Dignity at Work Policy

Introduction

1. The Scottish Parliamentary Corporate Body (SPCB) is committed to providing an environment which is free from harassment, bullying, discrimination and victimisation. We believe that everyone should have the right to be treated with dignity and respect.

2. Our aim is to excel as a parliamentary service, which is underpinned by a number of key elements, one of which is organisational health which recognises that sustained success is built on a well led, high quality workforce. In achieving this aim, staff should work in a culture in which they feel valued for their contribution, where they can utilise their talents and resources in order to reach their full potential.

3. If we are to maintain this standard, our values of equality, integrity, impartiality and professionalism should be reflected in our day to day work and in the way in which we work and interact with our colleagues and others.

4. This SPCB therefore promotes a strong culture of openness and equality in which people are treated fairly and with dignity and respect. It seeks the support and coordination of staff in creating this culture and ensuring that others are treated fairly by developing and maintaining positive working relationships with colleagues and others with whom they interact daily.

5. Harassment, bullying, discrimination and victimisation are unacceptable to the SPCB and will not be tolerated. If there is any incidence of this type of behaviour, which has a detrimental effect on staff, the SPCB will take prompt action to remedy it and steps to prevent any recurrence. The SPCB recognises the impact such behaviour can have on the individual/s experiencing it as well as on the wider organisation in terms of its staff morale and operational efficiency.

6. Promoting dignity at work as a serious commitment will have the positive benefit of enabling staff to feel confident about challenging and reporting on behaviour they are concerned about at work, whether this is displayed towards them or to someone else. Managers are required to respond positively to complaints from staff and take action to stop the behaviour.

Aims and objectives

7. The primary aim of this policy is to prevent behaviour which is construed as harassment, bullying, victimisation or discrimination in the workplace. Where this does occur, effective action will be taken to stop the behaviour from reoccurring.
8. This will be achieved by:

- Developing and maintaining a culture in which dignity and respect can flourish and become a natural and integral part of the organisation;
- Encouraging staff to create such a culture in which they respect others and encourage others to do the same;
- Defining what is meant by harassment, discrimination and bullying and the impact these can have on a person / group;
- Explaining what is expected of staff, including those in management positions, in relation to the implementation of this policy;
- Outlining the actions which can be taken to stop any behaviour falling in to one of these categories; and
- Providing support mechanisms to assist staff involved in harassment, discrimination, bullying and victimisation cases and guidance on where they can seek advice.

9. Procedures for dealing with complaints of harassment, bullying, discrimination and victimisation are set out in Annex A of this Policy.

Scope of this Policy

10. This policy applies to all staff directly employed by the SPCB. It also applies to other staff, including those on secondment from other organisations, contractors, agency workers and other temporary staff, who are engaged by the SPCB to work within the Parliament. All staff are expected to take action as appropriate to incorporate the principles of this Policy into working and contractual relationships. In addition, all staff are responsible for reporting as appropriate any incidents of discrimination, harassment and bullying that come to their attention.

11. Where you are not a direct employee of the SPCB, such as a contractor, secondee or agency worker different complaints procedures may apply, in particular, where more formal action is required. In such cases, the Human Resources Office should be consulted before following the complaints procedure.

12. This policy forms part of the Equality Framework which sets out the SPCB’s overall commitment to equality and in which its work as an employer and service provider is conducted. The TUS has been consulted and wholly supports the terms of this policy [TUS consultation due after OMG have approved the Policy].
Associated guidance

13. This policy should be read in conjunction with its associated guidance. Separate guidance has been produced for staff who are involved in a dignity at work issue and managers who are likely to be dealing with a dignity at work complaint.

Principles

14. The SPCB recognises that all staff have the right to be treated with consideration, dignity and respect while at work. Its aim is to create a positive and fulfilling working environment which promotes the respectful treatment of staff and the protection of staff from discrimination, victimisation, bullying and harassment.

15. Every member of staff is responsible for their own behaviour and in ensuring that their conduct is in line with the standards set out in this policy. Developing and maintaining positive working relationships with colleagues and others should facilitate both enhanced performance and improved working lives for all.

16. The SPCB will treat all allegations of harassment, discrimination, victimisation or bullying seriously and prompt action will be taken to investigate complaints. Where there is a breach of policy, this could result in disciplinary action which could potentially lead to dismissal.

17. If you believe you are being harassed, discriminated, bullied or victimised an informal or formal complaint can be made under the scope of this policy. You should feel able to raise your complaint in good faith and be reassured that you will not be disadvantaged as a result of raising a complaint. However, malicious or vexatious complaints will not be tolerated and will be treated as a serious disciplinary matter.

