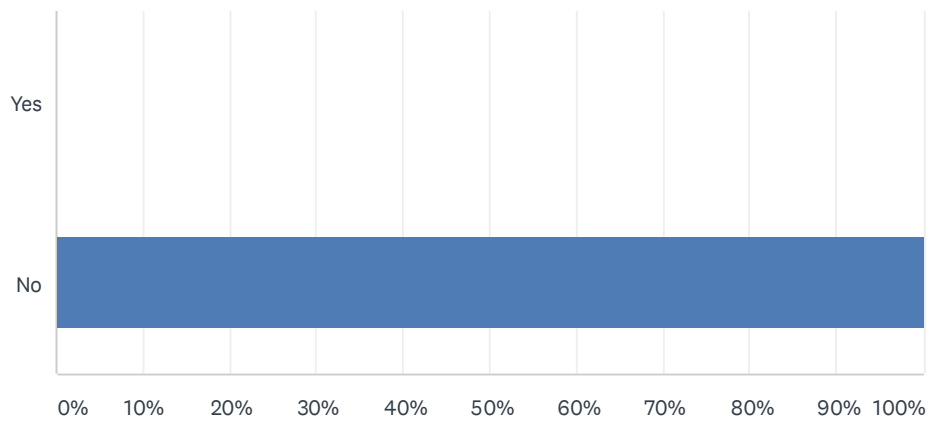
Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	13.64%	3
No	86.36%	19
TOTAL		22

## Q14 Were you satisfied with the way the accusation was handled?

Answered: 3 Skipped: 19



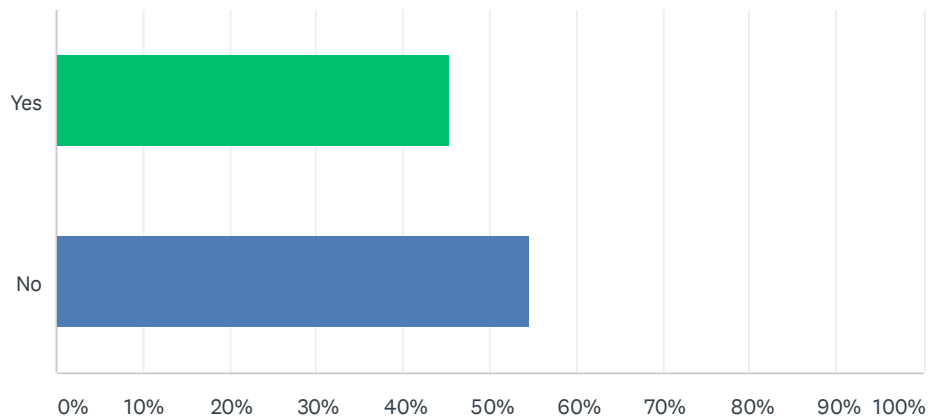
ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	3
TOTAL		3

## Q15 Could you briefly say why not?

Answered: 2   Skipped: 20

## Q16 Have you witnessed any colleagues being harassed by another employee of your organisation?

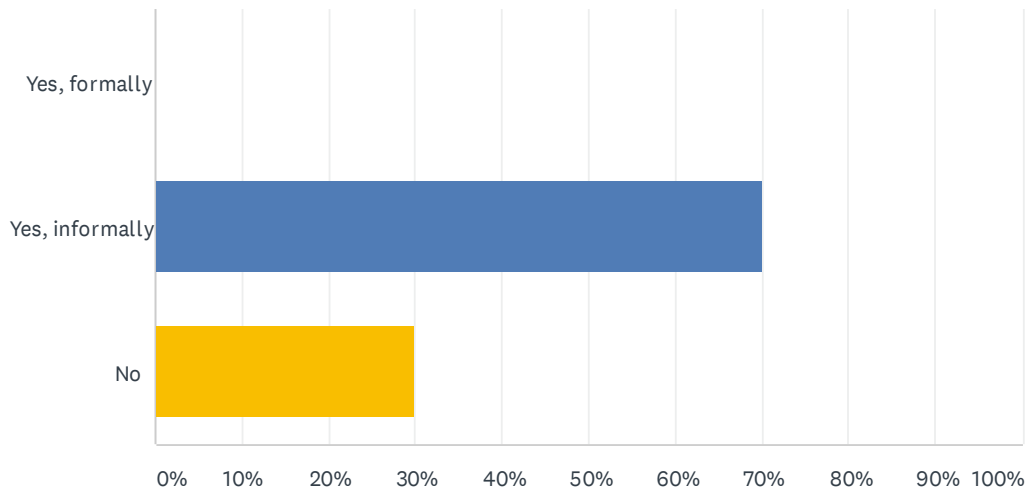
Answered: 22 Skipped: 0



ANSWER CHOICES		RESPONSES
Yes		45.45% 10
No		54.55% 12
TOTAL		22

## Q17 Did you report it?

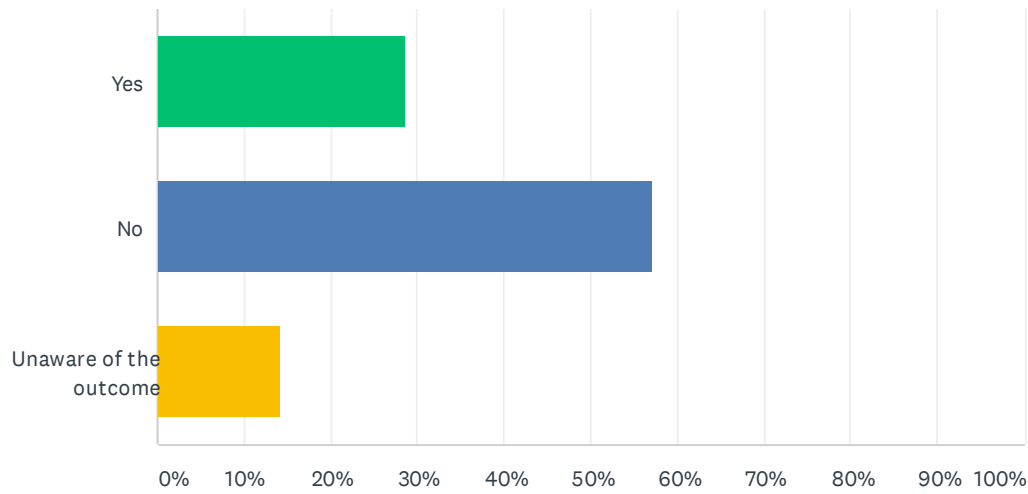
Answered: 10 Skipped: 12



ANSWER CHOICES	RESPONSES	
Yes, formally	0.00%	0
Yes, informally	70.00%	7
No	30.00%	3
TOTAL		10

## Q18 Were you satisfied with the outcome?

Answered: 7 Skipped: 15



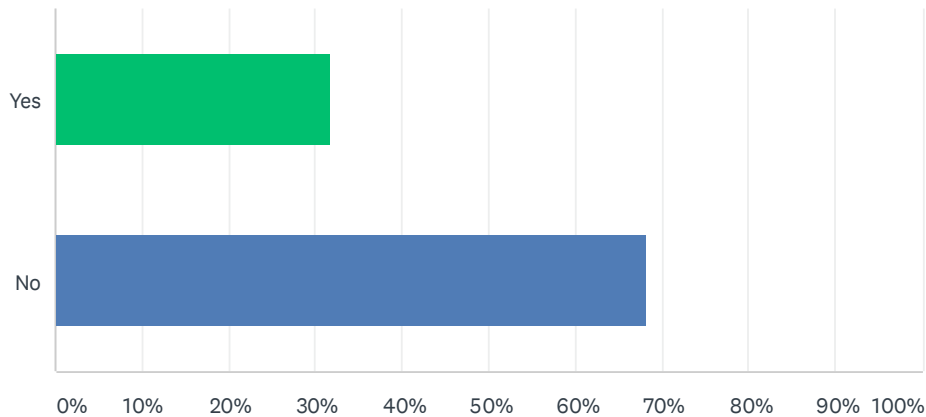
ANSWER CHOICES	RESPONSES	
Yes	28.57%	2
No	57.14%	4
Unaware of the outcome	14.29%	1
TOTAL		7

## Q19 Can you briefly outline why that was?

Answered: 3   Skipped: 19

**Q20 Have you witnessed any colleagues being harassed by someone who is not an employee of your organisation/employer (e.g. a politician, special adviser or party employee)?**

Answered: 22 Skipped: 0

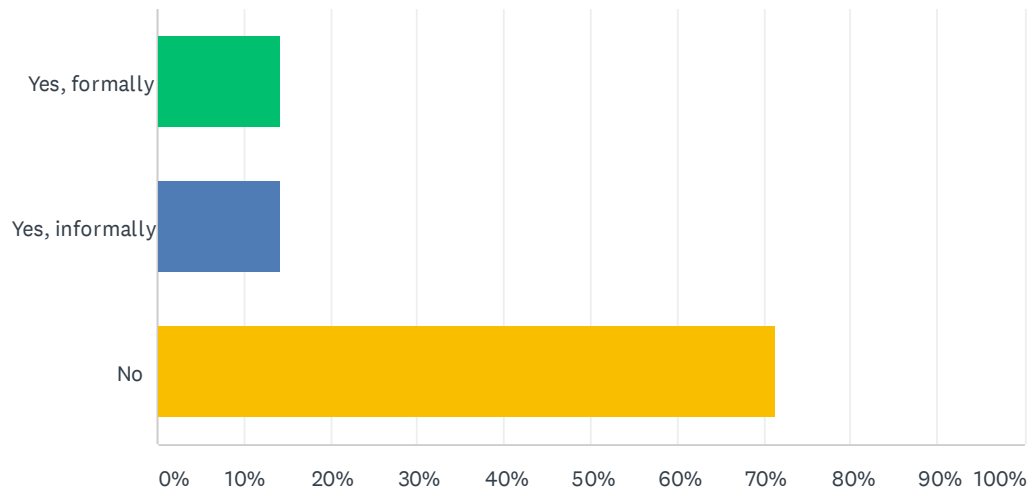


ANSWER CHOICES	RESPONSES	
Yes	31.82%	7
No	68.18%	15
TOTAL		22



## Q21 Did you report it?

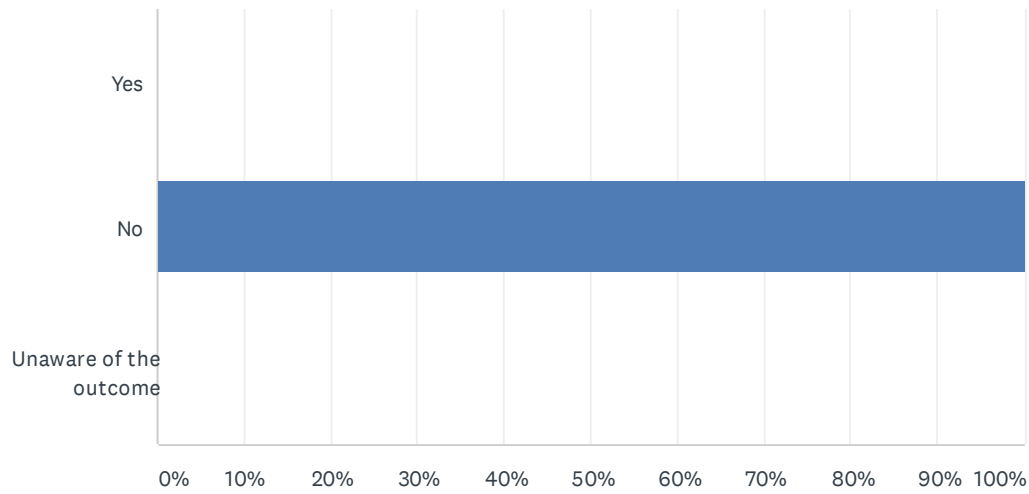
Answered: 7 Skipped: 15



ANSWER CHOICES		RESPONSES	
Yes, formally		14.29%	1
Yes, informally		14.29%	1
No		71.43%	5
TOTAL			7

## Q22 Were you satisfied with the outcome?

Answered: 2 Skipped: 20



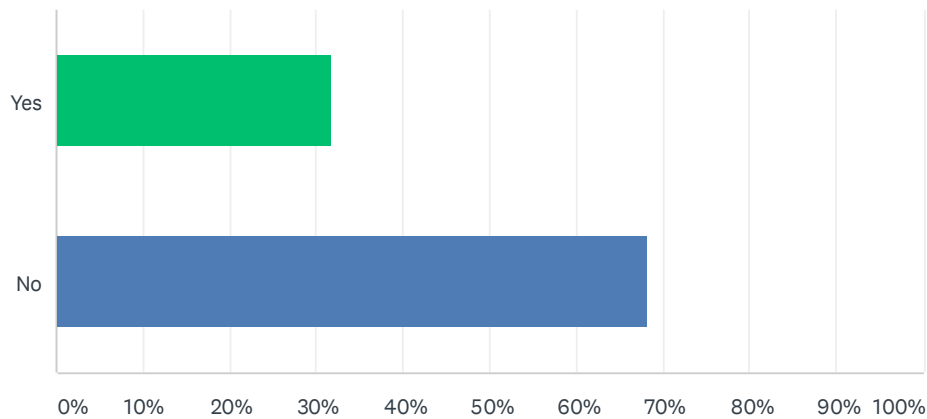
ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	2
Unaware of the outcome	0.00%	0
TOTAL		2

## Q23 Can you briefly outline why that was?

Answered: 4   Skipped: 18

## Q24 Have you had any instances of harassment raised with you informally?

Answered: 22 Skipped: 0



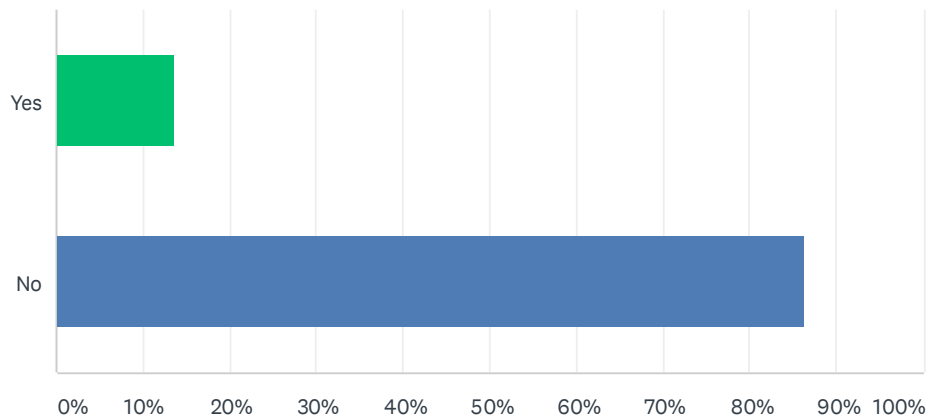
ANSWER CHOICES	RESPONSES	
Yes	31.82%	7
No	68.18%	15
TOTAL		22

## Q25 What action, if any, did you take?

Answered: 6   Skipped: 16

## Q26 Have you had any instances of harassment raised with you formally?

Answered: 22 Skipped: 0



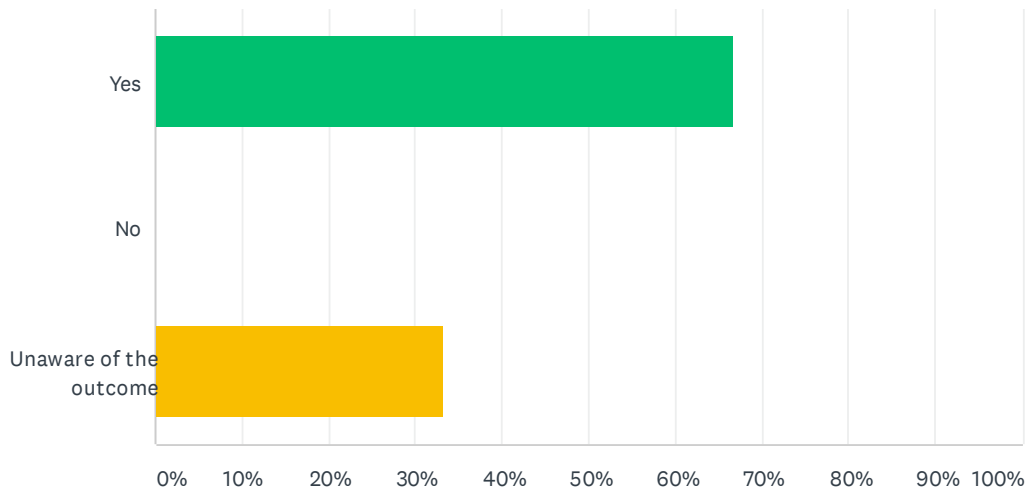
ANSWER CHOICES	RESPONSES	
Yes	13.64%	3
No	86.36%	19
TOTAL		22

## Q27 What action, if any, did you take?

Answered: 3   Skipped: 19

## Q28 Were you satisfied with the outcome?

Answered: 3 Skipped: 19

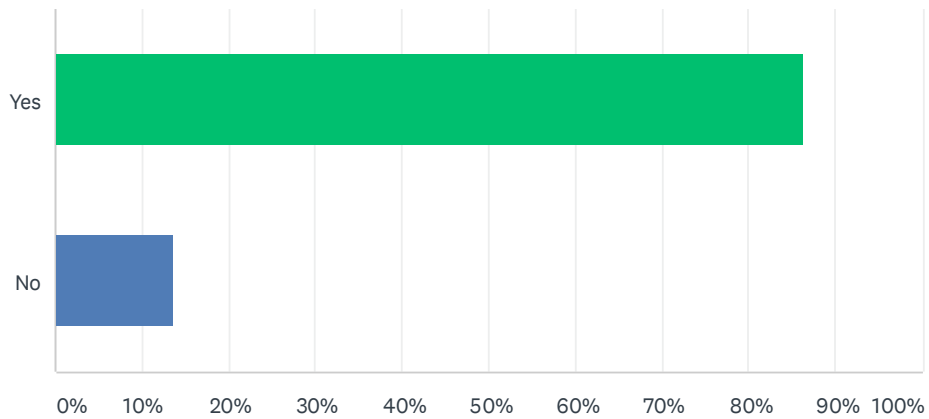


ANSWER CHOICES	RESPONSES	
Yes	66.67%	2
No	0.00%	0
Unaware of the outcome	33.33%	1
TOTAL		3



## Q29 Do you know how to report a concern regarding harassment?

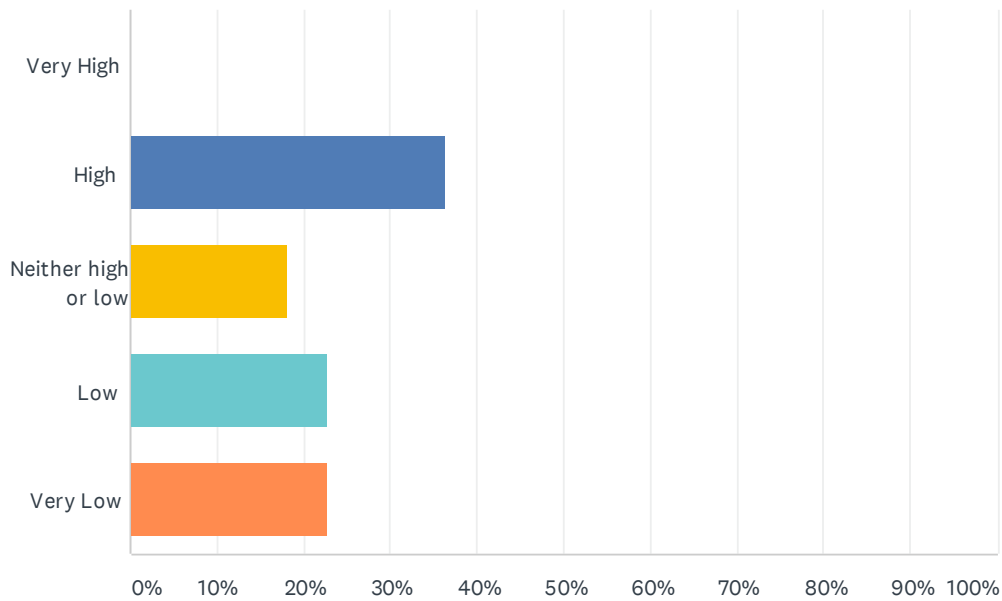
Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	86.36%	19
No	13.64%	3
TOTAL		22

