Dignity at Work Policy- Guidance for Managers

This guidance has been produced for managers, with the aim of providing answers to some of more frequently asked questions relating to the Dignity at Work Policy and Procedures. It mainly focuses on the role of the line manager in handling a complaint at an informal stage. Any formal complaint should be dealt with under the SPCB grievance procedures.

If you require further information, please contact the Equality Team.

**What are my responsibilities as a line manager?**

As a line manager you have responsibility to ensure that harassment, bullying, discrimination and victimisation are prevented and that appropriate steps are taken to remove it from the workplace.

Line managers have an important role as they can be the solution to dignity at work issues. Their involvement at an early stage can prevent a complaint from escalating to a formal grievance by which time it is harder to achieve a successful solution.

**What should I do if one of my staff tells me they are experiencing harassment, bullying, discrimination or victimisation?**

All attempts should be made 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 disciplinary procedures. It is imperative that some form of action is taken to stop the behaviour.

You should meet with the complainant to discuss the detail of the complaint and help them to decide on whether they wish to take personal action, unless of course they have already made an attempt at this and failed to reach any resolution. Consider the complaint fully and decide on what appropriate action is necessary in order to deal with the complaint. However, before taking any action or speaking to others about the complaint, discuss your plans with the complainant and obtain their consent to any disclosure.

Once you have a clear understanding of the complaint, you should meet with the respondent and explain there has been a complaint made against them. As the line manager responsible for dealing with the complaint, you must remain impartial at all times and at this stage not to assume the complaint is justified. Your role is to find an amicable solution and reach a resolution for both parties.

The respondent should be asked whether they are aware of the impact of the complaint. You might also want to meet with witnesses, but again you must obtain consent from the complainant. Once establishing the facts, call a
meeting of both parties to attempt to resolve the complaint and agree an amicable way forward.

If it is appropriate, offer both the respondent and the complainant sources of advice and support.

**Who can I speak to for advice?**

You have a number of sources where you can seek advice and support:

As part of their new remit, the Dignity at Work Contacts are available to support line managers when handling a dignity at work complaint.

You can also seek advice from the Equality Team or the Human Resources Office.

However, if you receive a formal complaint you must consult with the Human Resources office who will appoint an investigating officer to carry out the investigation. Further details are set out in the Policy.

**How can I be sure it is harassment, bullying, discrimination or victimisation?**

The Dignity at Work Policy provides clear definitions of what is meant by harassment, bullying, discrimination and victimisation. However the principle at the heart of this Policy is that what is deemed to be offensive or hurtful 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.

**What if someone is clearly stressed about the situation, are there times when I could breach confidentiality?**

If you feel a member of staff may at be at risk or that the complainant is suffering or may be suffering from an unacceptable degree of stress and anxiety, as the SPCB has a duty of care towards that employee, you may have to involve the Human Resources Office in certain extreme cases without the consent of the complainant.

This could also apply to a respondent who may be suffering as a result of a complaint which has been made against them.

**Should I take any notes of meetings?**

Yes, you are encouraged to make a written record of all discussions which have taken place relating to the complaint and any action which has been taken. It is important to keep a note of these as this will provide evidence which may be required if it proceeds to a formal complaint.
What options are available for mediation?

Every effort should be made to try and resolve the complaint as early as possible. Mediation should be used on rare occasions, when the informal complaint has not been resolved, regardless of having exhausted all options, and when the formal stage is too premature for resolving the issue. In this situation, mediation could be a possible option. You should seek advice from the Human Resources Office on how to access mediation.

What if the complainant is still not satisfied with the outcome?

In some situations the complainant may still not be satisfied with the outcome. If you feel that all the informal options have been fully exhausted you must advise the complainant on what the next steps are which could be raising it as a formal complaint. It is up to the complainant to decide whether they wish to raise it as a formal complaint unless you feel that the issue is of a serious nature which requires a formal investigation.

The complainant should be encouraged to make this decision within five working days from when the informal complaint ended. If the complainant has still not made a decision within the suggested timescale, you should meet with the complainant to discuss their concerns and to try and find a way forward.