18. The SPCB wishes to create a culture which promotes tolerance, dignity and respect. It is not the intention of this policy to prevent or inhibit social interaction in the workplace. However it should be borne in mind that what may appear to be acceptable to some may be offensive and humiliating to others.

The Position of MSPs

19. Section 7.2 of the Code of Conduct for Members of the Scottish Parliament deals with matters relating to general conduct. Paragraph 7.2.4 states that parliamentary staff must treat MSPs with courtesy and respect and that MSPs must show parliamentary staff the same consideration. Similarly, paragraph 7.2.5 states that “MSPs must treat other MSPs and the staff of other MSPs with courtesy and respect”. Failure to do so would constitute a breach of the Code of Conduct.
20. Furthermore, in accordance with paragraph 7.2.4 of the Code of Conduct, any complaints of bullying or harassment or any other inappropriate behaviour on the part of MSPs will be taken seriously and investigated.

21. Under paragraph 7.2.3 of the Code of Conduct and under equal opportunities legislation, MSPs are also responsible for the behaviour of their staff in their dealings with other MSPs, other MSPs’ staff and parliamentary staff.

22. Section 8.4 outlines the procedures to be followed in the event of a complaint against an MSP or a member of their staff.

Harassment at work

What is harassment?

23. Harassment is any unwelcome behaviour or conduct which has no legitimate workplace function and which makes you feel: offended, humiliated, intimidated, frightened or uncomfortable at work. Harassment can occur as an isolated incident or as persistent behaviour and is essentially about what the recipient deems to be offensive, not about what was intended.

24. It can be experienced directly or indirectly at work. Harassment which is experienced indirectly can be when someone is making sexist or homophobic jokes in the office environment but it is not directed at a particular person. However, the person is affected by simply being in the environment in which it is taking place.

25. Acts of harassment at work may be unlawful and could amount to unlawful discrimination on the grounds of race, disability, gender, sexual orientation, age, religion and belief. In some circumstances harassment can be a criminal offence, for example, under the provision of the Protection from Harassment Act 1997.

How do you know it is harassment?

26. In alleged cases of harassment, the perception of the complainant is very important. Behaviour which one individual may regard as acceptable may be unacceptable to another person. The perception of a complainant must therefore always be taken fully into account when a judgement is made on whether conduct is considered to be inappropriate.

27. It is also important to note that behaviour which is unintentional does not prevent it from being a form of harassment. What may seem to be harmless to one person can be offensive to another. The principle at the heart of this
policy is that what is offensive is determined by the nature of the conduct itself and how it is regarded by those who experience it. It is the impact rather than the intent that is the key.

How can it take place?

28. Harassment can take many forms. It may include unwanted physical, verbal or non-verbal conduct. Harassment may occur in a face-to-face setting, by telephone or in written or electronic communications. The following list provides examples of the type of behaviour which can amount to harassment – this list is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading someone’s “personal space” by standing very close to them where this is unnecessary.

- Unwelcome verbal conduct. This may include the making of remarks and comments about someone’s appearance, lewd comments, sexual advances, innuendo and banter, the making or repetition of offensive or stereotyped comments, jokes or songs.

- Intrusive questioning. For example, this may include the intrusive discussion of a person’s sexual practices, sexual orientation or religious beliefs - either directly or with others.

- Unwelcome written, visual or physical interaction. This may include sending unwelcome e-mails, notes or pictures, displaying or sending offensive material (e.g. displaying offensive pin-ups or screen savers), making obscene or offensive gestures, persistently sending unwanted gifts, notes, cards or unsolicited emails or following, spying or stalking someone.

- The deliberate exclusion of an individual from work-related activities (including social activities related to work) or conversations in which they have a right or legitimate expectation to participate as a result of a personal characteristic of the complainant.

Third party harassment

29. In April 2008, the Sex Discrimination Act was amended to protect staff from third party harassment. The term “third party” means anyone other than the employer or any of its direct staff. This could mean either passholders (except for SPCB staff), members of the public or visitors to the building.

30. The SPCB promotes a zero tolerance approach to any form of harassment against its staff by third parties. This is conveyed through the Unacceptable Behaviour policy statement which is displayed on the Parliament’s website at: http://www.scottish.parliament.uk/corporate/spcb/policies/behaviour.htm
31. Dignity at Work training which is mandatory provides staff with the appropriate skills and knowledge to recognise when behaviour is unacceptable and how best to respond. More specialised training will be provided to those staff (mainly front of house staff) most affected by third party harassment.