## Q30 What level of confidence do you have in the procedure for reporting concerns about harassment?

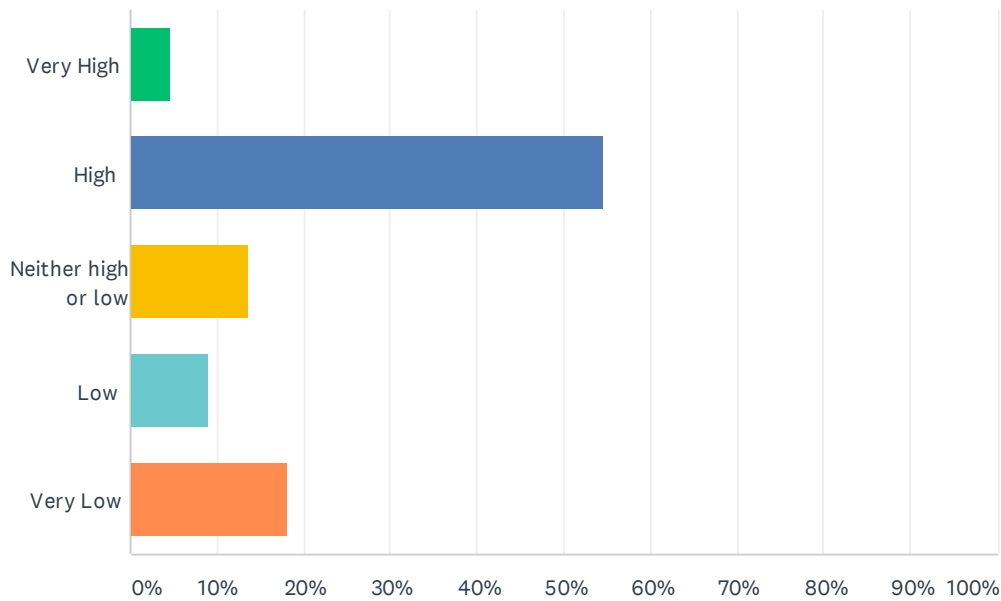
Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very High	0.00%	0
High	36.36%	8
Neither high or low	18.18%	4
Low	22.73%	5
Very Low	22.73%	5
<b>TOTAL</b>		<b>22</b>

## Q31 What level of confidence would you feel in reporting an instance of harassment to your line manager/employer?

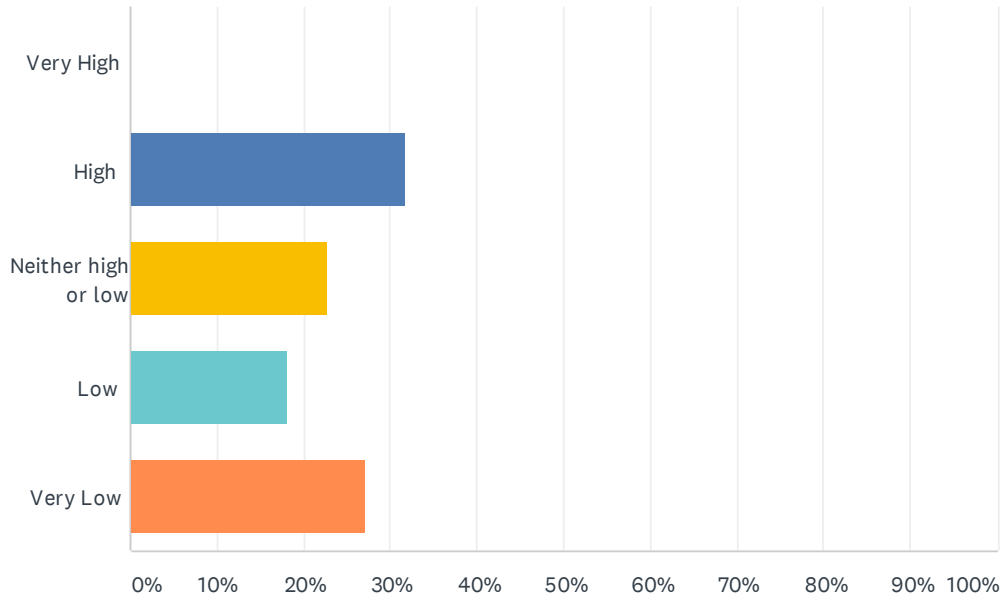
Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very High	4.55%	1
High	54.55%	12
Neither high or low	13.64%	3
Low	9.09%	2
Very Low	18.18%	4
TOTAL		22

## Q32 What level of confidence do you have that a complaint against a colleague will be properly investigated and, if necessary, lead to appropriate sanctions?

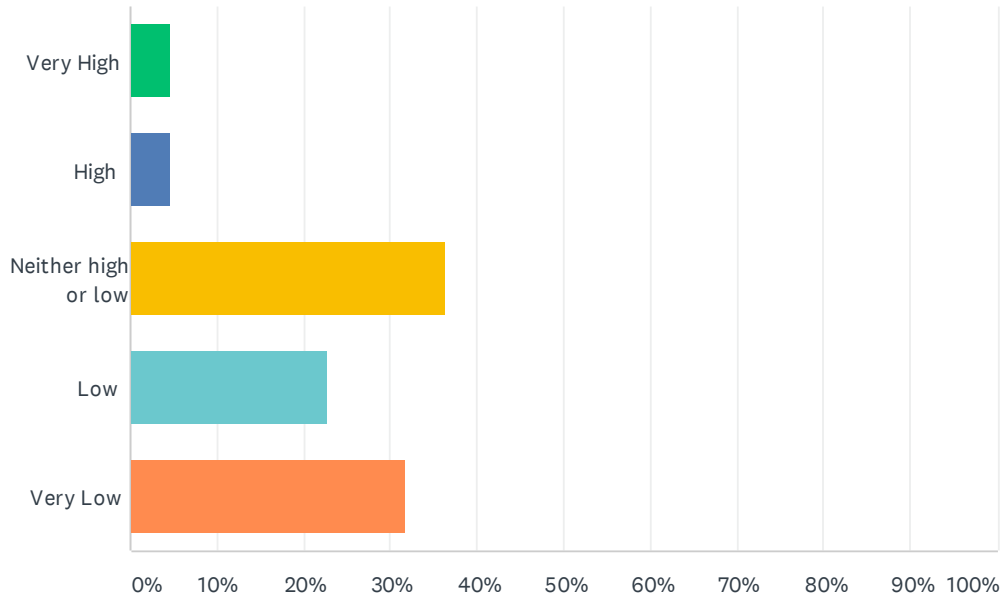
Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very High	0.00%	0
High	31.82%	7
Neither high or low	22.73%	5
Low	18.18%	4
Very Low	27.27%	6
<b>TOTAL</b>		<b>22</b>

**Q33 What level of confidence do you have that a complaint against someone not employed by your organisation/the civil service will be properly investigated and, if necessary, lead to appropriate sanctions?**

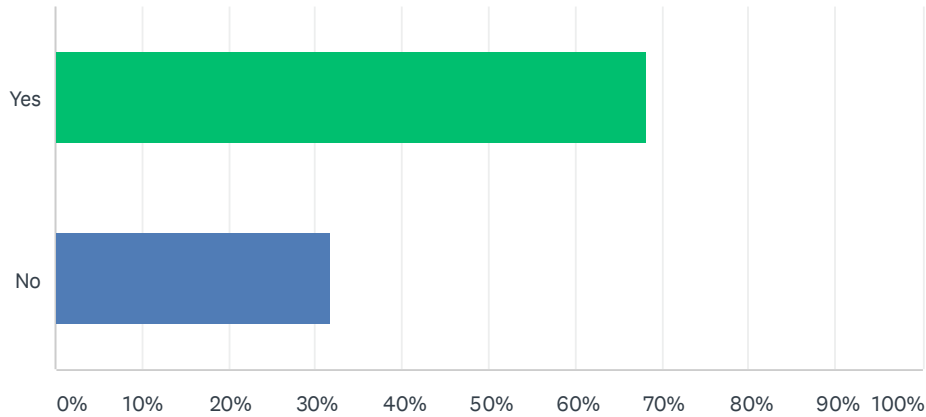
Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very High	4.55%	1
High	4.55%	1
Neither high or low	36.36%	8
Low	22.73%	5
Very Low	31.82%	7
TOTAL		22

### Q34 Have you personally experienced other 'abuses of power' such as bullying, by a colleague (somebody employed by your organisation/the civil service)?

Answered: 22 Skipped: 0



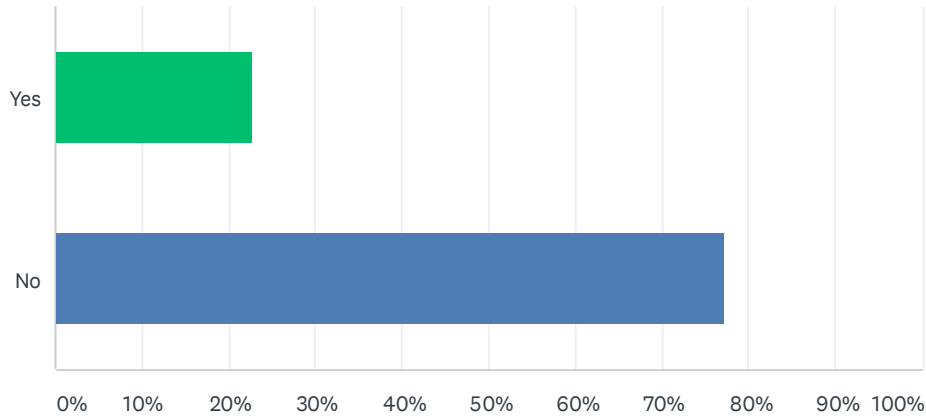
ANSWER CHOICES	RESPONSES	
Yes	68.18%	15
No	31.82%	7
TOTAL		22

**Q35 Please briefly describe what occurred and what - if any - action was taken.**

Answered: 13   Skipped: 9

**Q36 Have you personally experienced other 'abuses of power' such as bullying, by someone who is not an employee of your organisation/the civil service (e.g. a politician, special adviser or party employee)?**

Answered: 22 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	22.73%	5
No	77.27%	17
TOTAL		22

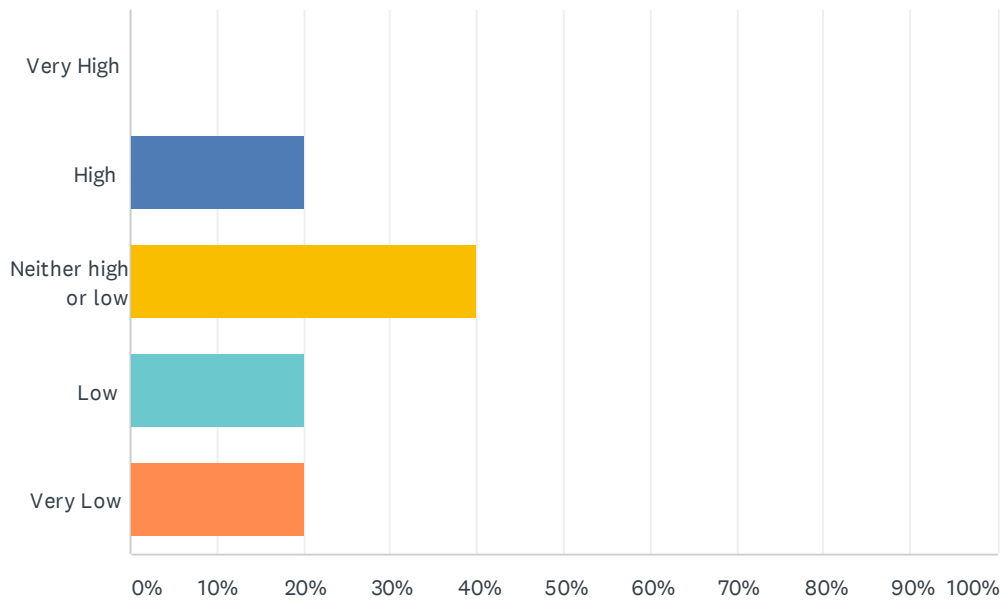


Q37 Please briefly describe what occurred and what - if any - action was taken.

Answered: 4   Skipped: 18

## Q38 What level of confidence do you have in the procedure for reporting concerns about bullying behaviour?

Answered: 5 Skipped: 17



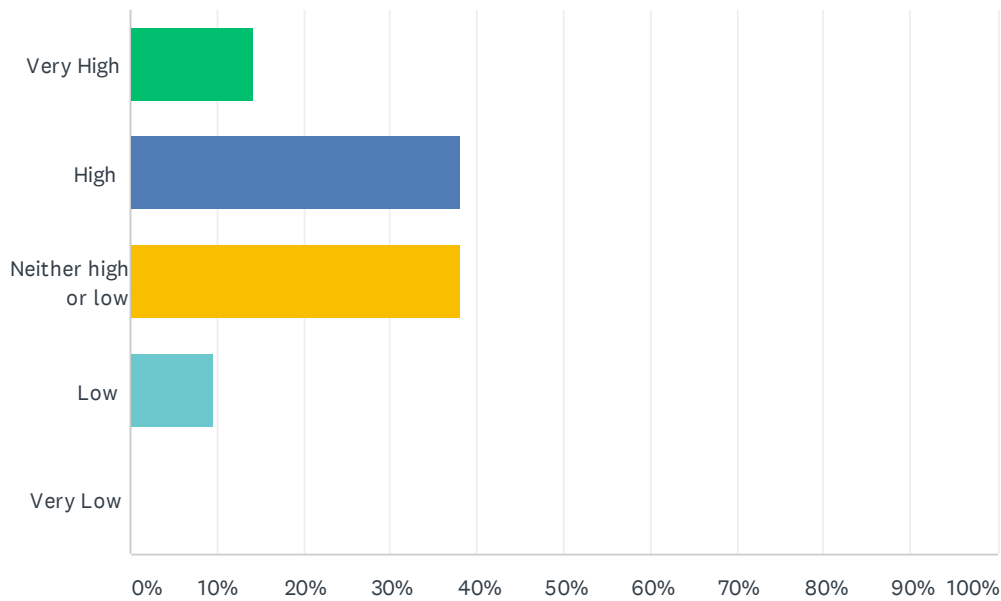
ANSWER CHOICES	RESPONSES	
Very High	0.00%	0
High	20.00%	1
Neither high or low	40.00%	2
Low	20.00%	1
Very Low	20.00%	1
<b>TOTAL</b>		<b>5</b>

Q39 What support would you want from the FDA/Keystone if you brought a case to our attention?

Answered: 20   Skipped: 2

## Q40 What level of confidence do you have that the FDA/Keystone would provide this support?

Answered: 21 Skipped: 1



ANSWER CHOICES	RESPONSES	
Very High	14.29%	3
High	38.10%	8
Neither high or low	38.10%	8
Low	9.52%	2
Very Low	0.00%	0
<b>TOTAL</b>		<b>21</b>

## Q41 Who is your employer?

Answered: 22   Skipped: 0

ACAS									
Attorney Generals Office									
British Council									
British Library									
British Museum									
Cabinet Office									
Care Inspectorate									
Charity Commission									
Child Maintenance ...									
Church Commissioners									
Civil Service Resourcing									
Competition and Markets...									
Crown Prosecution...									
Defence Science and...									
Department for Business,...									
Department for Communities ...									
Department for Culture, Med...									
Department for Education									
Department for Environment...									
Department for Exiting the...									

FDA/Keystone Survey – Workplace harassment & bullying  
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Department for Internationa...									
Department for Internationa...									
Department for Social...									
Department for Transport									
Department for Work and...									
Department of Agriculture ...									
Department of Employment a...									
Department of Finance &...									
Department of Health									
Department of Justice NI									
Disclosure and Barring Service									
Education Funding Agency									
Education Scotland									
Estyn									
Food Standards Agency									
Foreign and Commonwealth...									
Forestry Commission									
Government Legal...									
Health and Safety...									
Heritage Lottery Fund...									
HM Courts and Tribunals...									
HM CPS Inspectorate									

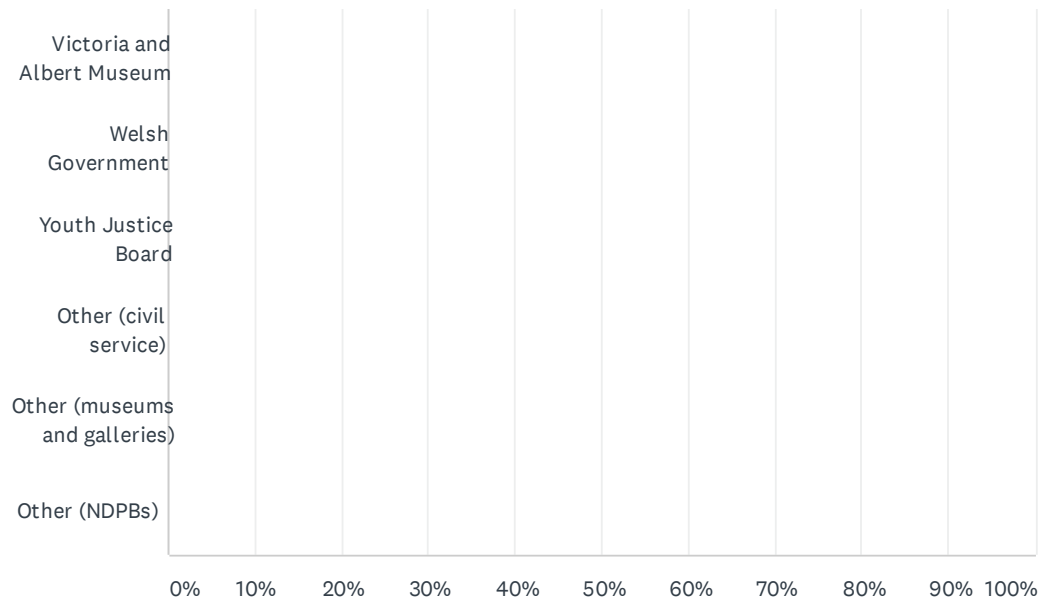
FDA/Keystone Survey – Workplace harassment & bullying  
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HM Treasury									
HMRC									
Home Office									
House of Commons									
Imperial War Museum									
Independent Police...									
Information Commissioner...									
Intellectual Property Office									
Land Registry									
Legal Aid Agency									
Legal Services Agency NI									
Medical Research...									
Metropolitan Police									
Ministry of Defence									
Ministry of Justice									
National Archives									
National Assembly for...									
National Crime Agency									
National Gallery									
National Offender...									
National Portrait...									
National Records of...									
Northern Ireland Civi									

Northern Ireland Office									
Office for National Statistics									
Office for Standards in Education, Children's Services and Skills									
Office of Gas and Electricity Markets									
Office of Rail Regulation									
Office of the First Minister and Deputy First Minister									
Office of the Official Receiver									
Office of the Parliamentary Commissioner for the Environment									
Parliamentary & Health Service Ombudsman									
Procurator Fiscal Service									
Public Health England									
Public Prosecution Service									
Rural Payments Agency									
Scotland Office									
Scottish Government									
Scottish Parliament									
Serious Fraud Office									
Social Care and Social Work Inspectorate									
UK Statistics Authority									
UK Trade & Investment									
UK Visas and Immigration									
Valuation Office Agency									



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ANSWER CHOICES	RESPONSES	
ACAS	0.00%	0
Attorney Generals Office	0.00%	0
British Council	0.00%	0
British Library	0.00%	0
British Museum	0.00%	0
Cabinet Office	0.00%	0
Care Inspectorate	0.00%	0
Charity Commission	0.00%	0
Child Maintenance & Enforcement Commission	0.00%	0
Church Commissioners	0.00%	0
Civil Service Resourcing	0.00%	0
Competition and Markets Authority	0.00%	0
Crown Prosecution Service	0.00%	0
Defence Science and Technology Laboratory	0.00%	0
Department for Business, Energy and Industrial Strategy	0.00%	0
Department for Communities and Local Government	0.00%	0
Department for Culture, Media and Sport	0.00%	0
Department for Education	0.00%	0
Department for Environment Food and Rural Affairs	0.00%	0
Department for Exiting the European Union	0.00%	0
Department for International Development	0.00%	0
Department for International Trade	0.00%	0
Department for Social Development NI	0.00%	0
Department for Transport	0.00%	0
Department for Work and Pensions	0.00%	0
Department of Agriculture & Rural Development NI	0.00%	0
Department of Employment and Learning NI	0.00%	0
Department of Finance & Personnel NI	0.00%	0
Department of Health	0.00%	0
Department of Justice NI	0.00%	0
Disclosure and Barring Service	0.00%	0
Education Funding Agency	0.00%	0
Education Scotland	0.00%	0
Estyn	0.00%	0
Food Standards Agency	0.00%	0