Should every complaint be dealt with in the same way?

No, as the line manager you have a certain amount of flexibility in deciding how to progress an informal complaint but should always be decided in consultation with the complainant. It depends on the nature of the complaint and how serious an impact it could have on the individuals involved in the complaint and the teams within which they are located.

How long should an informal complaint last?

This will depend on a case by case basis, and the likely number of people involved in the complaint. It is recommended that for an informal complaint, it should take no longer than four working weeks for its completion. If an extension is required for the informal complaint, both parties should agree on a timescale.

How do you know when an informal complaint has come to an end?

The point of closure could be when a formal complaint has been identified as the most appropriate route or if the matter has been resolved or all informal options have been exhausted and there is no other option but the formal stage.

I suspect harassment taking place in my office. Do I need to wait until someone raises it as a complaint?
No, you should be prepared to step in and address the problem and take action to meet with the staff who are causing the problem. Dignity at work issues are best resolved if they can be dealt with promptly. You should aim to “nip it in the bud” at an early stage to avoid the complaint from escalating into a formal grievance.

As a line manager you can help prevent these situations from arising by creating and maintaining a culture which promotes inclusion, openness and respect amongst staff.

**How can I promote a positive working environment?**

A positive working environment should be where staff are confident to challenge inappropriate behaviour and that if they do raise a complaint that it will be dealt with seriously and quickly by the line manager or the appropriate person.

All staff should be made aware of the Dignity at Work Policy and any behaviour that is inappropriate should be discouraged. It is important to lead by example as this will send a positive message to staff about the working environment and how everyone should be treated.

**What about banter in the workplace?**

You should be sensitive to banter in the workplace which could have a hurtful edge. There are certain standards of behaviour which staff must adhere to as set out in the staff handbook and the Dignity at Work Policy.

If you are aware of any inappropriate behaviour from staff, speak to the staff involved and inform them that their behaviour is not acceptable and may be causing offence to others. It is your responsibility as a line manager to ensure that harassment, victimisation, bullying and discrimination are prevented in the workplace.

**What if I am accused of bullying someone? Does the policy protect me?**

Being accused of bullying can be a very painful experience. If a complaint has been made against you an informal or formal investigation will determine whether the complaint is justified or not. If it is found that the complaint was raised maliciously, the complainant may be subject to the SPCB disciplinary procedure.

You also have the right to raise it with a Dignity at Work Contact who can provide you with support and advice.

**How can I manage underperformance without being accused of bullying?**
When managers need to speak to their staff about their level of performance, it is important to do this in a manner which is firm, making sure that the key issues relating to their performance are fully explained. However, it is common for staff to feel that they are being undermined which they may interpret as bullying behaviour. In light of this, it is important that any conversations about performance are firmly to the point but which is done in a respectful and fair manner.

You should also be sensitive other issues that may be affecting their performance such as bullying or discrimination. For more information please read the managers guidance on Unacceptable Performance.

**Who are the Dignity at Work contacts and how can I access them?**

Details on who the Dignity at Work Contacts are and how you can access them can be found on the Dignity at Work SPEIR pages. The Equality Team can also assist by putting you in touch with an available Dignity at Work contact.

**How are Dignity at Work Contacts and Investigation Officers selected?**

Dignity at Work Contacts and Investigation Officers are volunteers who apply for the positions within the organisation. The positions are advertised detailing the kind of skills and qualities required to fulfil the roles. All applications are considered and interviews arranged with the most suitable candidates selected for the roles. Each Contact and Investigation Officer is then given specific training on Dignity at Work and their role within it.

**What are the roles of Dignity at Work Contacts and Investigation Officers?**

In general the role of a Dignity at Work Contact is to provide support and advice to members of staff and line managers in relation to discrimination, harassment, bullying and victimisation issues. This includes supporting both those making complaints and those being complained about.

Investigation Officers are tasked with carrying out an investigation if the organisation receives a formal complaint of discrimination, harassment, bullying or victimisation.

More detail on both roles is available in pages 15 & 16 of the Policy.