**Bullying at work**

**What is bullying?**

32. Bullying is inappropriate and unwelcome behaviour which is offensive, intimidating, malicious or insulting to an individual or group of individuals. Bullying can be directed at anyone, which can have the effect of making someone feel undermined, humiliated or injured.

33. It usually results from a misuse of power derived from status/position, physical strength or force of personality. For example, a misuse of power can be enacted when someone who feels inadequate and incompetent gains power through fear and intimidation towards others.

34. Bullying has many similarities to harassment but the reasons for bullying behaviour may be much broader than the grounds on which it is unlawful to harass someone. For example, you may be bullied because you are seen to be quiet or weak.

**How do you know it is bullying?**

35. The bullying may be obvious or it may be insidious which can make it difficult to recognise. It might also be unintentional but this should not divert it away from being defined as bullying. It is the impact of the behaviour rather than the intent which will determine whether it is regarded as bullying. It is how the person feels as a result of that behaviour which is important.

36. The SPCB recognises and respects the differences of perspectives and that some staff will cope with situations differently to others. Some staff may be reluctant to come forward with a complaint where as others may be more willing to take action. Anyone involved in handling a dignity at work complaint should always take account of these differences and treat all complaints sensitively.

**How can it take place?**

35. Like harassment, bullying may take many forms. It may include unwelcome physical, verbal or non-verbal conduct. Bullying may occur in a face-to-face setting, in writing or via electronic communication. The following list provides examples of the types of behaviour which can amount to bullying – this list is, by no means, exhaustive:
• Verbal abuse or threats.

• Steps taken to make someone’s working life difficult. This might involve the setting of impossible deadlines, objectives or targets, constantly changing objectives and goals, deliberately imposing an intolerable workload, unreasonably removing areas of responsibility, or deliberately blocking advancement without cause.

• Intimidating behaviour.

• Unwarranted disparaging, ridiculing or mocking comments and remarks. Such remarks might be made in front of others and/or designed to undermine an individual.

• Physical violence.

• The deliberate exclusion of an individual from work-related activities (including social activities related to work) or conversations in which they have a right or legitimate expectation to participate.

Legitimate firm management practice

37. Bullying is not about the legitimate exercise of managerial responsibility. Managers and supervisors have a duty to manage performance, provide employees with accurate feedback, which may be critical, and to take steps to achieve an improvement in performance where that is required. Similarly, managers must take action to control absenteeism or misconduct by the legitimate exercise of managerial control.

36. Managerial styles and practices which can sometimes be described as “firm” may be associated with bullying. There are some managers who may adopt an unduly aggressive or intimidating manner which will inevitably amount to bullying, whereas other managers who are firm but fair will be reasonable and consistent in their actions and will avoid aggression.

37. This distinction between firm management and bullying can at times be ambiguous and can result in false accusations of bullying. To clarify this distinction, the framework below provides some examples of the differences between firm management and bullying:

<table>
<thead>
<tr>
<th>Firm but fair</th>
<th>Bullying or harassment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assertive, consistent and fair.</td>
<td>Aggressive, inconsistent and unfair.</td>
</tr>
<tr>
<td>Reasonable and flexible.</td>
<td>Coercive and imposing.</td>
</tr>
<tr>
<td>Listens to the views of others and</td>
<td>Not willing to listen to others and</td>
</tr>
<tr>
<td>Considers these before making a decision.</td>
<td>Dismissive of others’ viewpoints, less tolerant of other people’s views.</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>If things go wrong takes responsibility and works out solutions with relevant staff in private.</td>
<td>Openly blames others if things go wrong.</td>
</tr>
<tr>
<td>Discusses performance matters in private with staff.</td>
<td>Loses temper, degrades people in front of others or gives warnings without listening to any explanation.</td>
</tr>
<tr>
<td>Addresses conflict situations as they arise.</td>
<td>Avoids dealing with confrontation and allows a situation to develop before intervening.</td>
</tr>
<tr>
<td>Acts as a mediator in conflict situations.</td>
<td>Takes sides and does not listen to the issues raised.</td>
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</tbody>
</table>

38. The behaviour of individuals in the workplace can vary from day to day. Someone who is normally perfectly civil may occasionally appear impatient, pre-occupied and fail to show the courtesy expected of them. This may be for a variety of reasons including pressure of work, domestic difficulties or ill health. This policy is not intended to deal with occasional minor lapses of good manners, courtesy or respect unless a pattern of behaviour emerges that becomes objectionable or intimidating in itself, in which case such behaviour can constitute bullying.