FDA/Keystone Survey – Workplace harassment & bullying  
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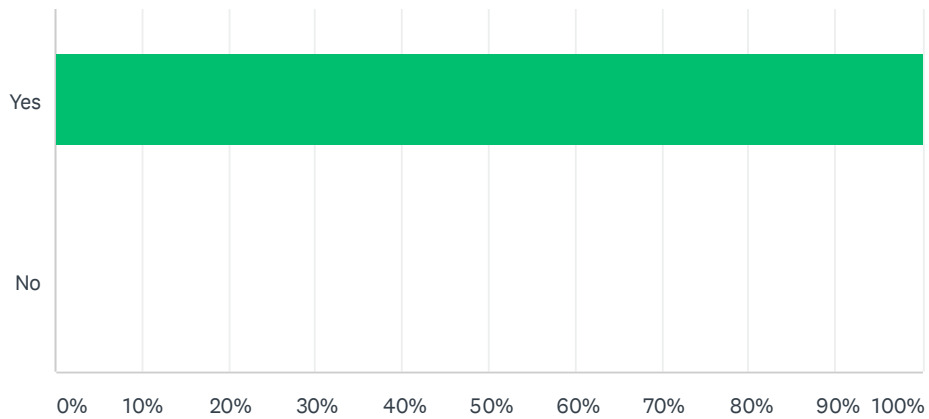
Foreign and Commonwealth Office	0.00%	0
Forestry Commission	0.00%	0
Government Legal Department	0.00%	0
Health and Safety Executive	0.00%	0
Heritage Lottery Fund (NHMF)	0.00%	0
HM Courts and Tribunals Service	0.00%	0
HM CPS Inspectorate	0.00%	0
HM Treasury	0.00%	0
HMRC	0.00%	0
Home Office	0.00%	0
House of Commons	0.00%	0
Imperial War Museum	0.00%	0
Independent Police Complaints Commission	0.00%	0
Information Commissioners Office	0.00%	0
Intellectual Property Office	0.00%	0
Land Registry	0.00%	0
Legal Aid Agency	0.00%	0
Legal Services Agency NI	0.00%	0
Medical Research Council	0.00%	0
Metropolitan Police	0.00%	0
Ministry of Defence	0.00%	0
Ministry of Justice	0.00%	0
National Archives	0.00%	0
National Assembly for Wales	0.00%	0
National Crime Agency	0.00%	0
National Gallery	0.00%	0
National Offender Management Service	0.00%	0
National Portrait Gallery	0.00%	0
National Records of Scotland	0.00%	0
Northern Ireland Civil Service	0.00%	0
Northern Ireland Office	0.00%	0
Office for National Statistics	0.00%	0
Office for Standards in Education	0.00%	0
Office of Gas and Electricity Markets	0.00%	0
Office of Rail Regulation	0.00%	0

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Office of the First Minister and Deputy First Minister	0.00%	0
Office of the Official Solicitor	0.00%	0
Office of the Parliamentary Counsel	0.00%	0
Parliamentary & Health Service Ombudsman	0.00%	0
Procurator Fiscal Service (Crown Office)	0.00%	0
Public Health England	0.00%	0
Public Prosecution Service NI	0.00%	0
Rural Payments Agency	0.00%	0
Scotland Office	0.00%	0
Scottish Government	100.00%	22
Scottish Parliament	0.00%	0
Serious Fraud Office	0.00%	0
Social Care and Social Work Services Scotland SCSWIS	0.00%	0
UK Statistics Authority	0.00%	0
UK Trade & Investment	0.00%	0
UK Visas and Immigration	0.00%	0
Valuation Office Agency	0.00%	0
Victoria and Albert Museum	0.00%	0
Welsh Government	0.00%	0
Youth Justice Board	0.00%	0
Other (civil service)	0.00%	0
Other (museums and galleries)	0.00%	0
Other (NDPBs)	0.00%	0
<b>TOTAL</b>		<b>22</b>

## Q42 Are you an FDA/Keystone member?

Answered: 22 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		100.00%	22
No		0.00%	0
TOTAL			22

Q43 Which gender do you identify as? [ANSWERS  
REDACTED]

Answered: 22   Skipped: 0

Q44 Is your gender the one you were assigned at birth?  
[ANSWERS REDACTED]

Answered: 22   Skipped: 0


**Q45 How do you identify your sexual orientation? [ANSWERS REDACTED]**

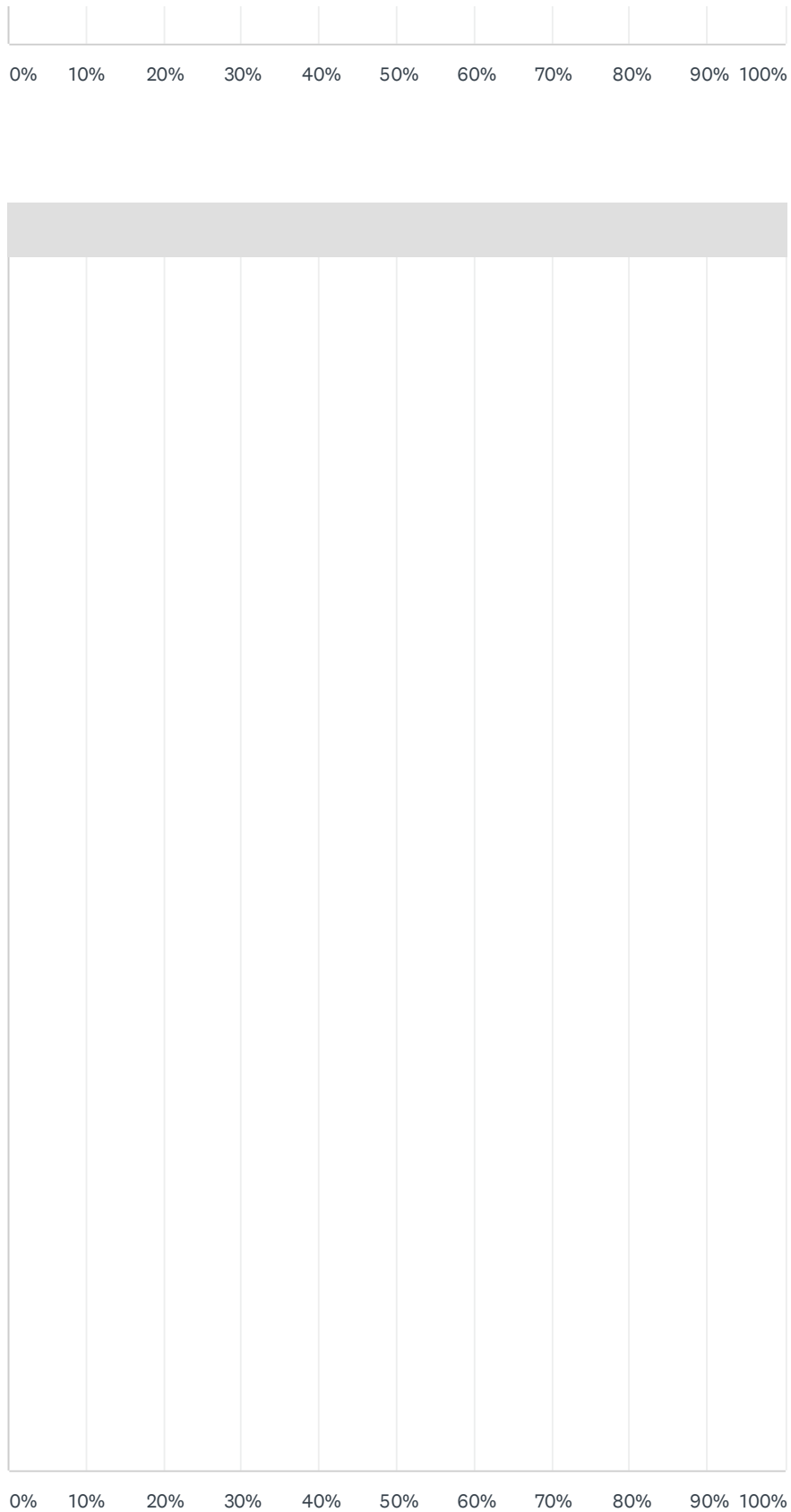
Answered: 21   Skipped: 1

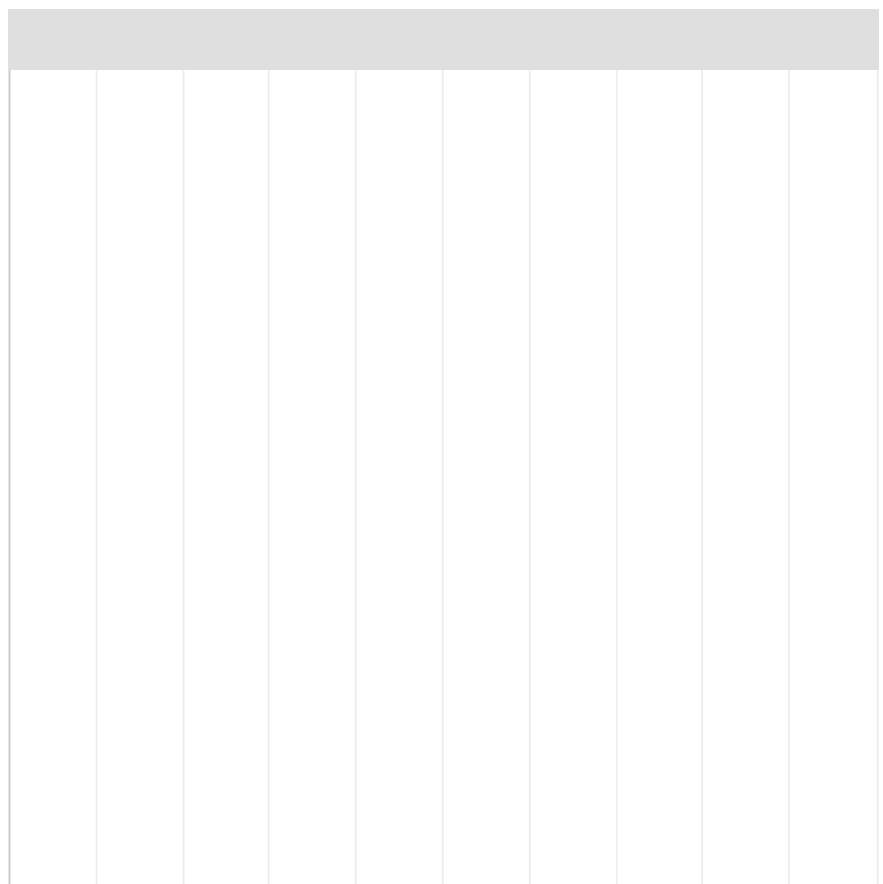
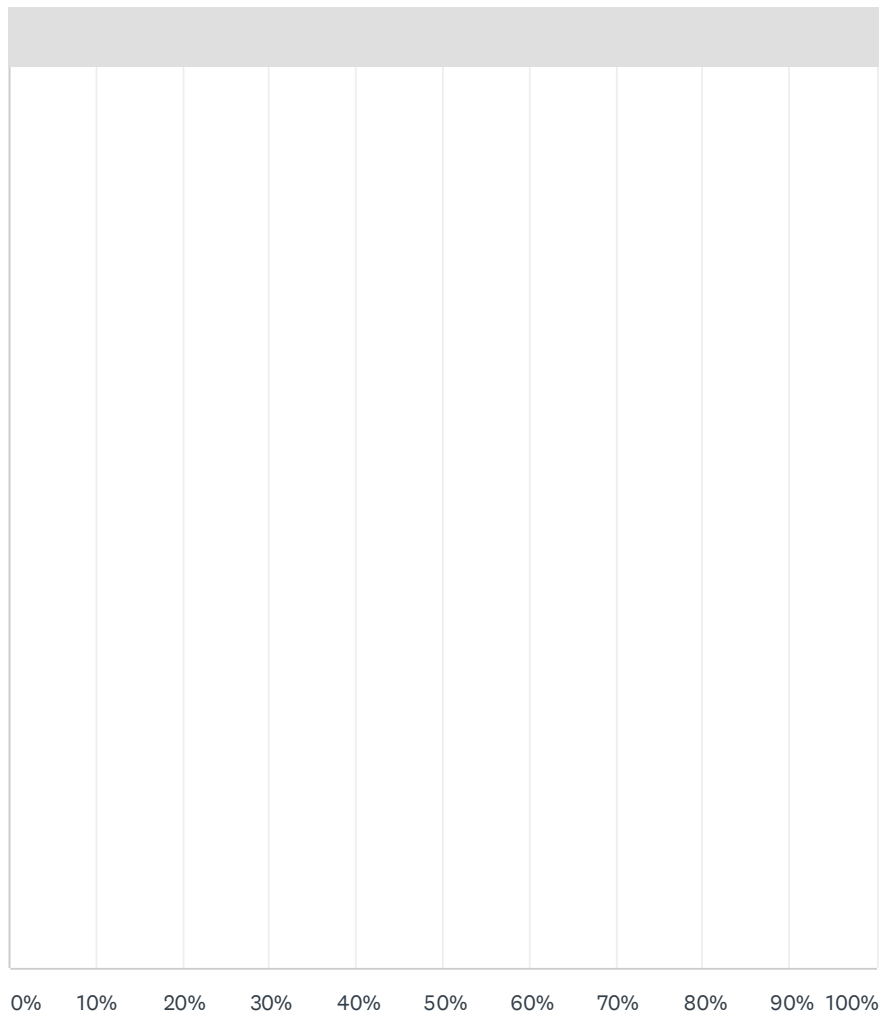


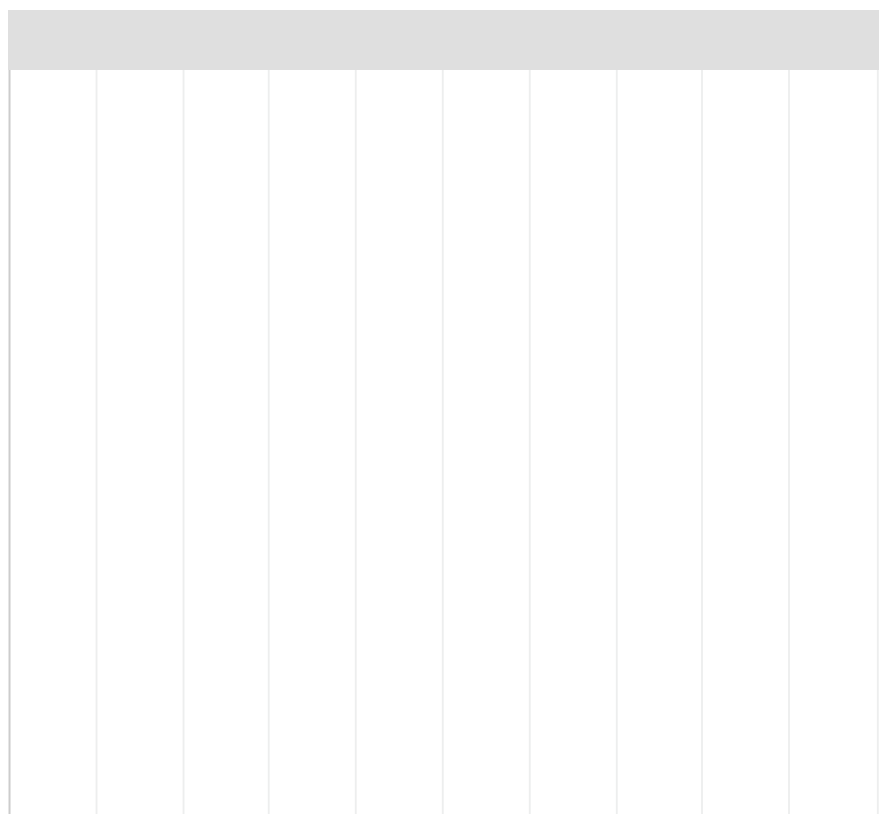
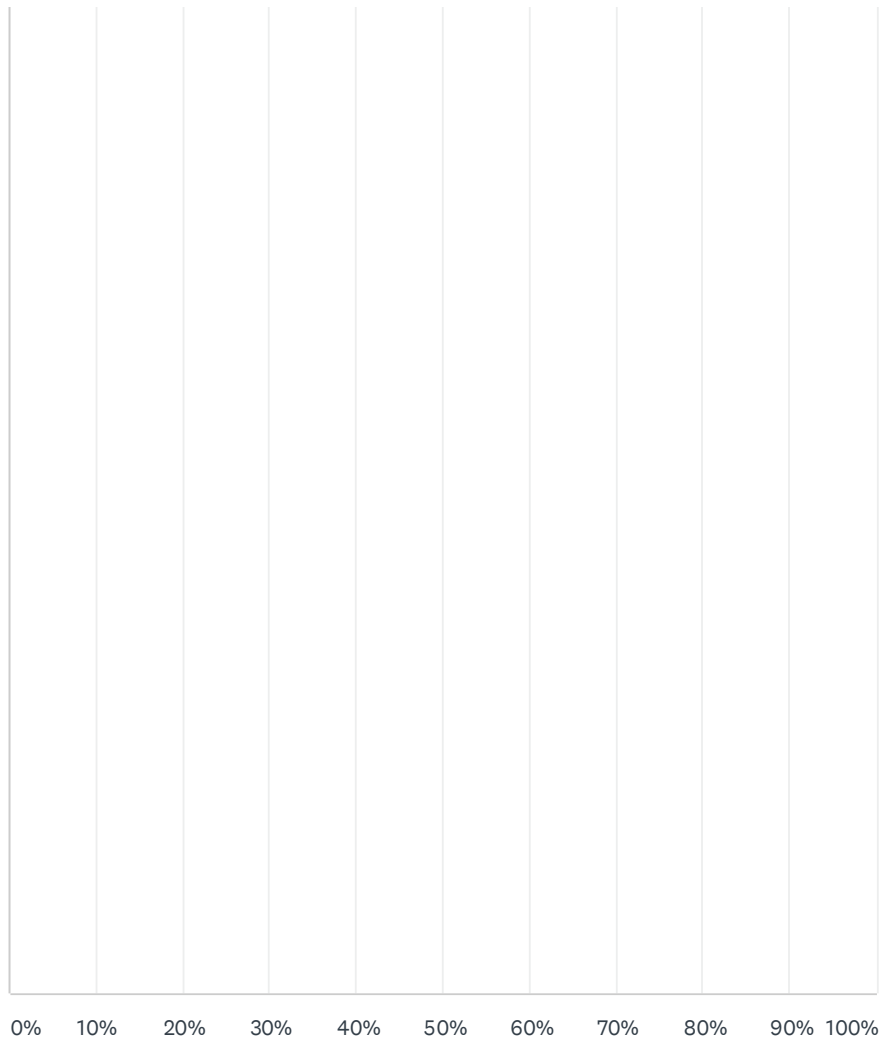

