OPERATIONAL MANAGEMENT GROUP

Review of Dignity at Work Policy

Background

1. This paper invites OMG to consider the revised Dignity at Work Policy and, if content, to agree the Policy and related guidance and decisions detailed in this paper. Contact: Aneela McKenna, Equalities Manager, Ext 86853.

Timing

2. The next Dignity at Work training sessions are scheduled for the end of September 2009 so it would be desirable to have the new Policy agreed for this time and rolled out to all staff thereafter. New Contacts and Investigation Officers will need to be recruited and trained as quickly as possible after the roll out.

Discussion

3. During 2008/9, a review of the current Dignity at Work (DAW) Policy was undertaken. With recent developments in the organisation, such as the changes to leadership structures and the roll out of the HR Change Programme, it was essential to review the DAW Policy and bring it into line with these changes.

4. The review whilst considering the new requirements placed on line managers through the HR realignment process also reflected the concerns raised by staff during the 2007 staff equality audit and the problems with the current application of the DAW procedures.

5. The staff audit highlighted that 12.6% (56) of staff had experienced bullying or harassment over the previous 12 months. However, in reviewing the detail of the responses received from staff, it suggested that legitimate management practice was being misinterpreted as bullying and harassment. It is therefore essential to reflect this in the revised Policy so that staff and managers fully understand the distinction between harassment and bullying and legitimate management practice.

6. Of those who had experienced bullying or harassment only 13.5% (7) had made use of the Dignity at Work Network to provide support. The comments provided by those who had not used the Network were also considered during the review.

7. It was highlighted that some staff had felt it unnecessary to contact the network; whilst others had a lack of confidence in the ability of the network or that the network lacked the power to be able to help with a
dignity at work complaint. Some of the respondents took an alternative course of action such as speaking to their line manager or the HR Office.

8. In reviewing the current network other areas of concern have been highlighted which may have contributed to current staff perceptions of the network: These were:-

- The number of Contacts available to staff has been reduced, from ten to three, over the years since the introduction of the network;

- All current contacts (3) are female meaning that a gender balanced support service is not currently available to meet the needs of staff; and

- Whilst there is some variety in the grade level of staff there are no Contacts at Grade 6 or above, which could impact on some staff’s decision on whether to seek support from the network or not

9. These findings point towards the recruitment of new Contacts in order to create a more representative network. As it is now four years since the current Contacts and Investigation Officers first undertook the role it would also be a good time to refresh the whole Network. The role of all current Contacts and Investigation Officers will come to an end, having provided a great deal of support to staff since the Network was first established in 2005. Should they wish they can, of course, apply for one of the roles as part of the new recruitment exercise.

10. A focus group with representatives from the DAW Network, HR Office and the TUS took place to review the Policy and its existing procedures. They identified a number of key concerns relating mostly to the procedures which are detailed below:

- the timescales are unrealistic and there is little scope for flexibility in the procedures;
- the informal and formal stages should be more clearly distinguished;
- it can be difficult to decide on whether the complaint falls with the scope of the Policy;
- in cases of gross misconduct there should be more detail on what happens next;
- the current procedure enables the complainant to make a further complaint under the grievance procedures; and finally,
- there is no option to consider certain behaviours as misconduct, only gross misconduct.

11. There were other concerns regarding the Investigating Officers and dedicating time to an investigation when they have other work duties to
fulfil. In the past, this has caused further delays to the complaint as well as placed additional stress upon the Investigating Officer.

12. In principle, the Dignity at Work Network, HR Office and the TUS are in agreement with the revised Policy. HR colleagues have had an initial look at the draft Policy and provided comments which have been taken on board. As they are currently considering the draft related guidance for staff and managers, we will provide an oral update to OMG if any changes are made to the guidance. The TUS are still required to review the Policy and draft related guidance.

13. The main changes made to the Policy, taking account of the above, are detailed below:-

- Dignity at Work Contacts (and Investigating Officers) will be recruited and available to provide support and advice to both staff and line managers who are dealing with a Dignity at Work issue. Previously Dignity at Work Contacts only provided support to staff.

- There are now two stages to the complaint procedures instead of three. It creates a clearer distinction between the formal and informal stage. Personal action now forms one of the options under the informal stage.

- All formal Dignity at Work complaints will now be dealt with under the SPCB’s grievance procedures.

- The Policy sets out more clearly what the difference is between legitimate firm management practice and bullying or harassment. This will help staff to identify behaviour which can sometimes be ambiguous and can result in false accusations of bullying.

**Resource Implications**

14. The resource implications for reviewing and implementing the new Policy are mainly related to SDO staff time. This has been included as part of the planning for Strategy & Development Office’s core activities.

15. There will be some resource implications for other offices in relation to the impact on staff time for those providing support or advice as DAW contacts and carrying out investigations as Investigation Officers.

16. Some expenditure will be required in producing revised training materials but this will be covered by existing Strategy & Development Office budgets.

**Dependencies**
17. Successful implementation of the Policy is dependant on the following issues.

- The agreement of OMG and support of the HR Office and TUS to the revised Policy.
- The new Policy being fully rolled out and cascaded to all staff across the organisation.
- Successful recruitment and training of Dignity at Work Contacts and Investigation Officers. Applications will be needed from a variety of offices and grades as well as achieving a good gender balance to reflect the support needs of staff. The support and encouragement of managers for staff in applying and carrying out those roles will be essential.

**Equalities Implications**

18. This policy is directly linked to equality and will have a positive impact on staff by providing support to those staff experiencing discrimination, harassment, bullying or victimisation. It will help raise awareness of staff in terms of their own responsibilities under the policy, the SPCB’s expectations of them and provide information and advice on the commitment and aims of the SPCB in terms of treating staff fairly and with dignity and respect. It will also direct staff on where and how to seek support should they experience such behaviour and guidance on the procedures to be followed.

19. The Policy will help the SPCB meet its various duties under equal opportunities legislation and in particular its duty to provide protection for its staff and to do all it reasonably can to prevent discrimination, harassment, bullying or victimisation from taking place.

**Publication Scheme**

20. This paper can be published under the SPCB’s publication scheme.

**Next Steps**

21. The next steps for implementation of this Policy and related guidance will be as follows:

- Consider any comments or changes suggested by OMG, HR Office and TUS and build them into the Policy and guidance as appropriate.
- Recruit and train Dignity at Work Contacts and Investigation Officers in time for the launch of the revised Policy.
• Revise training materials as necessary and provide an update to our training contractor, Diversity Dynamics.

• Roll out new policy to all staff.

Decision

22. OMG members are invited to

• Consider and agree the attached revised Dignity at Work policy and related guidance, subject to providing any detailed comments to Aneela McKenna by Tuesday 14th September 2009;

• Agree to encourage staff of all grades to consider applying for the role of Dignity at Work Contact or Investigation Officer when advertised; and

• Consider whether it would be appropriate for two members of OMG to become a Dignity at Work Contact and an Investigation Officer. Such a step would show a greater high level commitment to the policy whilst also assisting the organisation in providing a service which fully reflects the needs of all staff including those at a higher grade.

Strategy & Development
September 2009