**Victimisation at work**

**What is victimisation?**

39. Staff with a grievance sometimes complain that they are being “victimised” in some way. However, victimisation within the scope of this policy (and within the scope of equal opportunities legislation) has a specific, defined meaning.

40. Victimisation involves treating you less favourably than other people because you have:

- made, in good faith, a claim of discrimination, harassment or bullying under equal opportunities legislation or under the SPCB’s Equality Framework;

- suggested or complained that, in some other way, you have been, discriminated against, bullied or harassed or that the SPCB’s Equality Framework has, or may have been, breached in some way; or
• helped another person who is making such a claim, perhaps by providing evidence or some other form of support to that person.

41. Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report acts of discrimination, bullying, victimisation or harassment.

In what form does victimisation take place?

42. Victimisation can take many forms. The following list provides just a few indicative examples of the type of behaviour which could amount to victimisation – this list is, by no means, exhaustive:

• Penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person a lower appraisal marking than they should receive, giving the person unrealistic or impossible deadlines, or failing to attend pre-planned meetings with the individual concerned, etc.

• Excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying.

• Creating a difficult or oppressive environment for an individual because they have made a complaint of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back.

• Making disparaging, ridiculing or mocking comments or remarks about an individual.

Harassment, discrimination, bullying and victimisation by using technology

43. Given the degree of reliance upon electronic means of communication and information sharing/gathering within the Scottish Parliament, it should be particularly noted that harassment, bullying and victimisation can occur in the use of technology. For example, this could involve:

• sending e-mails (with or without attachments) which breach the terms of this policy;

• using, displaying or saving offensive materials (e.g. offensive screen-savers, photographs, etc.) which could then be accessed, or seen by, another person or group of people;
• downloading, displaying or printing offensive material from an Internet source in the presence of another person or group of people; and

• making malicious and derogatory comments on social networking sites such as Facebook and Twitter. It is equally as important that staff are protected even when it is outside of work but there is an association to the workplace.

44. These are only examples of the way in which behaviour which breaches this policy can occur when using technology. As it may also constitute a misuse of the SPCB’s equipment you should familiarise yourself with the SPCB’s Policy on the Use of the Internet, Email and Other Business Communications Systems.

Harassment, bullying, discrimination and victimisation outside normal working hours

45. Behaviour amounting to harassment which occurs outside the workplace and outwith normal working hours can be connected to work and, therefore, may fall within the scope of this policy.

46. In particular, your conduct at a work-related social event or when using social networking sites such as Facebook and Twitter would be covered by this policy and you are therefore expected to maintain standards which are consistent with the terms of this policy at all such events, activities and in all work, or work-related, settings.

The legal position on discrimination

47. The legal framework protects the rights of staff who have been discriminated against, bullied, harassed or victimised. The following legislation applies:

• The Sex Discrimination Act gives protection against discrimination, and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment. The regulations that amended the Act also give staff protection from harassment and third party harassment.

• The Race Relations Act 1976 gives protection against discrimination, harassment and victimisation on the grounds of colour, ethnicity or nationality. The regulations that amended the Act (Race Regulations 2003) also give a stand alone right to protection from harassment on the grounds of race and ethnic or national origin.

• The Disability Discrimination Act 1995 gives protection against discrimination and victimisation on the grounds of disability.
The Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination and harassment on the grounds of sexual orientation (orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' - bisexual).

The Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination and harassment on the grounds of religion or belief.

Employment Equality (Age) Regulations 2006 give protection against discrimination and harassment on the grounds of age.

Protection from Harassment Act 1997 makes employers vicariously liable for harassment acts of employees. Under the Act a person must not pursue a code of conduct which amounts to harassment and which he/she knows amounts to harassment of another.

The Human Rights Act 1998 protects the human rights of all UK citizens which public bodies are legally obliged to respect.

48. The SPCB is responsible for the protection of its staff and can be held vicariously liable for the actions of their staff. Staff should therefore familiarise themselves with the legislation in order to support the SPCB in meeting its legal obligations.

Individual liability

49. Liability does not always fall upon the organisation. If it can prove that it has done all it reasonably can to prevent the discrimination, harassment, bullying or victimisation from taking place, yet the behaviour continued to persist, individual members of staff can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant. Some behaviour may also constitute a criminal offence.

Responsibilities under this Policy

50. The SPCB will ensure that:

- all staff are made aware of the terms of this policy and their rights and responsibilities arising under it;

- all staff receive appropriate training on the role which they must undertake in implementing this policy and creating a working environment in which everyone is treated with dignity and respect; and
• resources are made available to provide training for individuals who will play a specific role within the procedures which apply to complaints falling within the scope of this policy.