## Q46 How would you describe your ethnic origin? [ANSWERS REDACTED]

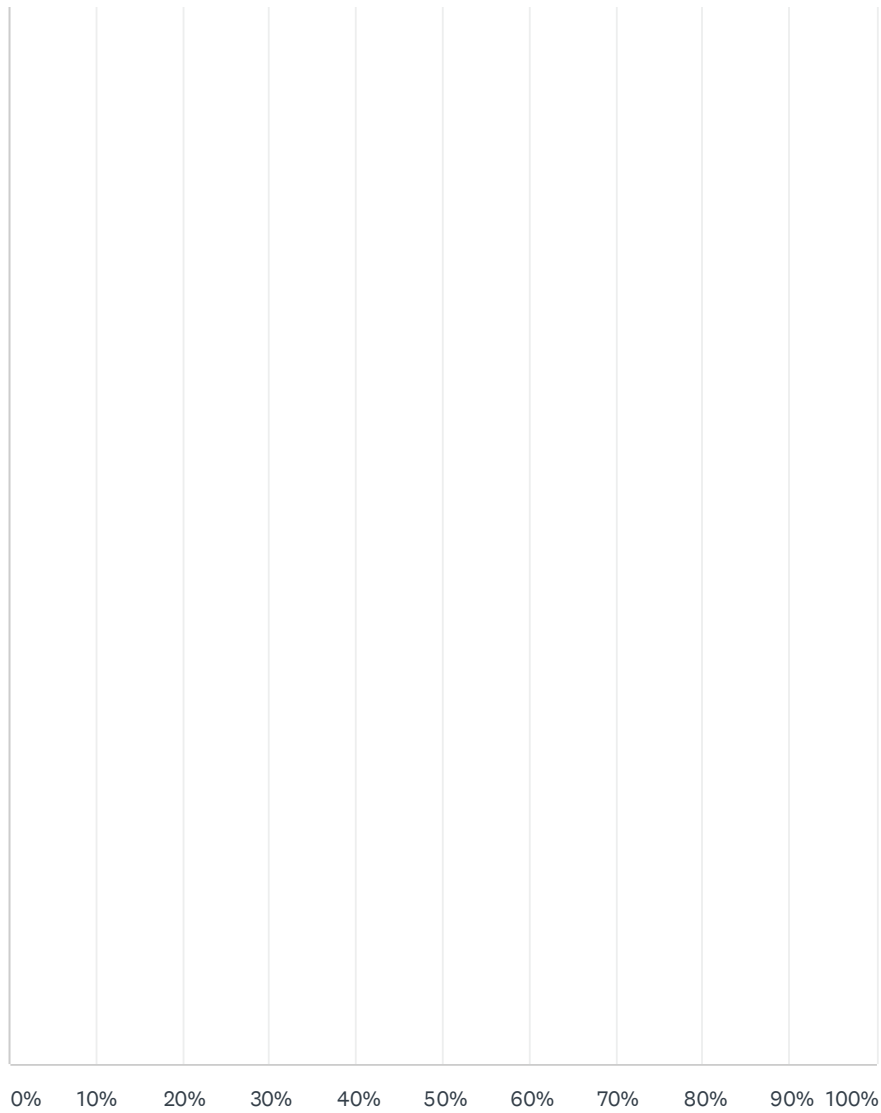
Answered: 21   Skipped: 1

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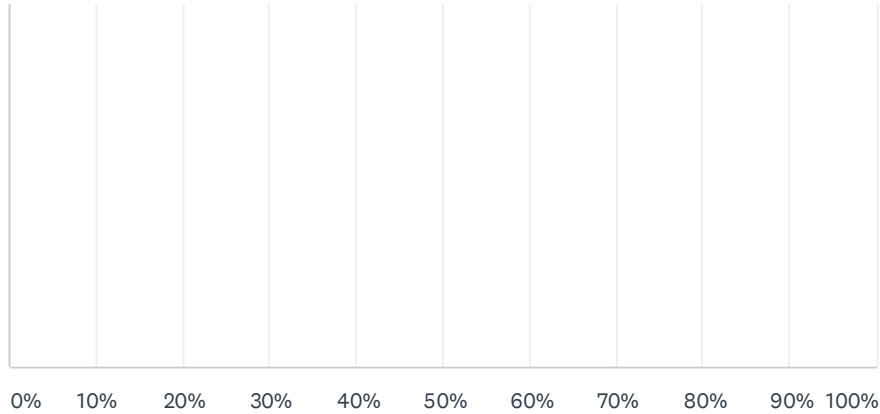


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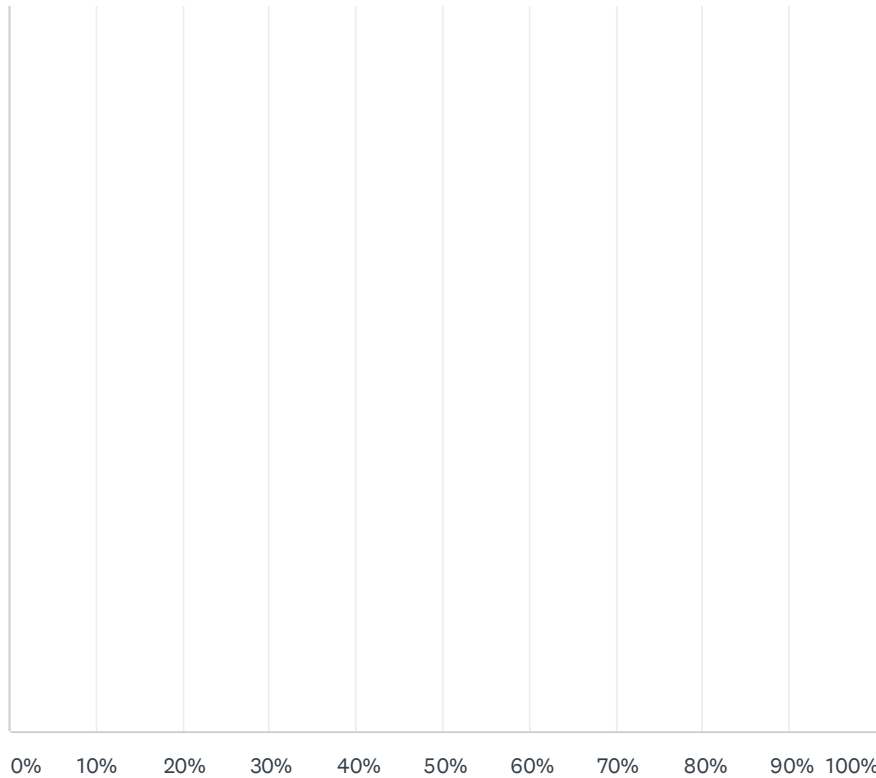
Q47 Do you consider yourself to be disabled, as defined by the Equality Act?(The Equality Act 2010 defines a disabled person as someone with a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities) [ANSWERS REDACTED]

Answered: 22 Skipped: 0



## Q48 Which of the below best represents your religion/belief?

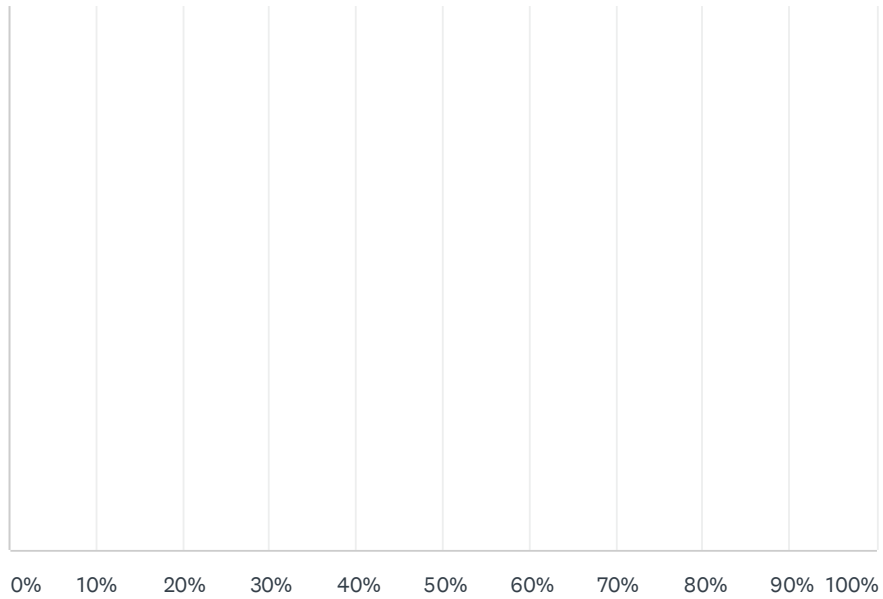
Answered: 22 Skipped: 0





## Q49 What is your age group?

Answered: 22 Skipped: 0



Answered: 22      Skipped: 0

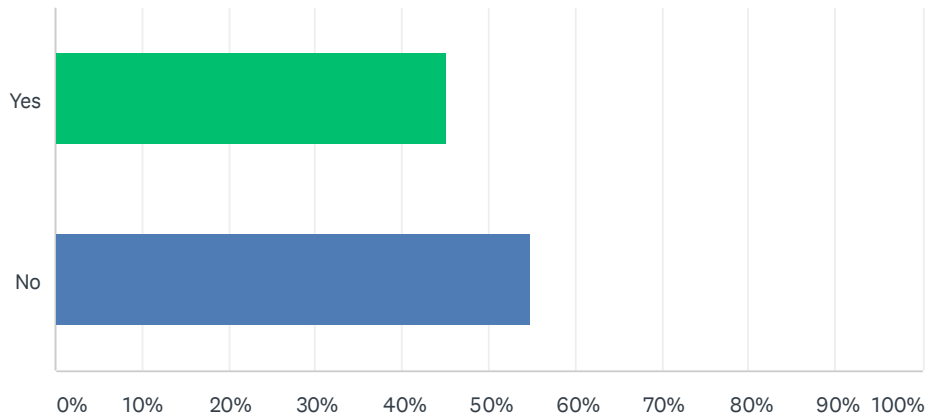


**FDA Written submission - Annex D**

**All responses to survey**

**Q1 Have you personally experienced harassment by a colleague  
(somebody employed by your organisation)?**

Answered: 750 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	45.20%	339
No	54.80%	411
TOTAL		750

Q2 On how many occasions have you experienced harassment by a colleague?

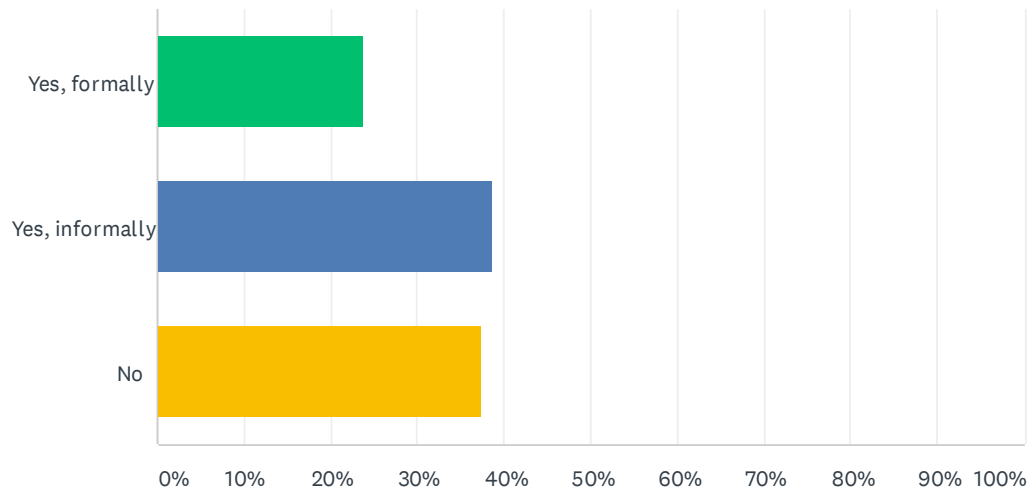
Answered: 256   Skipped: 494

### Q3 Could you briefly describe the incident(s)?

Answered: 248   Skipped: 502

## Q4 Did you report the incident(s)?

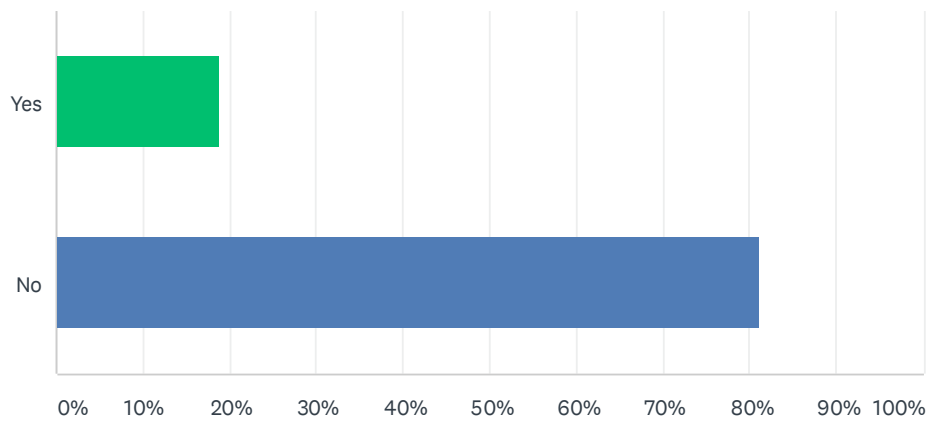
Answered: 264 Skipped: 486



ANSWER CHOICES	RESPONSES	
Yes, formally	23.86%	63
Yes, informally	38.64%	102
No	37.50%	99
TOTAL		264

## Q5 Were you satisfied with the outcome?

Answered: 165 Skipped: 585



ANSWER CHOICES	RESPONSES	
Yes	18.79%	31
No	81.21%	134
TOTAL		165

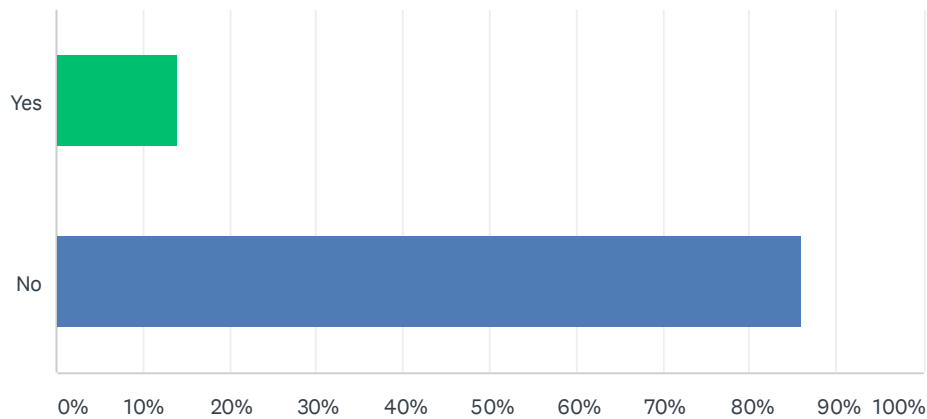
## Q6 Can you briefly say why you made this decision?

Answered: 87   Skipped: 663



## Q7 Have you personally experienced harassment at work by someone not employed by your organisation?

Answered: 638 Skipped: 112



ANSWER CHOICES	RESPONSES	
Yes	14.11%	90
No	85.89%	548
TOTAL		638

**Q8 On how many occasions have you experienced harassment by someone not employed by your organisation?**

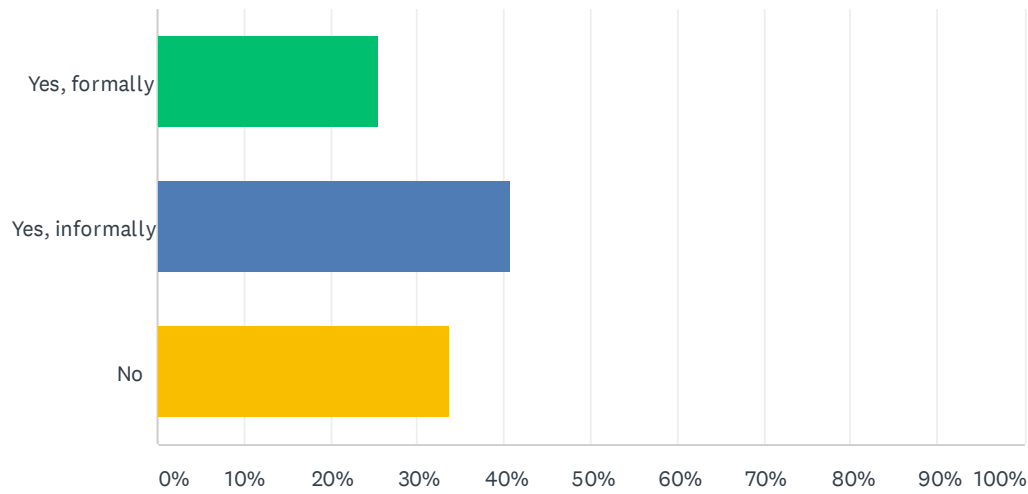
Answered: 82   Skipped: 668

## Q9 Could you briefly describe the incident(s)?

Answered: 77   Skipped: 673

## Q10 Did you report the incident(s)?

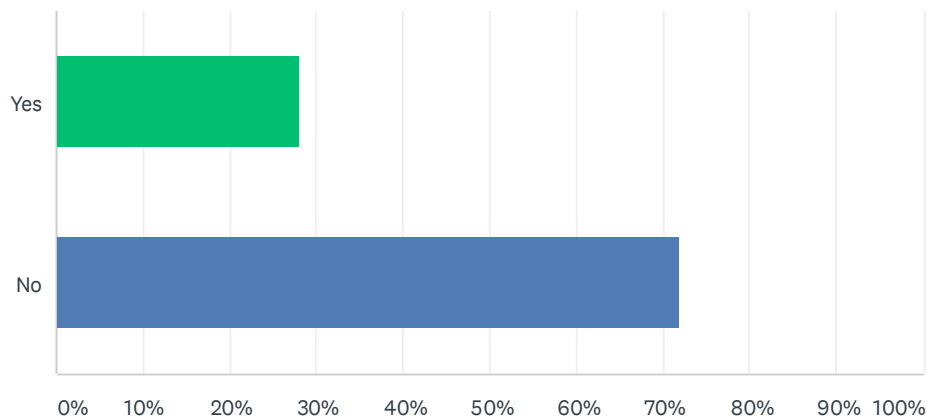
Answered: 86 Skipped: 664



ANSWER CHOICES	RESPONSES	
Yes, formally	25.58%	22
Yes, informally	40.70%	35
No	33.72%	29
TOTAL		86

## Q11 Were you satisfied with the outcome?

Answered: 57   Skipped: 693



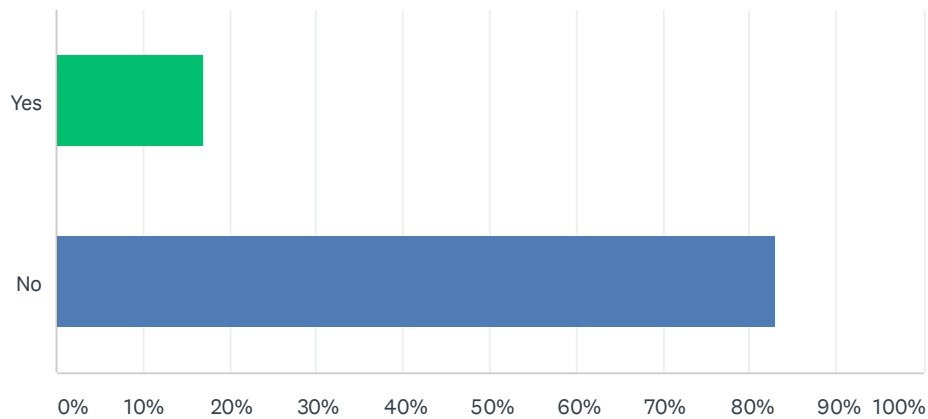
ANSWER CHOICES		RESPONSES	
Yes		28.07%	16
No		71.93%	41
TOTAL			57

## Q12 Can you briefly say why you made this decision?

Answered: 26   Skipped: 724

## Q13 Have you been accused of harassment or bullying by a civil servant (or other employee of your organisation)?

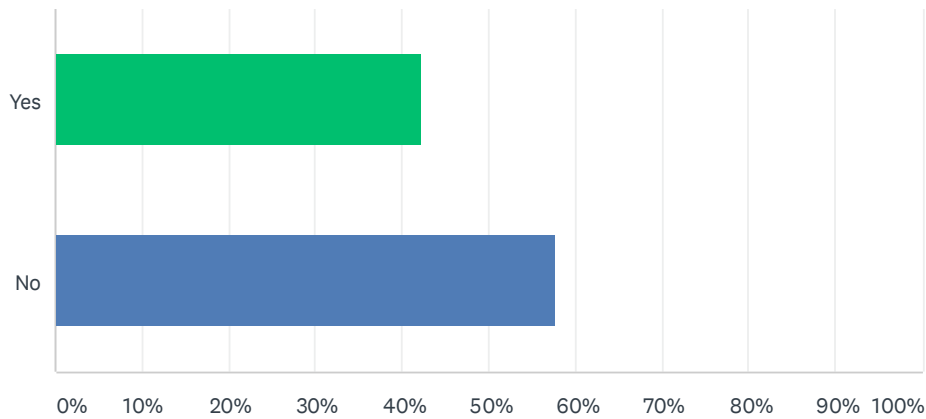
Answered: 628 Skipped: 122



ANSWER CHOICES	RESPONSES	
Yes	17.04%	107
No	82.96%	521
TOTAL		628

## Q14 Were you satisfied with the way the accusation was handled?

Answered: 109 Skipped: 641



ANSWER CHOICES		RESPONSES	
Yes		42.20%	46
No		57.80%	63
TOTAL			109

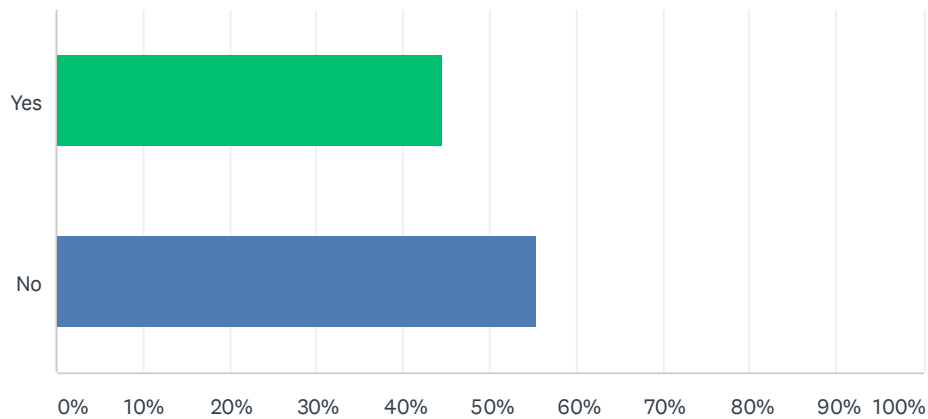


## Q15 Could you briefly say why not?

Answered: 55   Skipped: 695

## Q16 Have you witnessed any colleagues being harassed by another employee of your organisation?

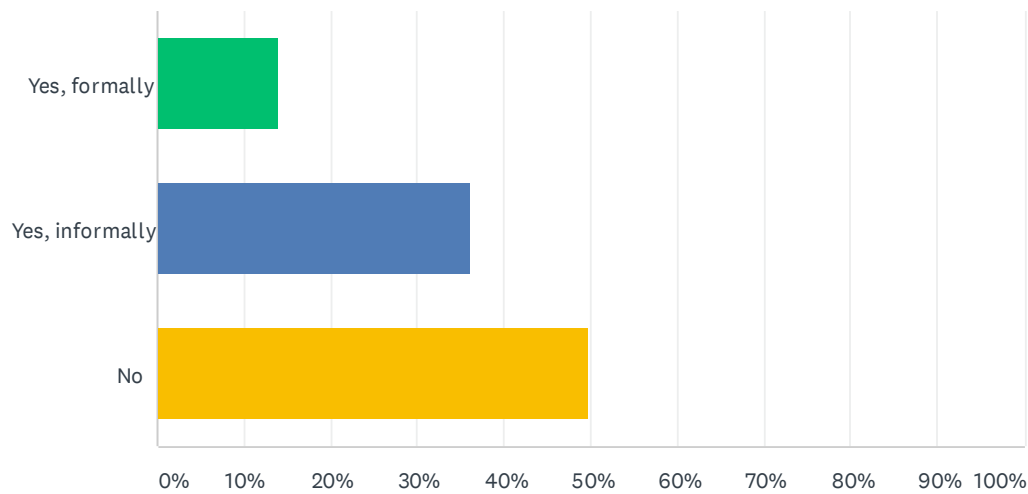
Answered: 616 Skipped: 134



ANSWER CHOICES		RESPONSES
Yes		44.48% 274
No		55.52% 342
TOTAL		616

## Q17 Did you report it?

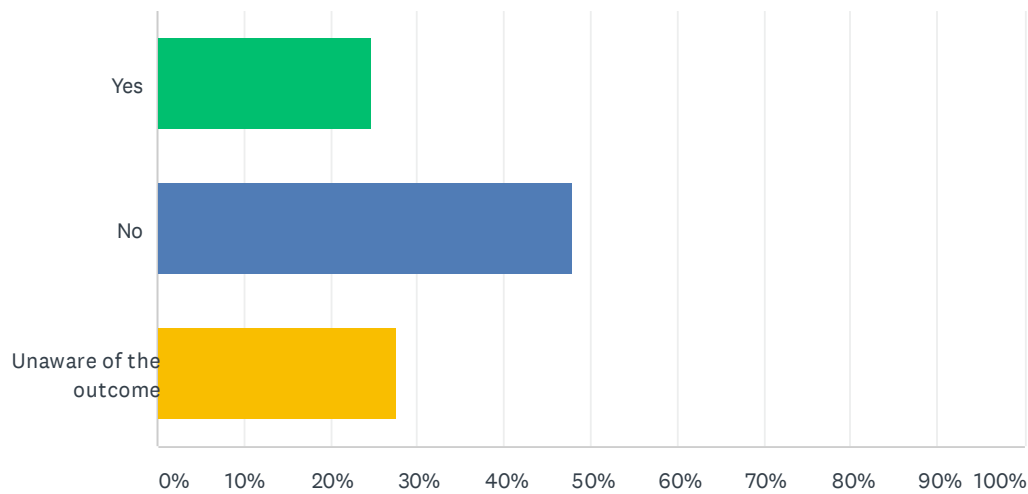
Answered: 277 Skipped: 473



ANSWER CHOICES	RESPONSES	
Yes, formally	14.08%	39
Yes, informally	36.10%	100
No	49.82%	138
TOTAL		277

## Q18 Were you satisfied with the outcome?

Answered: 138 Skipped: 612



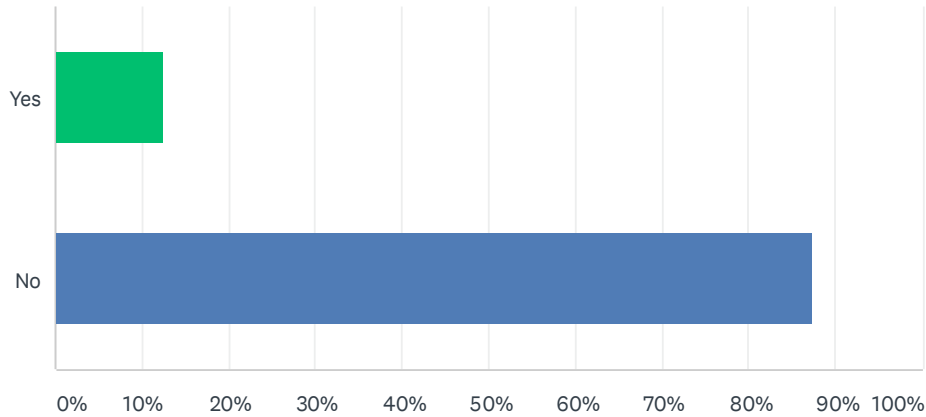
ANSWER CHOICES	RESPONSES	
Yes	24.64%	34
No	47.83%	66
Unaware of the outcome	27.54%	38
TOTAL		138

## Q19 Can you briefly outline why that was?

Answered: 126   Skipped: 624

**Q20 Have you witnessed any colleagues being harassed by someone who is not an employee of your organisation/employer (e.g. a politician, special adviser or party employee)?**

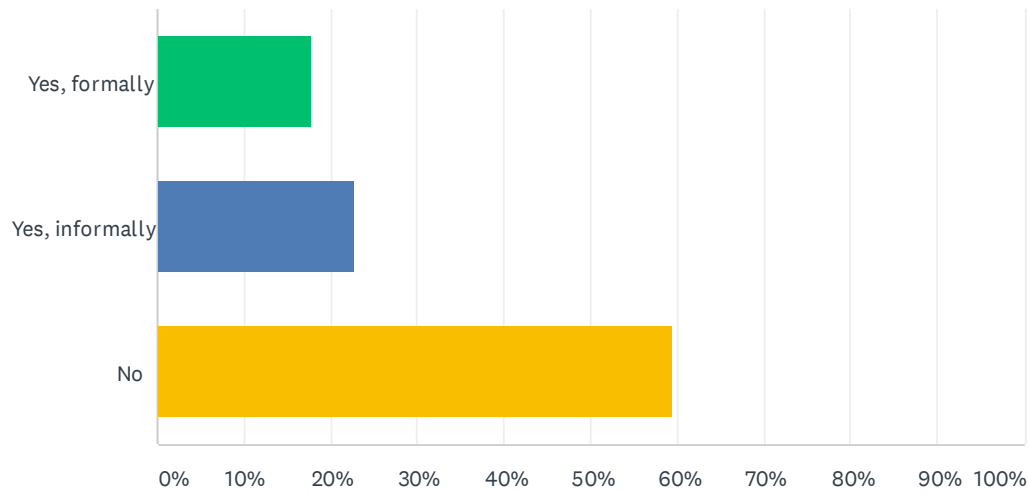
Answered: 602 Skipped: 148



ANSWER CHOICES	RESPONSES	
Yes	12.62%	76
No	87.38%	526
TOTAL		602

## Q21 Did you report it?

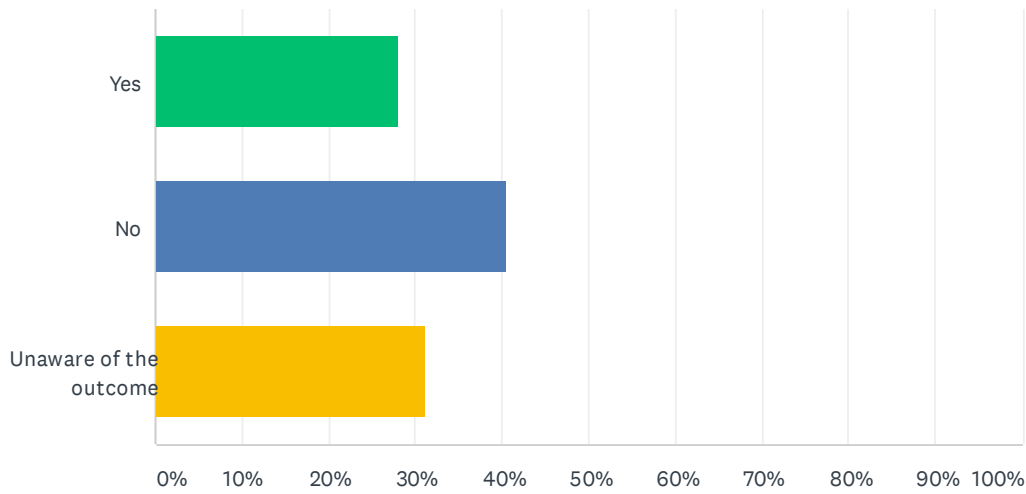
Answered: 79 Skipped: 671



ANSWER CHOICES	RESPONSES	
Yes, formally	17.72%	14
Yes, informally	22.78%	18
No	59.49%	47
TOTAL		79

## Q22 Were you satisfied with the outcome?

Answered: 32 Skipped: 718



ANSWER CHOICES	RESPONSES	
Yes	28.13%	9
No	40.63%	13
Unaware of the outcome	31.25%	10
TOTAL		32

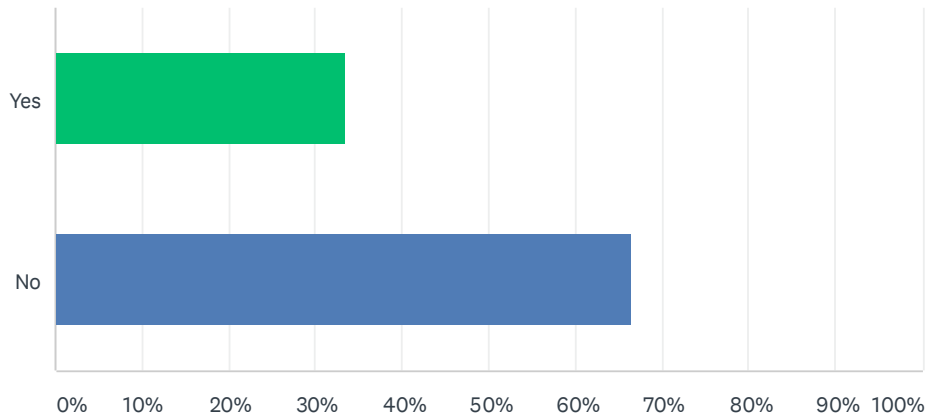


## Q23 Can you briefly outline why that was?

Answered: 42   Skipped: 708

## Q24 Have you had any instances of harassment raised with you informally?

Answered: 596 Skipped: 154



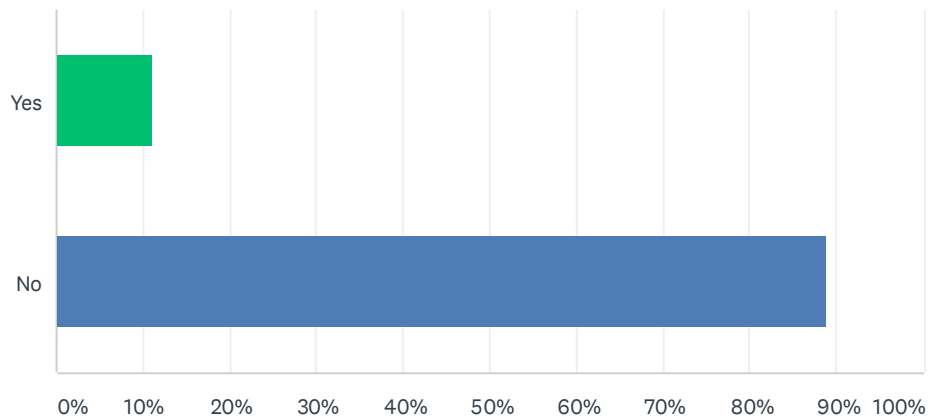
ANSWER CHOICES	RESPONSES	
Yes	33.56%	200
No	66.44%	396
TOTAL		596

## Q25 What action, if any, did you take?

Answered: 188   Skipped: 562

## Q26 Have you had any instances of harassment raised with you formally?

Answered: 592 Skipped: 158



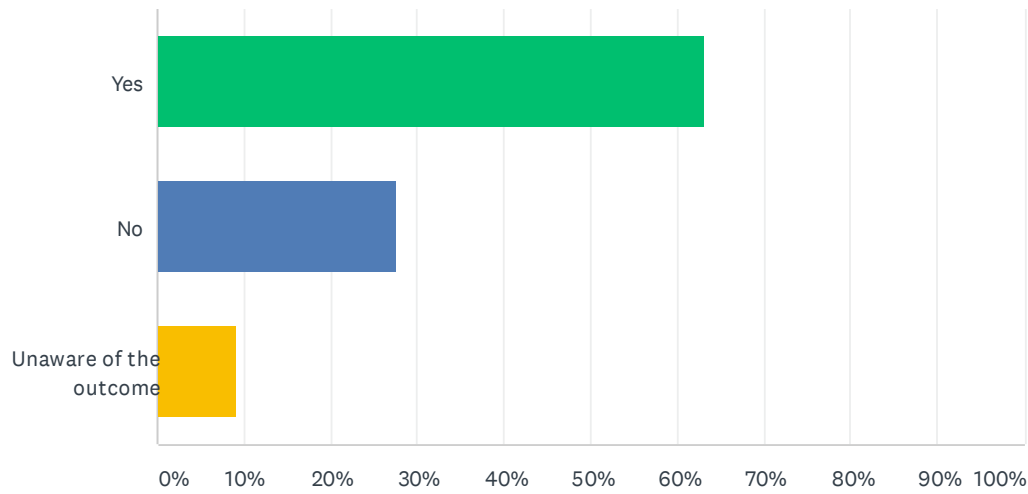
ANSWER CHOICES	RESPONSES	
Yes	11.15%	66
No	88.85%	526
TOTAL		592

## Q27 What action, if any, did you take?

Answered: 62   Skipped: 688

## Q28 Were you satisfied with the outcome?

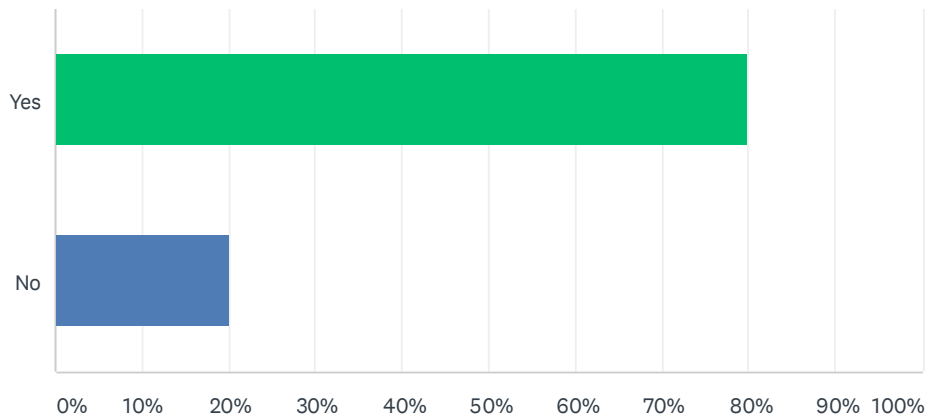
Answered: 65 Skipped: 685



ANSWER CHOICES	RESPONSES	
Yes	63.08%	41
No	27.69%	18
Unaware of the outcome	9.23%	6
TOTAL		65

## Q29 Do you know how to report a concern regarding harassment?

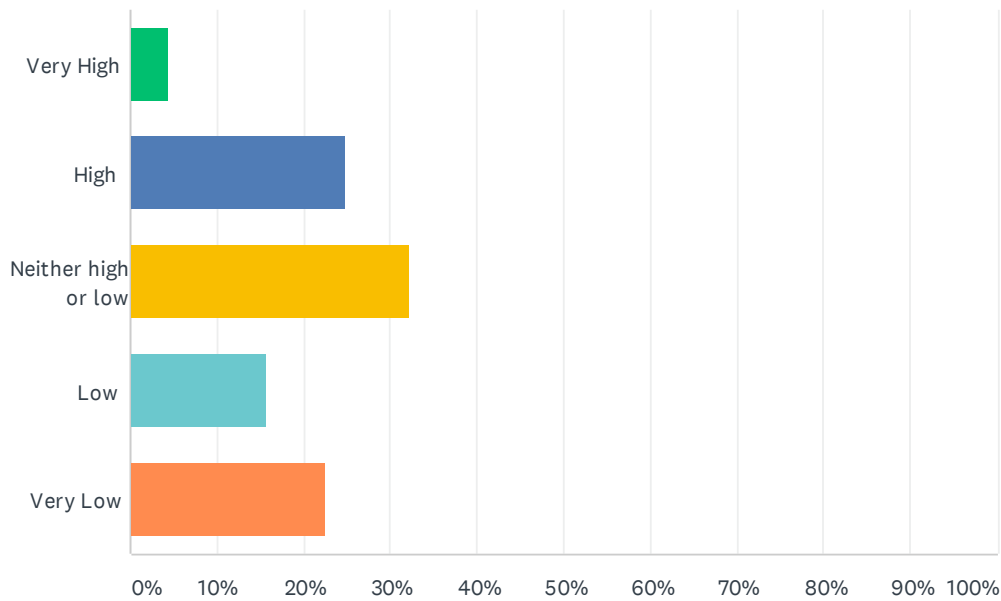
Answered: 580 Skipped: 170



ANSWER CHOICES		RESPONSES	
Yes		79.83%	463
No		20.17%	117
TOTAL			580

## Q30 What level of confidence do you have in the procedure for reporting concerns about harassment?

Answered: 580 Skipped: 170

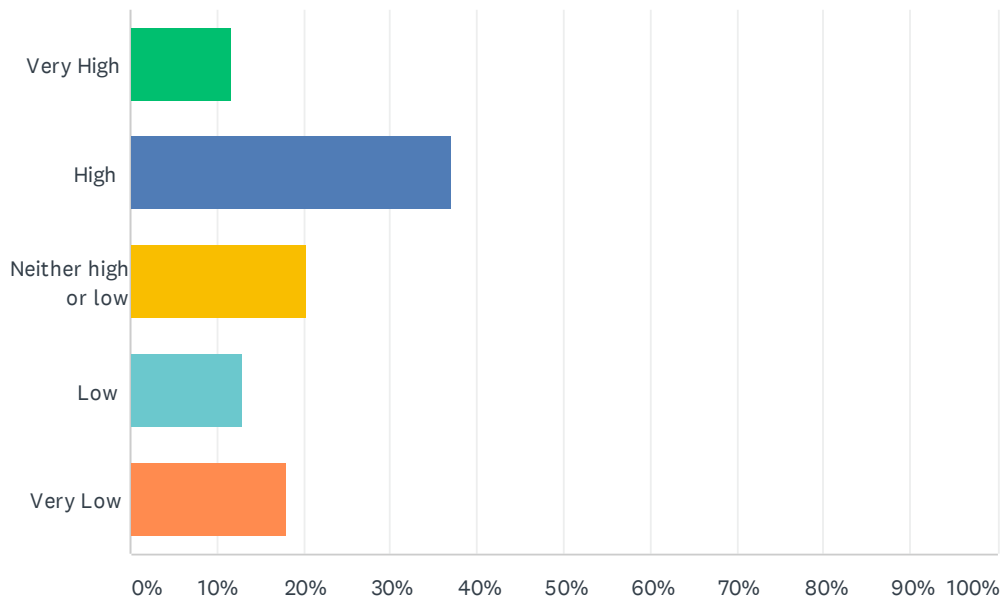


ANSWER CHOICES	RESPONSES	
Very High	4.48%	26
High	25.00%	145
Neither high or low	32.24%	187
Low	15.69%	91
Very Low	22.59%	131
<b>TOTAL</b>		<b>580</b>