51. All members of staff:

• must ensure that they are familiar with and comply with the terms of this policy;

• must treat all individuals with courtesy and respect when carrying out their duties;

• must not participate in or condone acts of harassment, discrimination, victimisation or bullying;

• who witness acts of harassment, victimisation or bullying must encourage the complainant to seek support and assistance and make it clear that they will offer assistance to the complainant by providing truthful evidence if s/he decides to make an informal or formal complaint;

• must draw it to the attention of the appropriate manager if they feel that a workplace culture is developing which is likely to lead to harassment, bullying or victimisation. In the event that it is perceived the manager has contributed to the development of such a culture the matter should be drawn to the attention of the next person in the management structure; and

• must modify their behaviour at work if they become aware that it is unacceptable in light of this Policy, even if no formal or informal complaint is made by the complainant.

52. All managers:

• must ensure that, within their area of responsibility, all staff are aware of the terms of this policy and that the policy is actually implemented in practice;

• should lead by example in promoting the development of a culture where everyone is treated with courtesy and respect and where it is understood that harassment, victimisation and bullying will not be tolerated;

• are expected to take action and take allegations of harassment, bullying and victimisation seriously and deal with them speedily, sympathetically and confidentially. Failure to deal with a complaint of harassment, bullying or victimisation can amount to misconduct;
must take appropriate action or seek advice from the HR Office on how to proceed if they witness behaviour which contravenes this policy;

should be sensitive to behaviour which may point to harassment, victimisation, discrimination or bullying. Where potential harassment, victimisation, discrimination or bullying is noted, sensitive exploration of the situation should be undertaken with a view to establishing what action may be required to rectify the position. It may be necessary to seek assistance from the HR Office or the Dignity at Work Contacts in undertaking this task; and

if line managing someone who is a Dignity at Work Contact or Investigating Officer, must ensure that they support the member of staff to meet the requirements of this role, enable him/her to attend the required meetings and training associated with this role and take account of this role when setting other work objectives and targets for the member of staff concerned.

Support and advice for anyone involved in a complaint

53. Harassment, victimisation and bullying can have serious effects on the health, morale and confidence of complainants of such behaviour. Complainants may need support to help them cope with the consequences of the behaviour in respect of which a complaint is made.

54. Similarly, members of staff who are accused of harassing, bullying or victimising others can feel isolated and unsure of the procedures which are likely to be followed particularly when it is found that a member of staff has made false allegations about another member of staff, and they have had to endure a complaint about their conduct.

55. In this respect, both the person who has made the complaint and the person accused of the complaint, should seek support from either a dignity at work contact or make use of one of the other sources of support available.

56. Such sources include:

- The SPCB’s Counselling and Information Service “Care First”;
- a Dignity at Work Contact;
- your line manager;
- a trade union representative (for trade union members); and
- training materials on equality and diversity issues (for example, those available in the Learning Resource Centre).

Dignity at Work Contacts
57. Dignity at Work Contacts are part of a network of members of staff who provide support and advice for other members of staff in relation to discrimination, harassment, victimisation or bullying issues. Both those making complaints (“complainants”) and those against whom a complaint is made (“respondents”) can get in touch with a Dignity at Work Contact. However, the same Dignity at Work Contact will never advise both the complainant and the respondent in the same case. They can also advise line managers who are dealing with complaints of harassment, bullying and victimisation.

Contacting a Dignity at Work Contact does not mean this will automatically fall under the procedures of this policy. The purpose of having Dignity at Work Contacts is to offer staff a unique source of advice and support which is completely separate from the Human Resources Office, the SPCB equality team and any other office which could be associated with the complaint. Any information which is provided to a Dignity at Work Contact will not be shared with any other office unless they have agreed with the complainant for it to be shared with a third party. In cases where the Dignity at Work Contact feels that the complainant is may be at risk or is affected by stress and anxiety, as the SPCB has a duty of care towards that employee, the Contact may have to involve the Human Resources Office or the Equality Team without the consent of the complainant.

Care First

58. The SPCB’s Confidential Counselling and Information Service, Care First is available to all staff. This service is strictly confidential between the counsellor and member of staff and may take the form of telephone or face to face sessions. No details will be disclosed without the permission of the member of staff concerned.

External Organisations

Equality and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

National Bullying Helpline [http://www.nationalbullyinghelpline.co.uk/index.html](http://www.nationalbullyinghelpline.co.uk/index.html)


Learning and capability development

59. The SPCB will provide an ongoing, comprehensive range of learning and development that will support the operation of this policy and encourage positive behavioural change throughout the organisation.