## Q31 What level of confidence would you feel in reporting an instance of harassment to your line manager/employer?

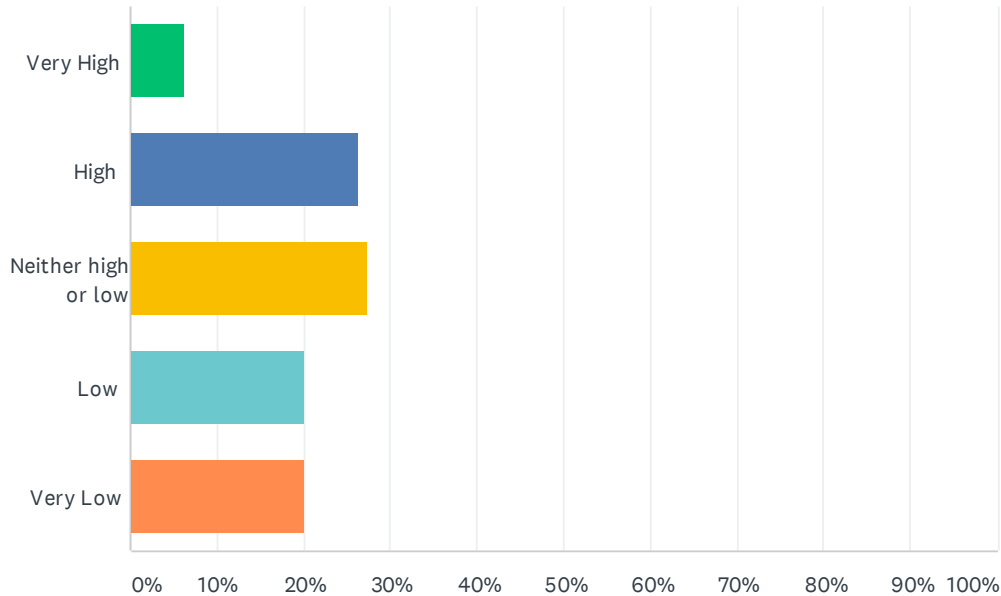
Answered: 580 Skipped: 170



ANSWER CHOICES	RESPONSES	
Very High	11.72%	68
High	37.07%	215
Neither high or low	20.34%	118
Low	12.93%	75
Very Low	17.93%	104
TOTAL		580

## Q32 What level of confidence do you have that a complaint against a colleague will be properly investigated and, if necessary, lead to appropriate sanctions?

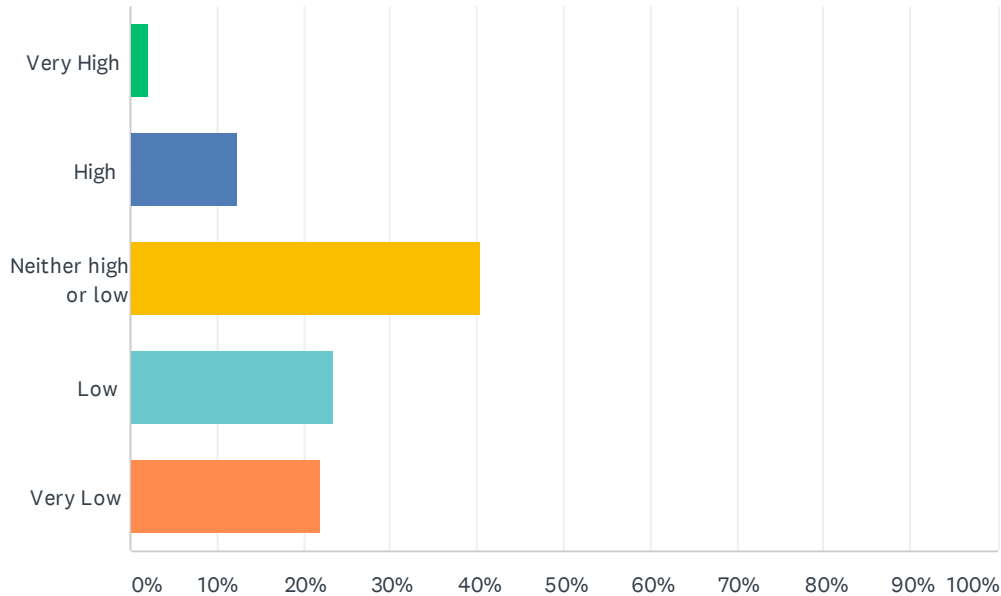
Answered: 580 Skipped: 170



ANSWER CHOICES	RESPONSES	
Very High	6.21%	36
High	26.38%	153
Neither high or low	27.41%	159
Low	20.00%	116
Very Low	20.00%	116
TOTAL		580

# Q33 What level of confidence do you have that a complaint against someone not employed by your organisation/the civil service will be properly investigated and, if necessary, lead to appropriate sanctions?

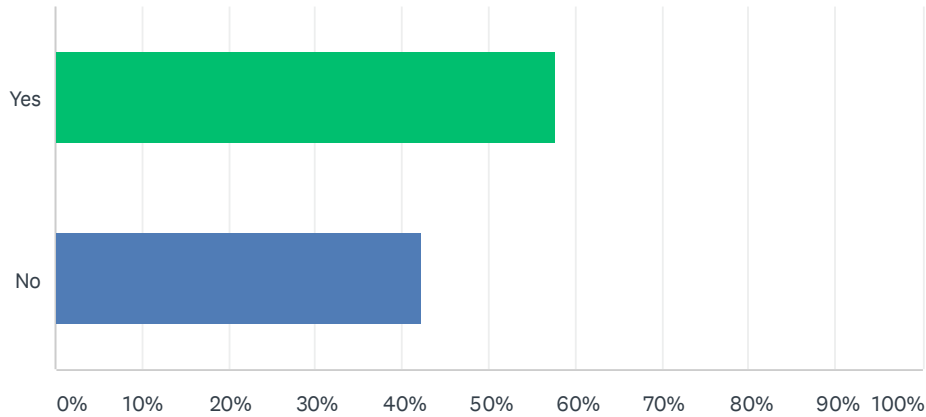
Answered: 580 Skipped: 170



ANSWER CHOICES	RESPONSES	
Very High	2.07%	12
High	12.24%	71
Neither high or low	40.34%	234
Low	23.45%	136
Very Low	21.90%	127
TOTAL		580

### Q34 Have you personally experienced other 'abuses of power' such as bullying, by a colleague (somebody employed by your organisation/the civil service)?

Answered: 555 Skipped: 195



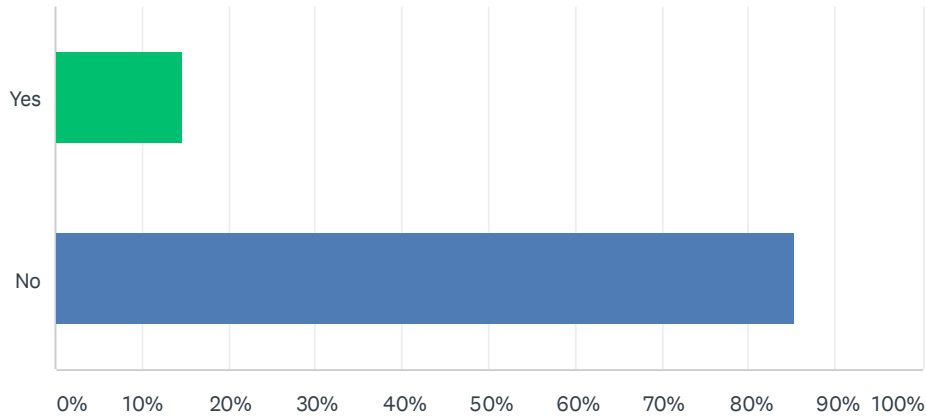
ANSWER CHOICES	RESPONSES	
Yes	57.66%	320
No	42.34%	235
TOTAL		555

**Q35 Please briefly describe what occurred and what - if any - action was taken.**

Answered: 280   Skipped: 470

**Q36 Have you personally experienced other 'abuses of power' such as bullying, by someone who is not an employee of your organisation/the civil service (e.g. a politician, special adviser or party employee)?**

Answered: 543 Skipped: 207



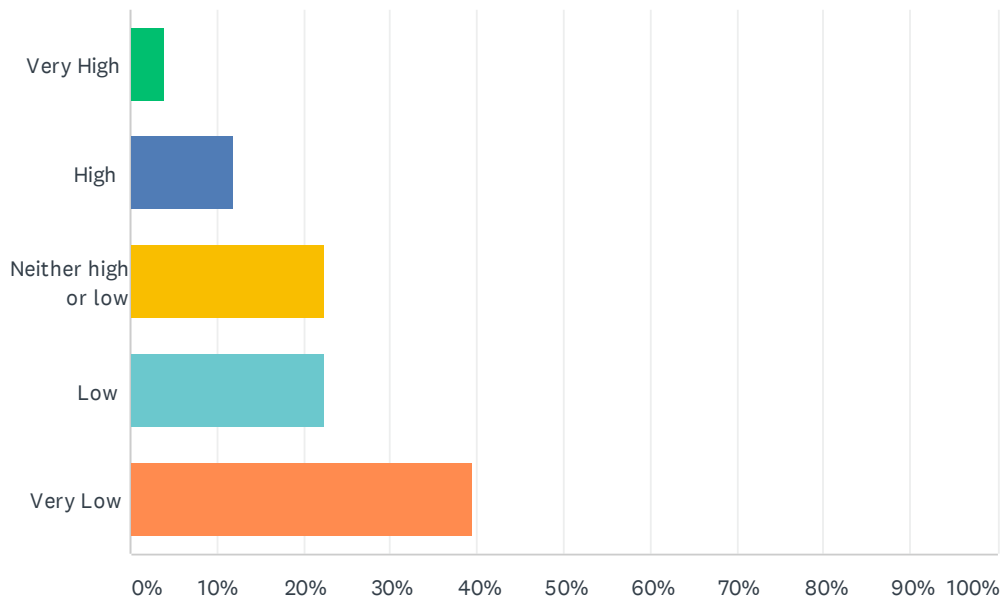
ANSWER CHOICES	RESPONSES	
Yes	14.73%	80
No	85.27%	463
TOTAL		543

**Q37 Please briefly describe what occurred and what - if any - action was taken.**

Answered: 72   Skipped: 678

## Q38 What level of confidence do you have in the procedure for reporting concerns about bullying behaviour?

Answered: 76 Skipped: 674



ANSWER CHOICES	RESPONSES	
Very High	3.95%	3
High	11.84%	9
Neither high or low	22.37%	17
Low	22.37%	17
Very Low	39.47%	30
TOTAL		76

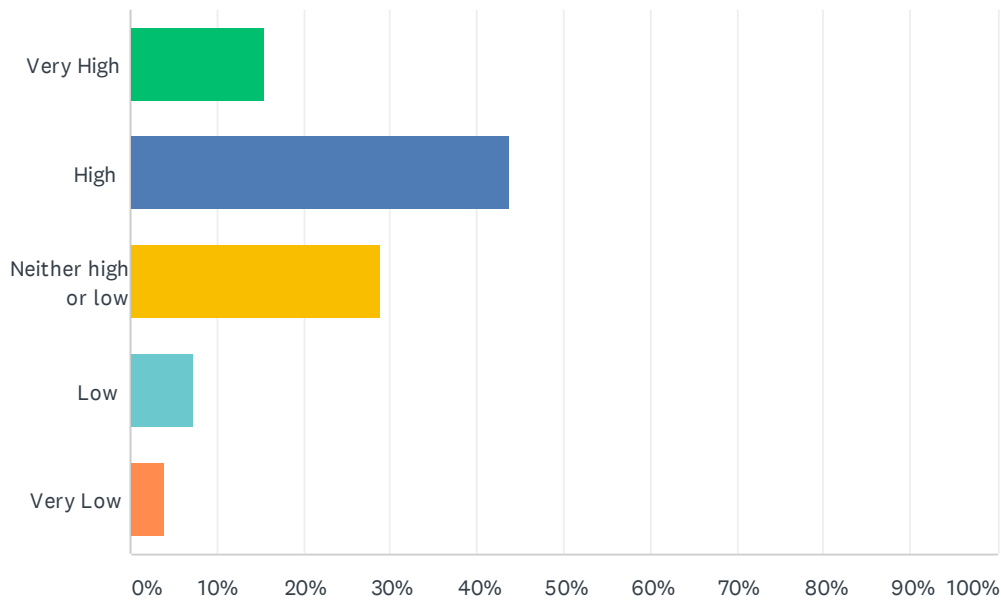


Q39 What support would you want from the FDA/Keystone if you brought a case to our attention?

Answered: 460   Skipped: 290

## Q40 What level of confidence do you have that the FDA/Keystone would provide this support?

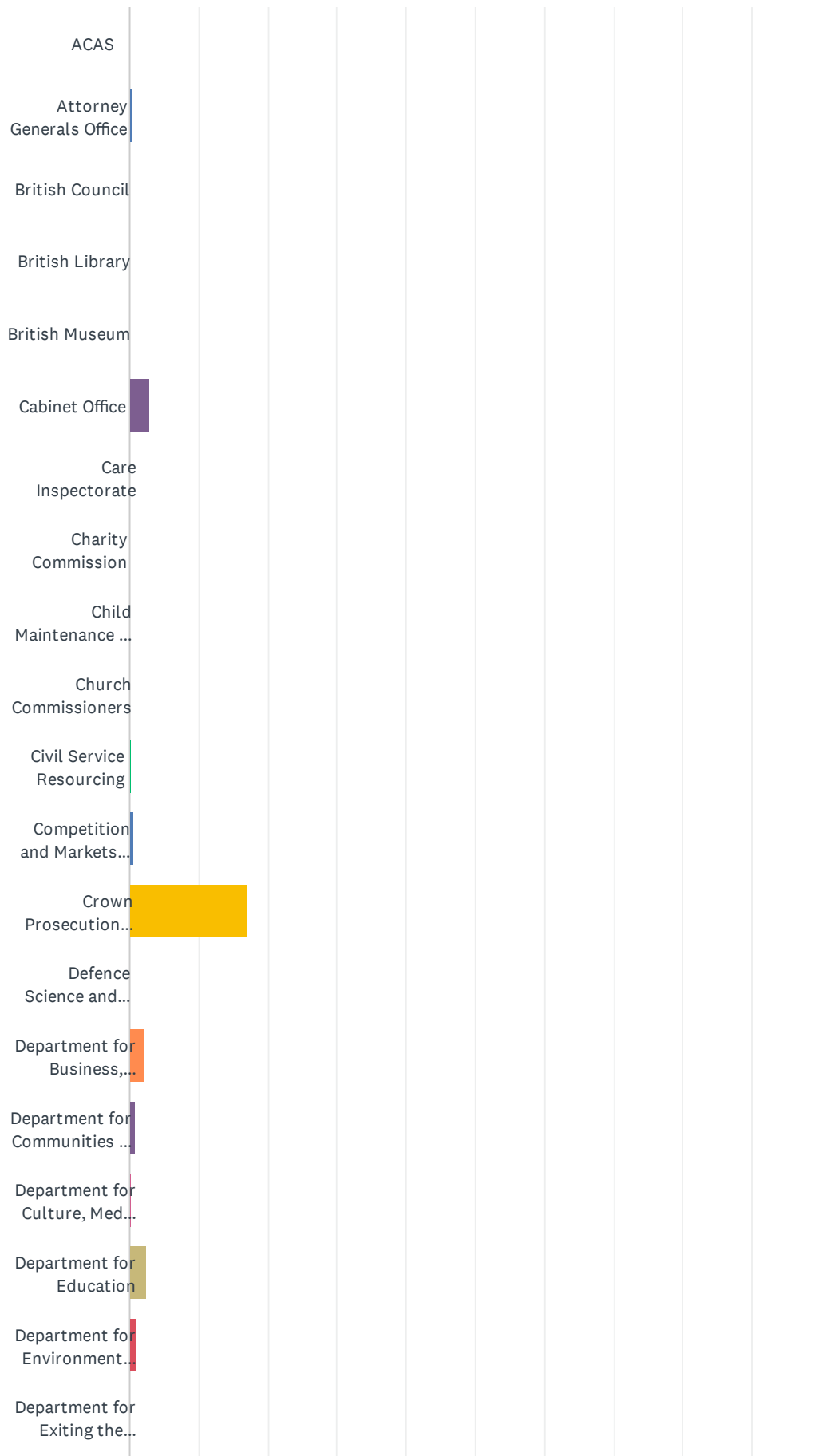
Answered: 518 Skipped: 232



ANSWER CHOICES	RESPONSES	
Very High	15.44%	80
High	43.82%	227
Neither high or low	28.96%	150
Low	7.34%	38
Very Low	4.05%	21
<b>TOTAL</b>		<b>518</b>

## Q41 Who is your employer?

Answered: 508 Skipped: 242



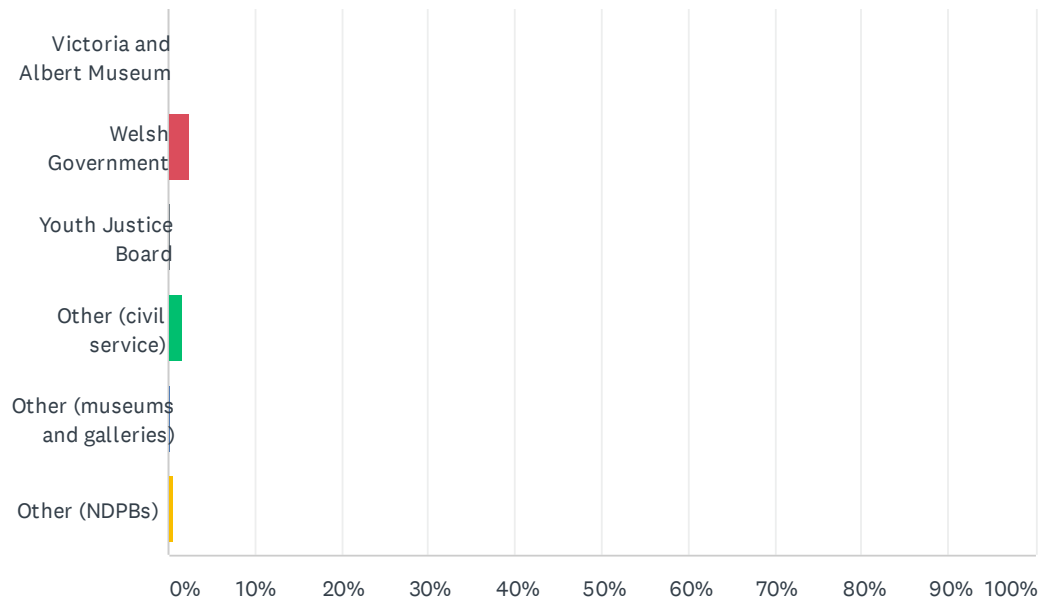
[illegible]