60. All new staff receive dignity at work training and are provided with a refresher course covering dignity at work issues every three years.
61. The SPCB will take the opportunity, wherever possible, to raise awareness of this policy at staff related events. The policy is also available on SPEIR [insert link] and will be promoted regularly through internal communication channels.

Monitoring and review

62. This policy will be reviewed regularly and statistics will be collected on the number of informal and formal cases which are recorded by dignity at work contacts, the Equality team and Human Resources Office.

63. Reporting of this anonymised data will be presented to the Strategic Leadership Team every year.
Procedures for Dealing with Complaints of Discrimination, Bullying, Harassment or Victimisation

Guiding principles

1. When dealing with a complaint of harassment, discrimination, victimisation or bullying, the guiding principles below will always apply.

   • Fairness and equality – anyone raising a complaint will be treated equally and fairly. Staff should feel they can make a complaint and be reassured that they will not be victimised for raising it.

   • Confidentiality – all complaints will be dealt with in the strictest confidence and only those who need to know the information in order to do their job, will have access to it. All records will be processed in accordance with the Data Protection policy.

   • Early resolution – every effort will be made to deal with the complaint at an early stage and within the timescales set out in the policy.

   • The right to be accompanied – during the complaint process you are entitled to be accompanied by a trade union representative, colleague or dignity at work contact.

When to raise a complaint

2. If you feel you have been harassed, discriminated against, victimised or bullied it is important that you take appropriate steps to prevent any further acts from taking place. You should make all attempts to resolve the issue informally unless the complaint is of a serious nature and needs to be dealt with as a formal complaint or directly under the SPCB’s disciplinary procedures.

3. You have a number of options to consider in preventing the behaviour from continuing any further. You may feel able to take action on your own; seek the help of a trade union representative, work colleague or Dignity at Work Contact; or raise it with your line manager.

The informal stage

Taking Personal Action
4. In most cases a personal approach can produce the desired outcome. Often a person might not be aware that their behaviour is causing offence and when they are told about the effect their behaviour has it can encourage them to stop it immediately. This approach is likely to be the most effective as it helps to “nip it in the bud” at an early stage and shows that you are not willing to accept such behaviour.

Involving a Dignity at Work Contact

5. You can make contact with a Dignity at Work Contact for support or advice. Contacts can be extremely useful in helping to prevent the issues from escalating any further. They can assist you with identifying behaviours which amount to harassment, bullying and victimisation, offering different strategies for handling the complaint, or they can accompany you to a meeting with the respondent. They can support you by outlining the issue to the respondent, making the nature of the complaint known either in writing or face to face with the respondent.

Making a complaint to your line manager

6. You have the option to make an informal complaint to your line manager. If the complaint is about your line manager, the manager next in line can be approached.

7. You can be accompanied by a Dignity at Work Contact at any meeting with the line manager or be assisted by a trade union representative.

8. When the complaint is made to the line manager, the manager will consider the complaint fully and decide on what appropriate action is necessary in order to deal with the complaint. If the line manager considers the complaint to be of a serious nature, it may be that formal action is necessary which could result in a formal grievance or disciplinary action. If the line manager suspects that the complaint is serious, they will be required to discuss this with the Human Resources Office.

9. When handling the complaint the line manager will have a certain amount of flexibility in deciding how to progress an informal complaint. However this should always be decided in consultation with the complainant before any further action is taken. The complainant will not be disadvantaged because they have raised a complaint and confidentiality should be protected at all times.

10. In some circumstances, the line manager may use mediation to resolve the conflict between the two parties. This means that a trained facilitator will work to find a solution with the aim of reaching a mutually agreeable way forward. This will only take place if both parties are willing to participate. The Human Resources Office will liaise with the line manager on how best
to appoint a mediator and whether this should be sourced internally or externally. Taking part in any mediation process does not prevent someone from going forward with making a formal complaint.

Making a formal complaint

11. A formal complaint should be made when:

- There is a serious allegation of harassment, discrimination, victimisation or bullying.
- The harassment or bullying behaviour has been frequent and/or intentional.
- The harassment or bullying has had a serious impact on the complainant, for example stress-induced sick absence.
- An informal approach to resolving the situation has failed.
- The issues are complex, extend over a long period and a thorough investigation could identify the cause of the problems and indicate effective strategies.
- In the line manager’s view, it is the most appropriate approach in the circumstances.

12. The complaint will be dealt with under the SPCB grievance procedures.

13. During the formal stage, the Dignity at Work Contact can continue to provide you with support and advice. Alternatively, you can be assisted by a trade union representative or other work colleague.

14. Once a formal complaint has been made, the line manager should first of all contact the Human Resources Office who will guide and advise the manager how to proceed. When the complaint has been made, the Human Resources Office will consult with the Equality team to decide whether the complaint falls under the Dignity at Work Policy. If it does fall within the scope of the policy the investigation will be carried out by an investigating officer as a complaint of bullying harassment or victimisation. Investigating officers are used for their specialist skills and knowledge in dealing with harassment and bullying cases. They are members of staff who have been trained to deal with dignity at work cases.

15. The investigating officer will have no influence over the outcome of the situation and will remain impartial throughout the whole process of investigation.

16. Once the investigation has taken place a report will be given to the manager to make the decision on the complaint. Any further information about the outcome of a decision or the appeals process, should be followed under the SPCB grievance procedures.
Cases where the complainant does not wish to make a formal complaint

17. It is the complainant who decides whether to proceed on a formal or informal basis in making a complaint. However, the SPCB also has a duty of care towards its staff and service users and must protect them from unacceptable behaviour as far as possible. In exceptional circumstances, therefore, it may be necessary for an investigation to be carried out even if the complainant decides not to proceed with their complaint. This may be necessary, for example, in order to ensure that the SPCB is fulfilling its legal obligations. In such cases, information provided in the initial complaint may be taken into account during any subsequent investigation.

Anonymous complaints

18. Anonymous complaints may only be considered if the complaint is of a serious nature and there is enough sufficient evidence to take it forward as a formal complaint. If the complainant can be identified they will be encouraged to raise this as a formal complaint.

19. All complaints, however, should be raised in good faith and the SPCB strongly encourages you to raise these through the correct procedures as set out in this Policy. If you do not wish to identify yourself in a complaint it means that limitations are placed on reaching the desired outcome. Without these details the SPCB is prevented from taking the appropriate action. All staff are therefore encouraged to raise it through the appropriate means as set out in this Policy.

Counter complaints

20. Where, following a complaint of harassment or bullying against a member of staff, that person then makes a counter allegation against the complainant, the complaints will be investigated simultaneously.

Malicious complaints

21. Any malicious complaint or false allegation will be treated seriously. This can cause undue stress to all parties involved and can be a waste of SPCB resources. If anyone is found making such complaints they will be dealt with under the SPCB’s disciplinary procedures.

Confidentiality

22. A high degree of discretion and sensitivity must be exercised by anyone involved at any stage of dealing with a complaint. However, this must not
act as an impediment to the thorough investigation of complaints where that is required and nor should it be used to undermine the right of all staff to be treated fairly.

23. From the earliest stage in a complaint it is vital that confidentiality exists. This is necessary to create an environment which encourages staff to talk over their concerns and obtain objective assistance. This will allow them to assess their position and the options open to them.

24. However, complainants should also bear in mind that, in order to ensure that the behaviour about which the complaint is made, stops, it will generally be necessary for the person causing offence to be told about the problem so that they can account for and stop the offending behaviour.

Dignity at Work Contact

25. If, at any stage, you discuss your situation with a Dignity at Work Contact, the Contact may in general only release information about these discussions with your permission. However, for the purposes of monitoring the impact of the Dignity at Work Policy the Contacts will provide very general information about the number and nature of the complaints that they have received or discussed on a completely anonymous basis. All Dignity at Work Contacts will be advised of their obligations under the Data Protection Act 1998.

26. In cases where the Dignity at Work Contact feels that other members of staff may be at risk or that the complainant is suffering or may be suffering from an unacceptable degree of stress and anxiety, then, as the SPCB has a duty of care towards that employee and other staff, he or she may have to involve the Human Resources Office or the Equality Team in certain circumstances without the consent of the complainant.

Line Managers

27. Informal complaints made to line managers will be treated in confidence in so far as that is consistent with resolving the problem in a fair and effective manner.

28. If a line manager dealing with an informal complaint considers that it is necessary to tell someone else about the complaint to ensure the behaviour stops, the manager should discuss that with the complainant and obtain their consent to the disclosure. (Such consent should be sought even before a line manager raises the complaint with the respondent.)

29. In some cases, the line manager may feel that they should seek assistance from the Human Resources Office in dealing with the matter. Again, they should discuss this with the complainant before consulting the HR Office. At all times, line managers must act with discretion and sensitivity. Line managers can, of course, obtain general advice at any stage from the HR
Office on handling complaints without specifying names or other identifying details or circumstances.