FDA/Keystone Survey – Workplace harassment & bullying  
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[illegible]

FDA/Keystone Survey – Workplace harassment & bullying  
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ANSWER CHOICES	RESPONSES	
ACAS	0.00%	0
Attorney Generals Office	0.39%	2
British Council	0.00%	0
British Library	0.00%	0
British Museum	0.00%	0
Cabinet Office	2.95%	15
Care Inspectorate	0.00%	0
Charity Commission	0.00%	0
Child Maintenance & Enforcement Commission	0.00%	0
Church Commissioners	0.00%	0
Civil Service Resourcing	0.20%	1
Competition and Markets Authority	0.59%	3
Crown Prosecution Service	17.13%	87
Defence Science and Technology Laboratory	0.00%	0
Department for Business, Energy and Industrial Strategy	2.17%	11
Department for Communities and Local Government	0.79%	4
Department for Culture, Media and Sport	0.20%	1
Department for Education	2.56%	13
Department for Environment Food and Rural Affairs	0.98%	5
Department for Exiting the European Union	0.00%	0
Department for International Development	0.20%	1
Department for International Trade	0.20%	1
Department for Social Development NI	0.00%	0
Department for Transport	0.98%	5
Department for Work and Pensions	5.51%	28
Department of Agriculture & Rural Development NI	0.00%	0
Department of Employment and Learning NI	0.00%	0
Department of Finance & Personnel NI	0.39%	2
Department of Health	0.39%	2
Department of Justice NI	0.00%	0
Disclosure and Barring Service	0.00%	0
Education Funding Agency	0.00%	0
Education Scotland	0.59%	3
Estyn	0.39%	2
Food Standards Agency	0.00%	0



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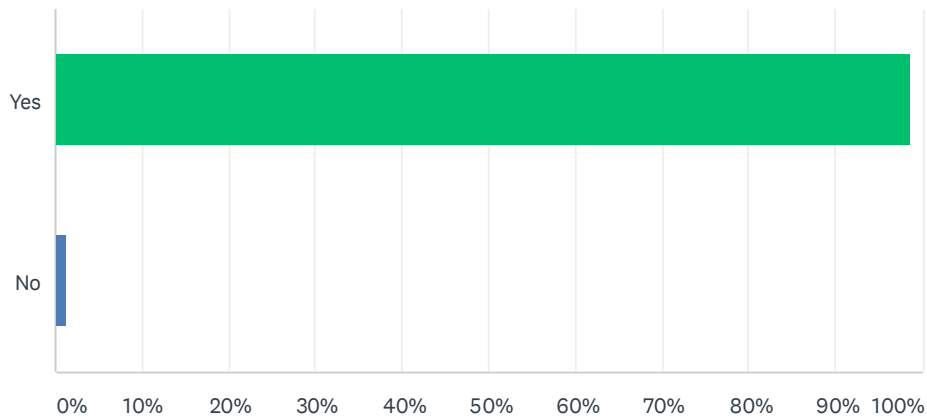
Foreign and Commonwealth Office	2.76%	14
Forestry Commission	0.20%	1
Government Legal Department	2.76%	14
Health and Safety Executive	0.00%	0
Heritage Lottery Fund (NHMF)	0.00%	0
HM Courts and Tribunals Service	0.20%	1
HM CPS Inspectorate	0.00%	0
HM Treasury	0.20%	1
HMRC	28.54%	145
Home Office	2.56%	13
House of Commons	1.77%	9
Imperial War Museum	0.00%	0
Independent Police Complaints Commission	0.00%	0
Information Commissioners Office	0.00%	0
Intellectual Property Office	0.39%	2
Land Registry	0.20%	1
Legal Aid Agency	0.00%	0
Legal Services Agency NI	0.00%	0
Medical Research Council	0.00%	0
Metropolitan Police	0.00%	0
Ministry of Defence	3.54%	18
Ministry of Justice	0.39%	2
National Archives	0.39%	2
National Assembly for Wales	0.00%	0
National Crime Agency	0.00%	0
National Gallery	0.00%	0
National Offender Management Service	0.20%	1
National Portrait Gallery	0.00%	0
National Records of Scotland	0.00%	0
Northern Ireland Civil Service	0.59%	3
Northern Ireland Office	0.00%	0
Office for National Statistics	0.79%	4
Office for Standards in Education	4.53%	23
Office of Gas and Electricity Markets	0.39%	2
Office of Rail Regulation	0.00%	0

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Office of the First Minister and Deputy First Minister	0.00%	0
Office of the Official Solicitor	0.00%	0
Office of the Parliamentary Counsel	0.20%	1
Parliamentary & Health Service Ombudsman	0.00%	0
Procurator Fiscal Service (Crown Office)	1.57%	8
Public Health England	0.00%	0
Public Prosecution Service NI	0.00%	0
Rural Payments Agency	0.00%	0
Scotland Office	0.00%	0
Scottish Government	4.33%	22
Scottish Parliament	0.20%	1
Serious Fraud Office	0.00%	0
Social Care and Social Work Services Scotland SCSWIS	0.00%	0
UK Statistics Authority	0.20%	1
UK Trade & Investment	0.00%	0
UK Visas and Immigration	0.00%	0
Valuation Office Agency	0.00%	0
Victoria and Albert Museum	0.00%	0
Welsh Government	2.56%	13
Youth Justice Board	0.20%	1
Other (civil service)	1.57%	8
Other (museums and galleries)	0.20%	1
Other (NDPBs)	0.59%	3
<b>TOTAL</b>		<b>508</b>

## Q42 Are you an FDA/Keystone member?

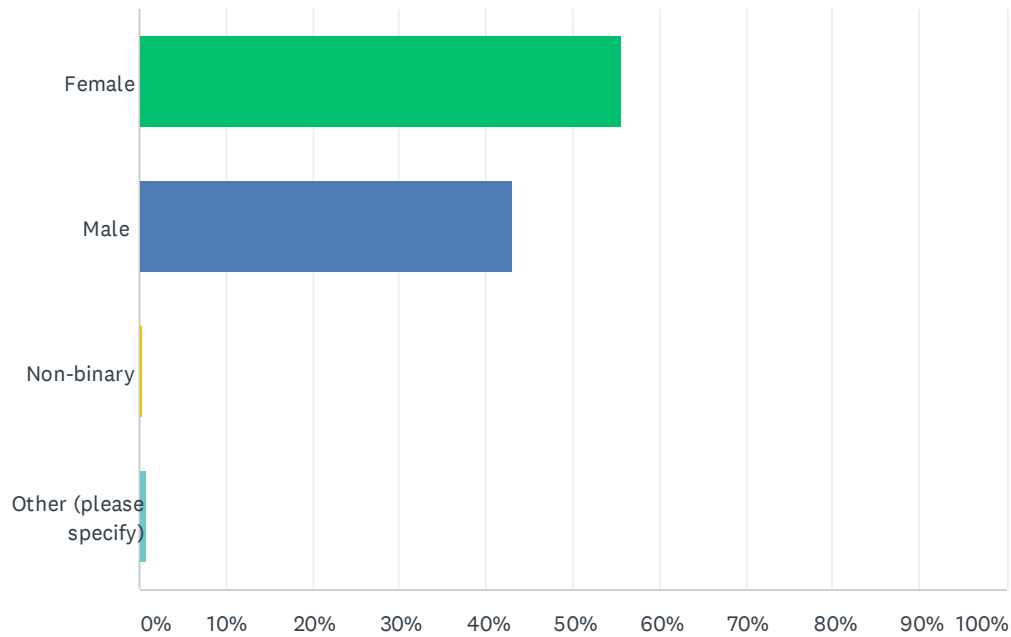
Answered: 516   Skipped: 234



ANSWER CHOICES		RESPONSES	
Yes		98.64%	509
No		1.36%	7
TOTAL			516

## Q43 Which gender do you identify as?

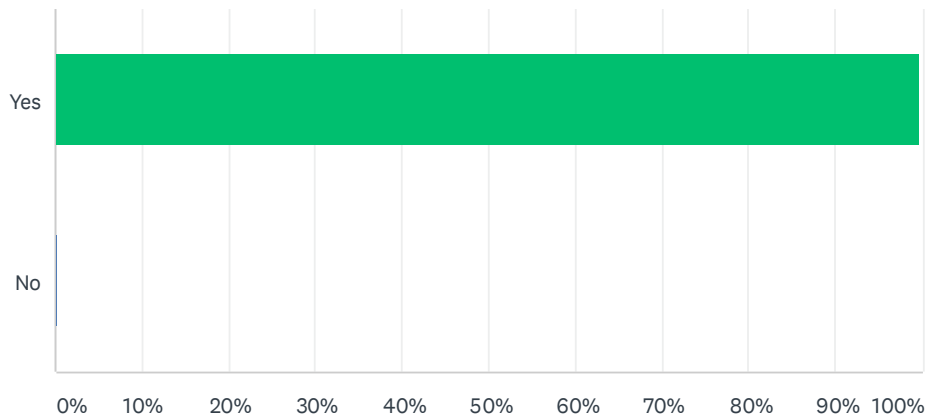
Answered: 510 Skipped: 240



ANSWER CHOICES	RESPONSES	
Female	55.69%	284
Male	43.14%	220
Non-binary	0.39%	2
Other (please specify)	0.78%	4
TOTAL		510

## Q44 Is your gender the one you were assigned at birth?

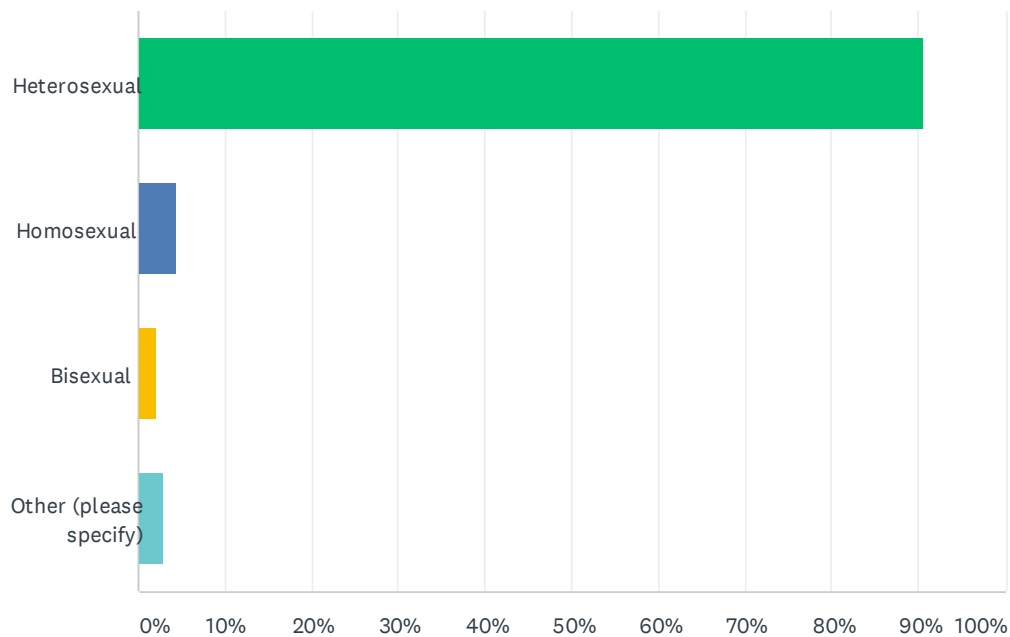
Answered: 504 Skipped: 246



ANSWER CHOICES		RESPONSES	
Yes		99.80%	503
No		0.20%	1
TOTAL			504

## Q45 How do you identify your sexual orientation?

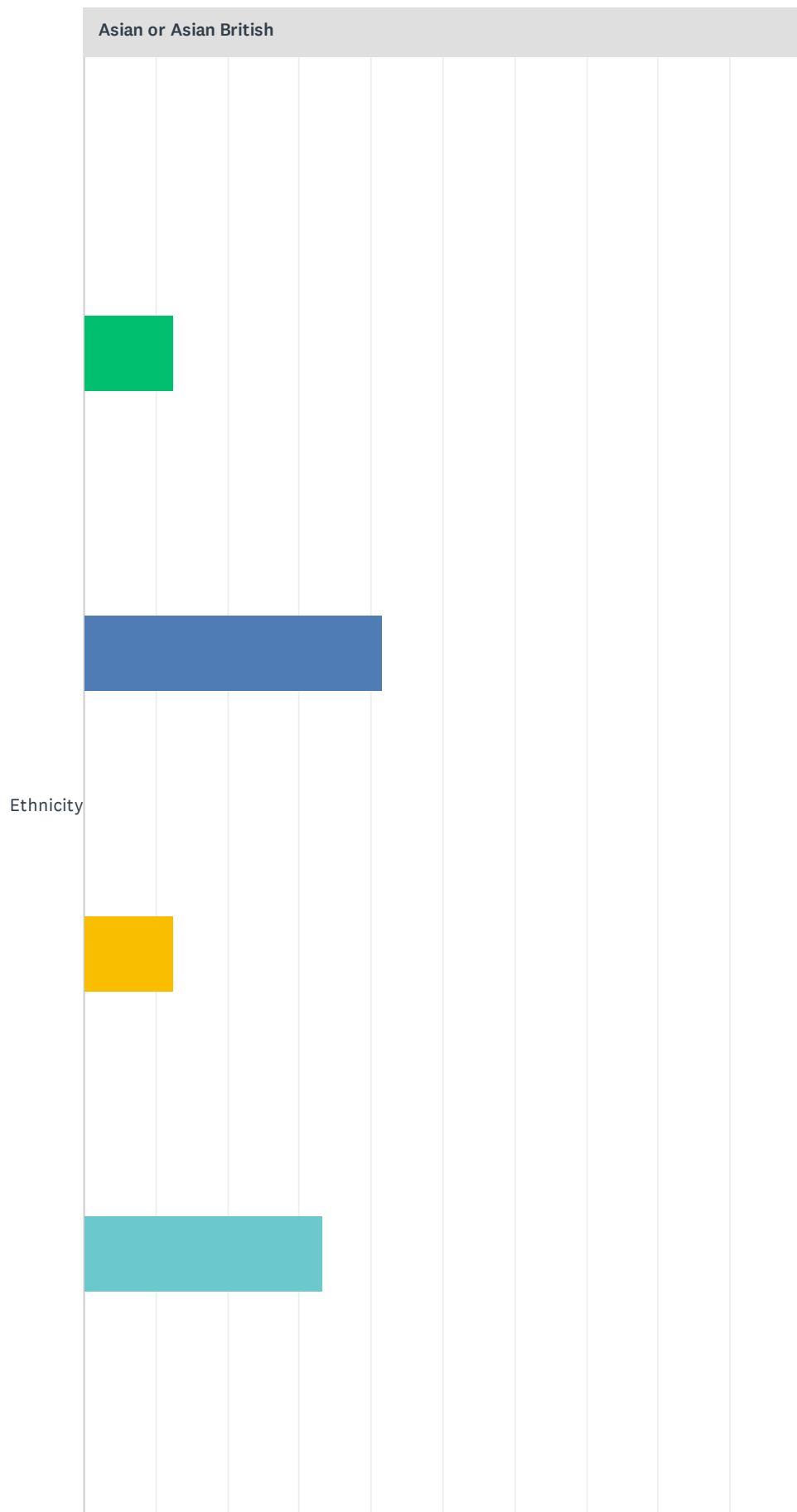
Answered: 496 Skipped: 254



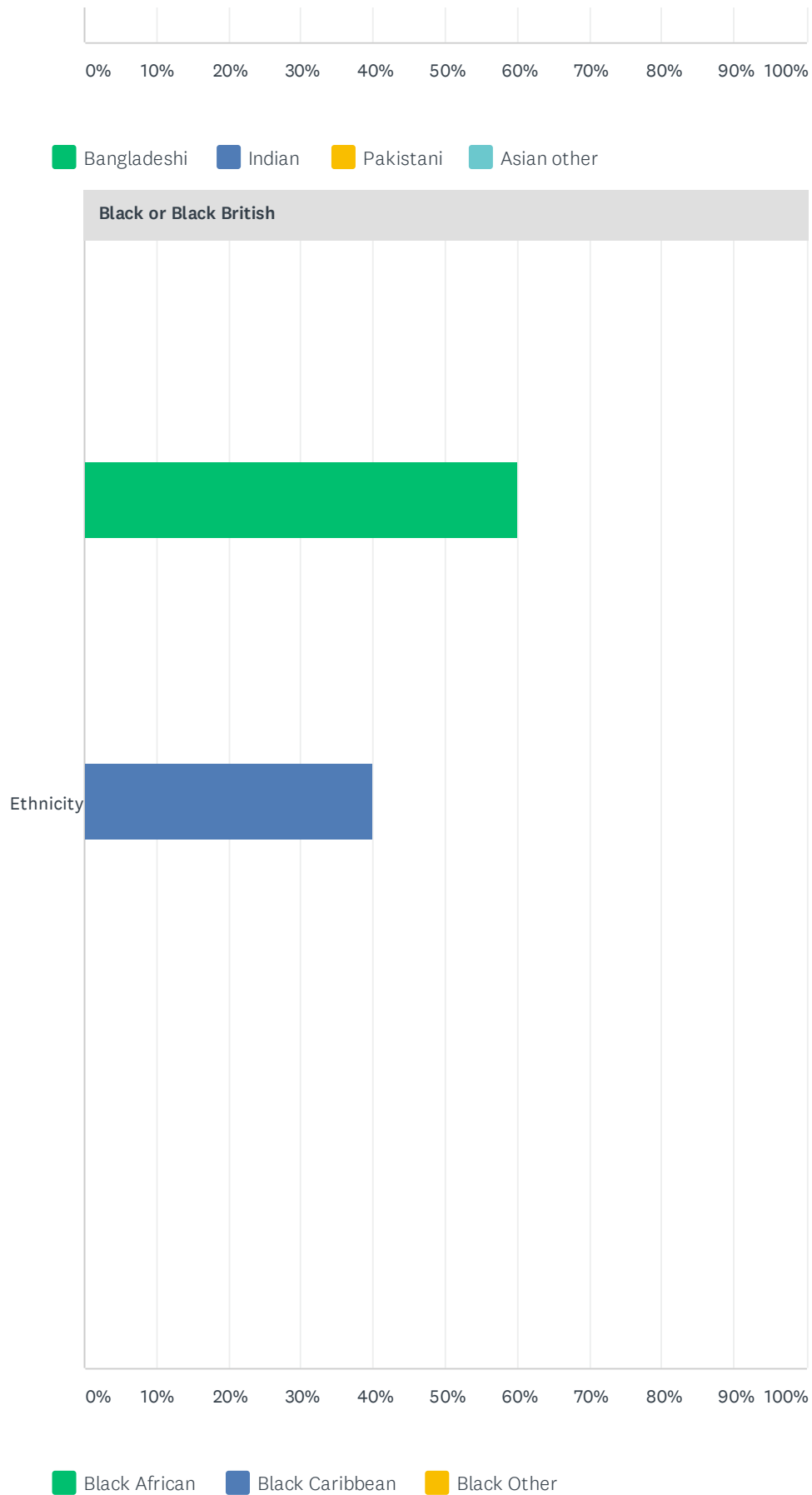
ANSWER CHOICES	RESPONSES	
Heterosexual	90.52%	449
Homosexual	4.44%	22
Bisexual	2.02%	10
Other (please specify)	3.02%	15
TOTAL		496

## Q46 How would you describe your ethnic origin?

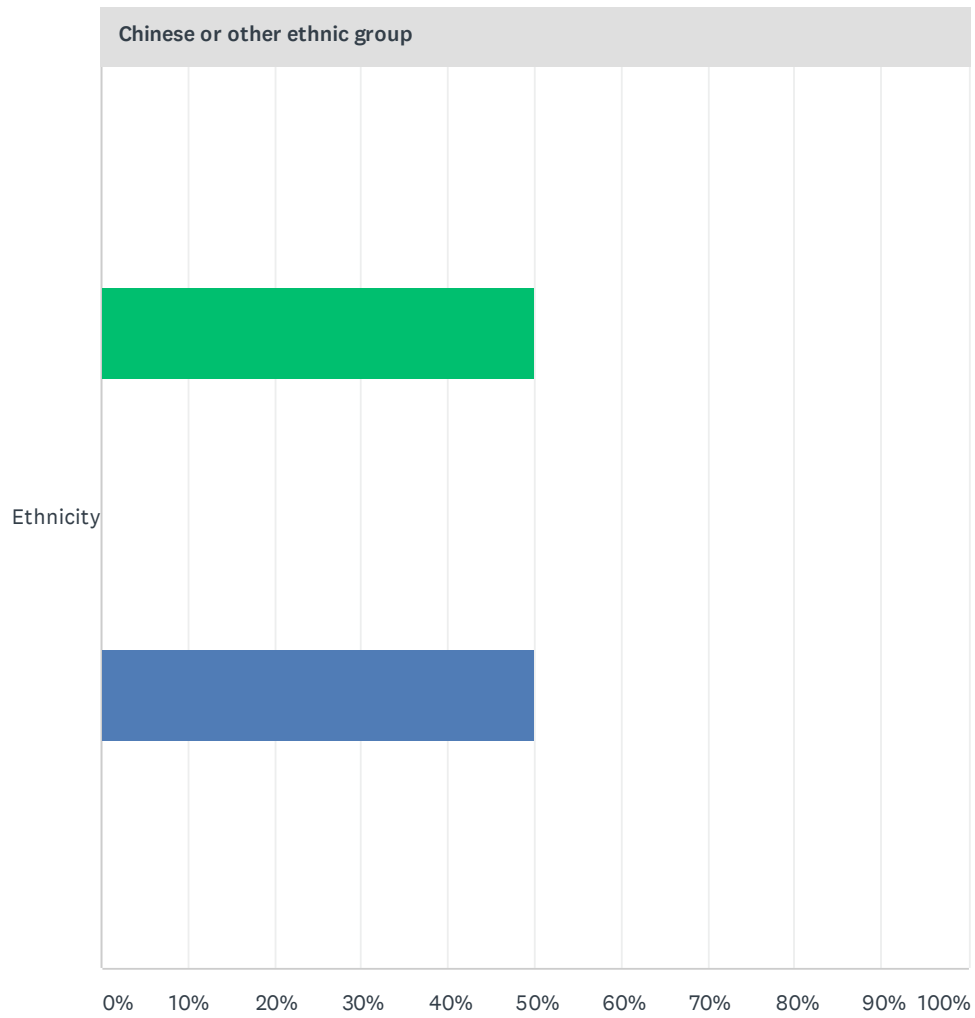
Answered: 445   Skipped: 305



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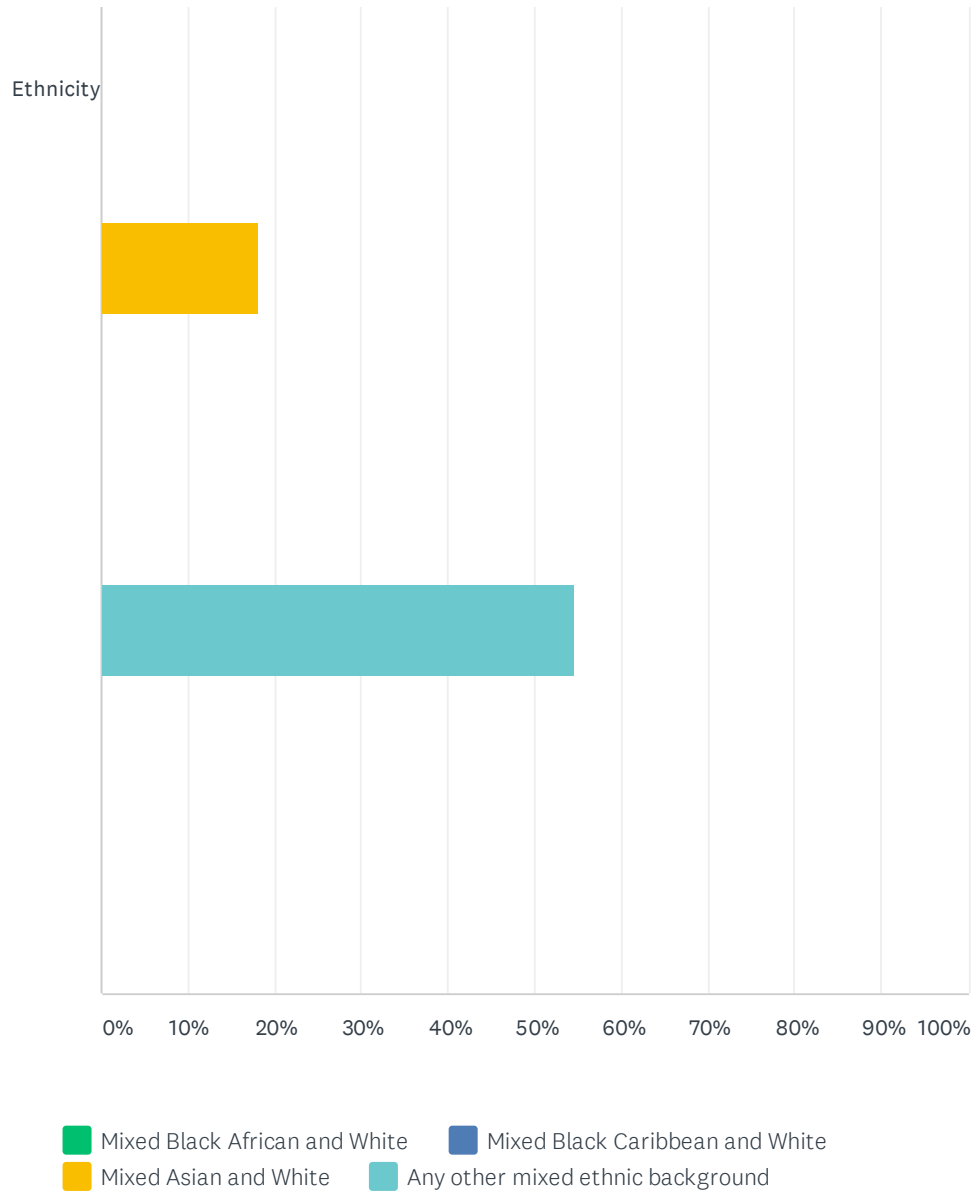




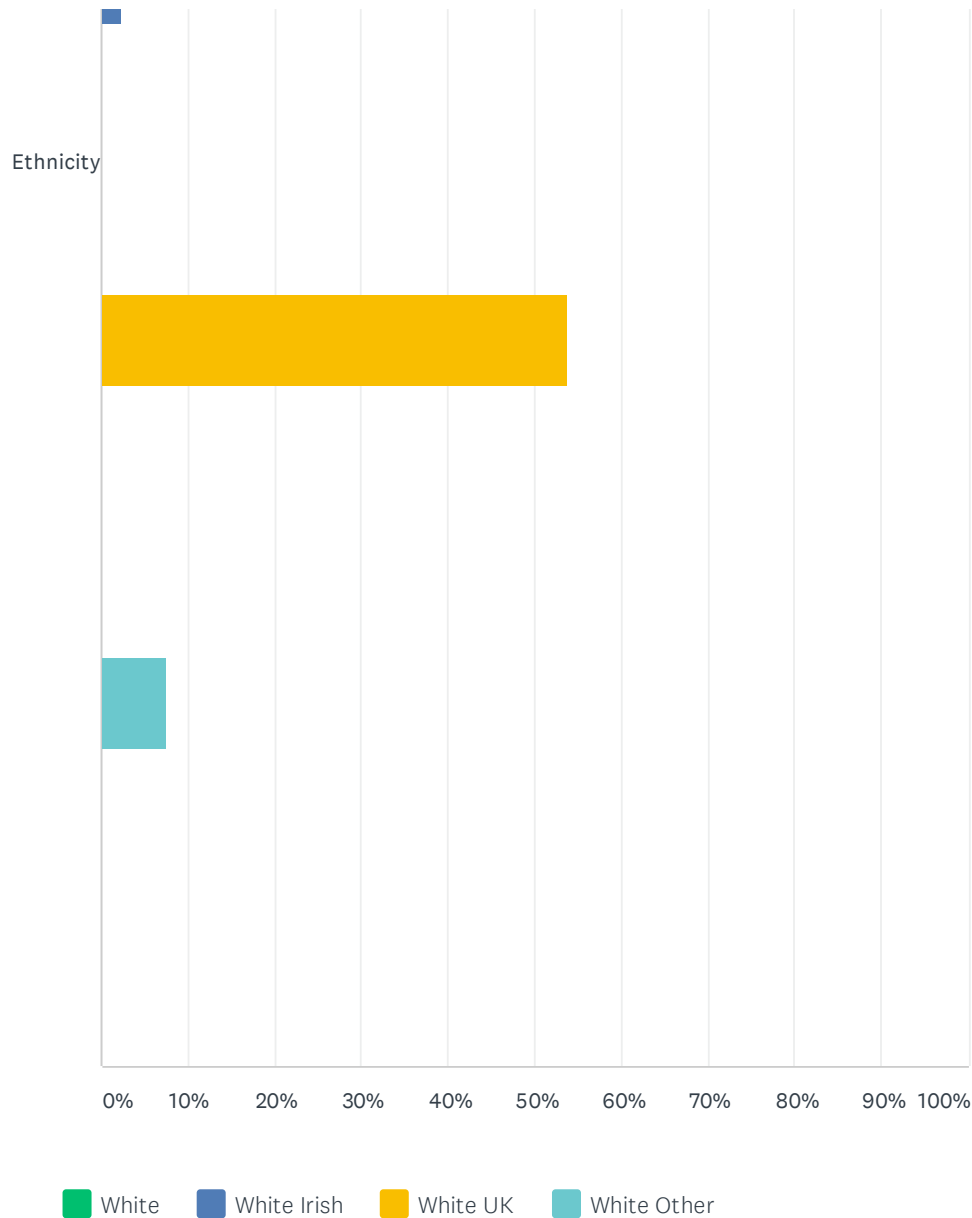


Chinese Other





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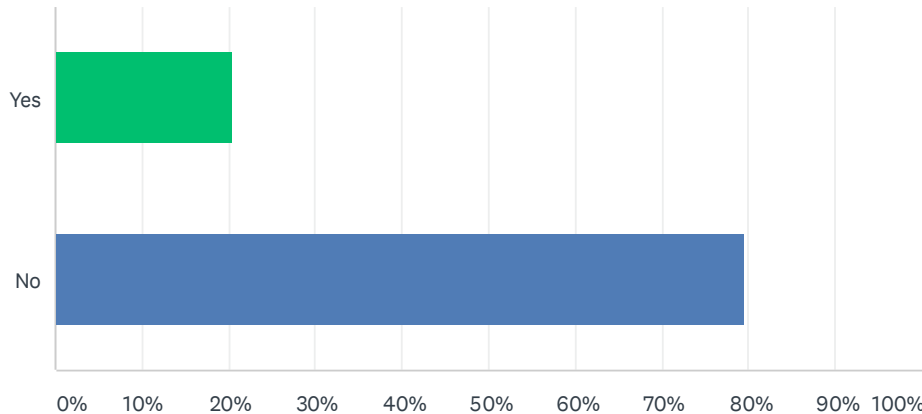
Asian or Asian British						
	BANGLADESHI		INDIAN	PAKISTANI	ASIAN OTHER	TOTAL
Ethnicity	12.50%		41.67%	12.50%	33.33%	
	3		10	3	8	24
Black or Black British						
	BLACK AFRICAN		BLACK CARIBBEAN		BLACK OTHER	TOTAL
Ethnicity	60.00%		40.00%		0.00%	
	6		4		0	10
Chinese or other ethnic group						
	CHINESE			OTHER		TOTAL
Ethnicity	50.00%			50.00%		
	2			2		4
Mixed						
	MIXED BLACK AFRICAN AND WHITE		MIXED BLACK CARIBBEAN AND WHITE	MIXED ASIAN AND WHITE	ANY OTHER MIXED ETHNIC BACKGROUND	TOTAL
Ethnicity	27.27%		0.00%	18.18%	54.55%	
	3		0	2	6	11

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White					
	WHITE	WHITE IRISH	WHITE UK	WHITE OTHER	TOTAL
Ethnicity	36.50% 146	2.25% 9	53.75% 215	7.50% 30	400

**Q47 Do you consider yourself to be disabled, as defined by the Equality Act?(The Equality Act 2010 defines a disabled person as someone with a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities)**

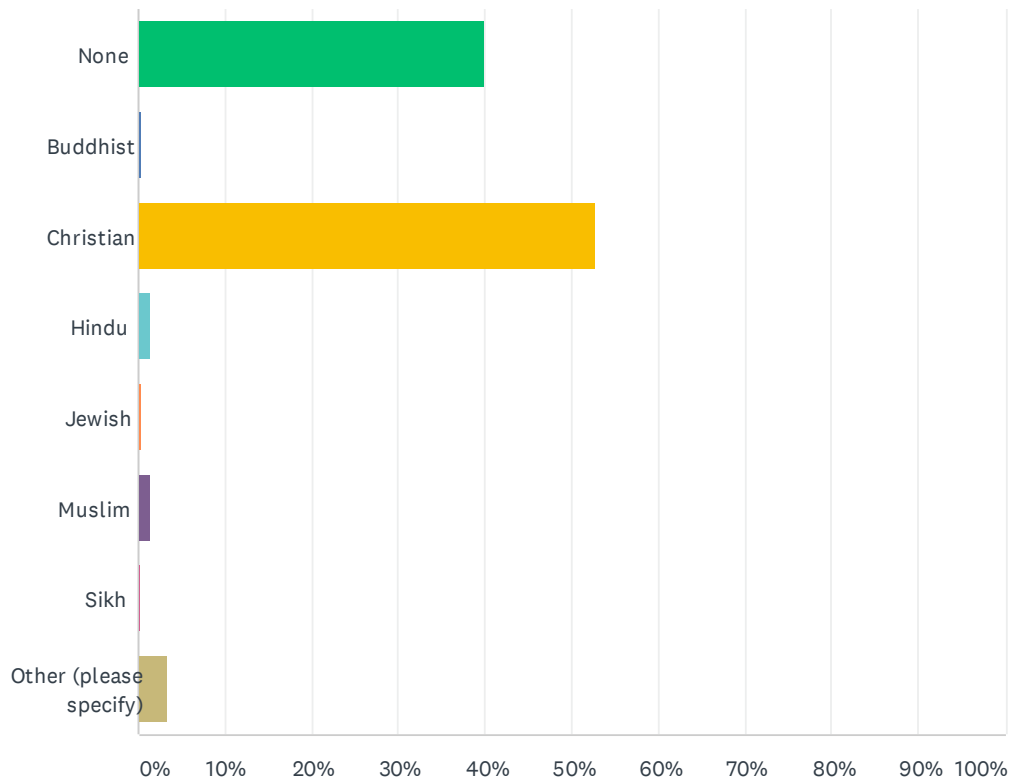
Answered: 508 Skipped: 242



ANSWER CHOICES	RESPONSES	
Yes	20.47%	104
No	79.53%	404
TOTAL		508

## Q48 Which of the below best represents your religion/belief?

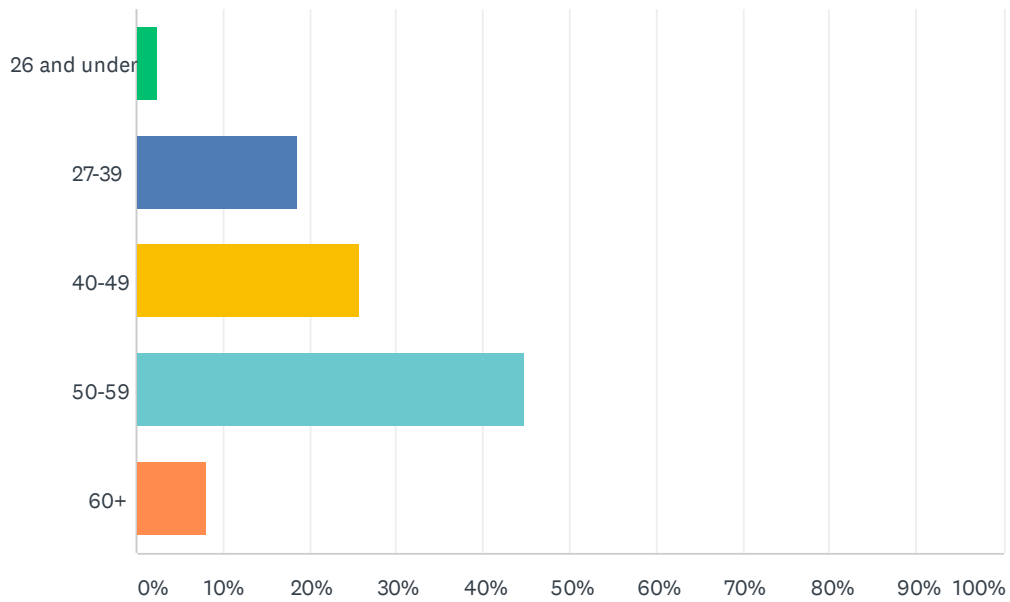
Answered: 502 Skipped: 248



ANSWER CHOICES	RESPONSES	
None	40.04%	201
Buddhist	0.40%	2
Christian	52.79%	265
Hindu	1.39%	7
Jewish	0.40%	2
Muslim	1.39%	7
Sikh	0.20%	1
Other (please specify)	3.39%	17
TOTAL		502

## Q49 What is your age group?

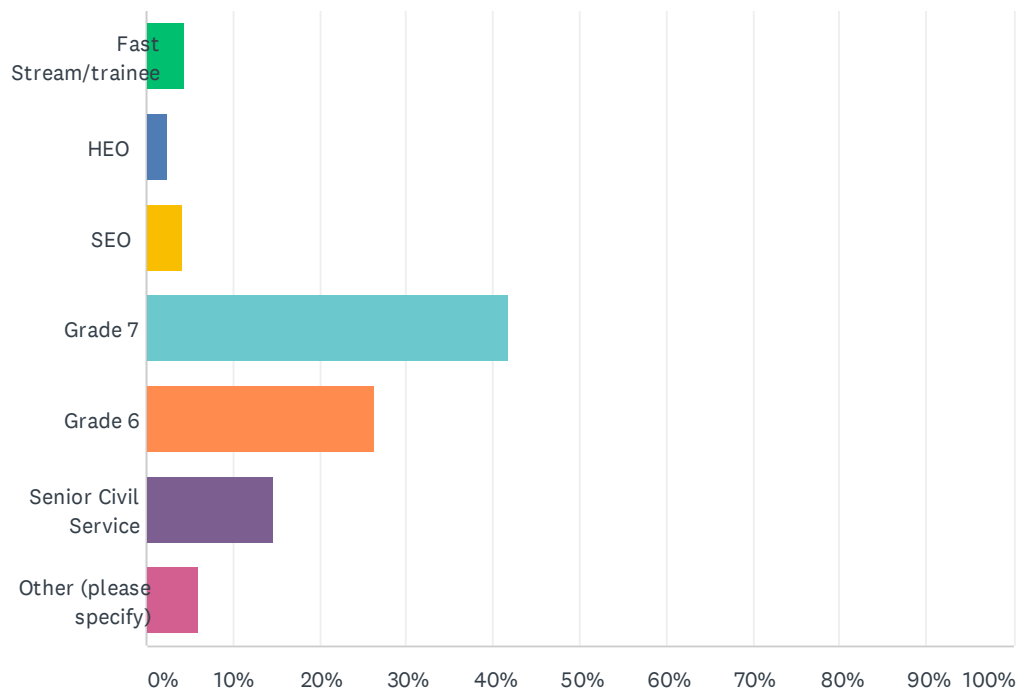
Answered: 504 Skipped: 246



ANSWER CHOICES	RESPONSES	
26 and under	2.58%	13
27-39	18.65%	94
40-49	25.79%	130
50-59	44.84%	226
60+	8.13%	41
TOTAL		504

## Q50 What grade equivalent are you?

Answered: 508 Skipped: 242



ANSWER CHOICES	RESPONSES	
Fast Stream/trainee	4.33%	22
HEO	2.56%	13
SEO	4.13%	21
Grade 7	41.93%	213
Grade 6	26.38%	134
Senior Civil Service	14.57%	74
Other (please specify)	6.10%	31
TOTAL		508