30. If a line manager feels that other members of staff may be at risk or that the complainant is suffering or may be suffering from an unacceptable degree of stress and anxiety, then, as the SPCB has a duty of care towards that employee and other staff, he/she may have to involve the Human Resources Office in certain extreme circumstances without the consent of the complainant.
Specialist roles – Dignity at Work Contacts

31. Dignity at Work Contacts will:

- receive appropriate training as required;
- provide a supportive first point of contact for a member of staff on any issues relating to discrimination, harassment, bullying or victimisation;
- act as a sounding board for a member of staff in discussing the courses of action that could be taken to resolve matters;
- provide information to members of staff about the policies and complaints procedures set out in the Equality Framework;
- give advice to line managers involved in harassment, victimisation, bullying or discrimination cases;
- accompany a member of staff to any meetings set up to seek a resolution of the matter raised; and
- monitor the number and nature of contacts made by staff, with appropriate safeguards in relation to confidentiality and data protection.

32. Information about volunteering to become a Dignity at Work Contact and contacting a Dignity at Work Contact will be provided to staff through SPEIR, the Corporate Bulletin and organised awareness sessions. Dignity at Work Contacts will be recruited every three years.

33. Dignity at Work Contacts may be working at any grade within the organisation. Applicants can be either directly employed by the SPCB or working for the SPCB as a secondee. However, to try and ensure a level of continuity, applicants should expect their employment/secondment with the SPCB to last for at least the next 12 months. Applicants should also have already attended the equal opportunities training provided to all staff.

34. Those applying to become a Dignity at Work Contact should have:

- a strong commitment to all equal opportunities issues and a desire to work towards preventing discrimination on all of the following grounds: gender; gender identity; sexual orientation; racial group (which includes colour, race, nationality, national or ethnic origin); religion, religious belief, or similar philosophical belief (or lack of any of these); disability; age; trade union membership status/activities; marital or family status, and part-time or fixed-term contract status;
• the ability to be objective and reasonable when dealing with someone who has been subjected to discrimination, harassment, bullying or victimisation or when dealing with someone who has been accused of such behaviour;

• the ability to act sensitively with people who are in upsetting or stressful situations;

• strong interpersonal and oral communication skills, including the appropriate use of language;

• the ability to understand and follow policy documents and procedures, and explain these to others in user-friendly language; and

• experience of dealing with requests for information effectively and quickly.
Specialist Roles - Investigating Officers

35. An Investigating Officer is someone who is nominated - normally by the Human Resources Office - to carry out an investigation if the organisation receives a formal complaint of discrimination, harassment, bullying or victimisation from an SPCB staff member. The investigation would be carried out in line with the Grievance Procedure [insert link] for SPCB staff set out in the Staff Handbook.

36. Investigating Officers will:

- manage and carry out the investigation in accordance with all relevant provisions of the Equality Framework, which will include such steps as taking statements from, and carrying out interviews with, the complainant, respondent and any witnesses;

- produce a report which summarises the investigation and states the findings for the line manager/Human Resources Office, as appropriate; and

- act as a witness in any disciplinary proceedings and employment tribunal proceedings which follow on from an investigation, if required.

37. The Investigating Officer will not be responsible for making the final decision on whether or not a complaint is upheld.

38. If an Investigating Officer is called upon to investigate a complaint, the Officer should be given time off from their normal duties to investigate the complaint and that alternative arrangements are made to cover their area of work in the office/team.

39. Investigating Officers must not have direct line management responsibility for either the complainant or the respondent (or be part of the complainant’s or respondent’s line management chain). They must also have had no previous involvement in the case. Investigating Officers must be working at grade 4 or above and would normally be senior in grade to all parties involved in the complaint. They will be recruited every three years.

40. They should also be directly employed by the SPCB (in other words, they cannot be secondees to the organisation). Applicants should already have attended the equal opportunity training provided to all staff.

41. An Investigating Officer must be independent, objective and impartial. Those applying to become an Investigating Officer should also have:

- a strong commitment to all equal opportunities issues and a desire to work towards preventing discrimination on all of the following grounds:
gender; gender identity; sexual orientation; racial group (which includes colour, race, nationality, national or ethnic origin); religion, religious belief, or similar philosophical belief (or lack of any of these); disability; age; trade union membership status/activities; marital or family status, and part-time or fixed-term contract status;

• strong organisational skills, including the ability to manage and carry out an investigation effectively;

• excellent interpersonal and oral communication skills, including the ability to carry out effective interviews;

• strong analytical skills, including the ability to collate information from a variety of sources and draw conclusions;

• strong written communication skills and the ability to write clear reports;

• the ability to meet strict time deadlines;

• the ability to understand policy documents and procedures; and

• the ability to grasp and understand legal concepts to enable them to carry out these responsibilities.