

# PRESCOT TOWN COUNCIL



# DIGNITY AT WORK POLICY

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Approved by:	Human Resources Committee
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Document Author:	Daniel Wilson
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## **Introduction**

Prescot Town Council promotes and implements equality of opportunity in all its activities. Equality can only be achieved where there is a culture of openness and trust, and where line managers play a supportive and positive role in managing people.

The cost of bullying and harassment to an organisation is high due to effects it can have on:

- Sickness absence;
- Turnover and replacement costs;
- Productivity and performance;
- Grievance, compensation and litigation costs; and
- Loss of organisational reputation.

It is the duty of all employees, line managers and elected members to ensure that the workplace is free from overt and covert harassment.

## **Listener's Scheme**

The Listener's Scheme consists of a group of employees who have received appropriate training and are available to listen, support and work with employees to resolve situations that are causing employee's concern. Particularly regarding equality and diversity at work or where an employee feels that they are being treated unfairly.

Listeners do not act as a formal representative for an employee or group and will not give trade union advice.

The Listeners Scheme can be accessed through KMBC via the Town Clerk.

## **Mediation**

The Council offers a mediation service to all employees as an alternative mechanism to the Dignity at Work Process. Mediation is accessed via KMBC, and is a structured, formal conflict resolution strategy and should be suggested and offered to employees in the first instance as an alternative process in conflict resolution. The use of mediation, however, does not preclude the use of other such procedures. Further information can be found in the Managing Behaviour, Conduct and Information Policy.

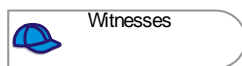
## **Dignity at Work Process**

Guidance on "Dignity at Work" can be found in appendix 1.

The Complaint form for reporting any form of bullying and / or harassment can be found in appendix 2.

## Roles and Responsibilities for Dignity at Work main process

This Policy contains flow process diagrams to best demonstrate the Council's procedure for dealing with Dignity at Work issues.



### Complainant

The complainant is the name referred to, for an employee who instigates a complaint.

Employees are to be made aware of their right to representation either by a Trade Union representative or colleague at all stages of the Procedure, by the investigating officer.

### Respondent

The respondent is the name referred to the employee that the complaint has been raised against.

Employees are to be made aware of their right to representation either by a Trade Union representative or colleague at all stages of the Procedure, by the investigating officer.

### Investigating Officer

An Investigating Officer will be appointed to conduct an investigation into the complaint, by the Town Clerk (or nominated Officer), in liaison with the Human Resources Committee.

For further guidance prior and during the investigation, please contact the Town Clerk.

Employees are to be made aware of their right to representation either by a Trade Union representative or colleague at all stages of the Procedure, by the Investigating Officer.

**Witnesses**

Witnesses to the complainant's allegation can either be internal or external to the Council.

Witnesses should be made aware by the Investigating Officer that they do not have the right to Trade Union representation.

**Trade Union representative / Colleague**

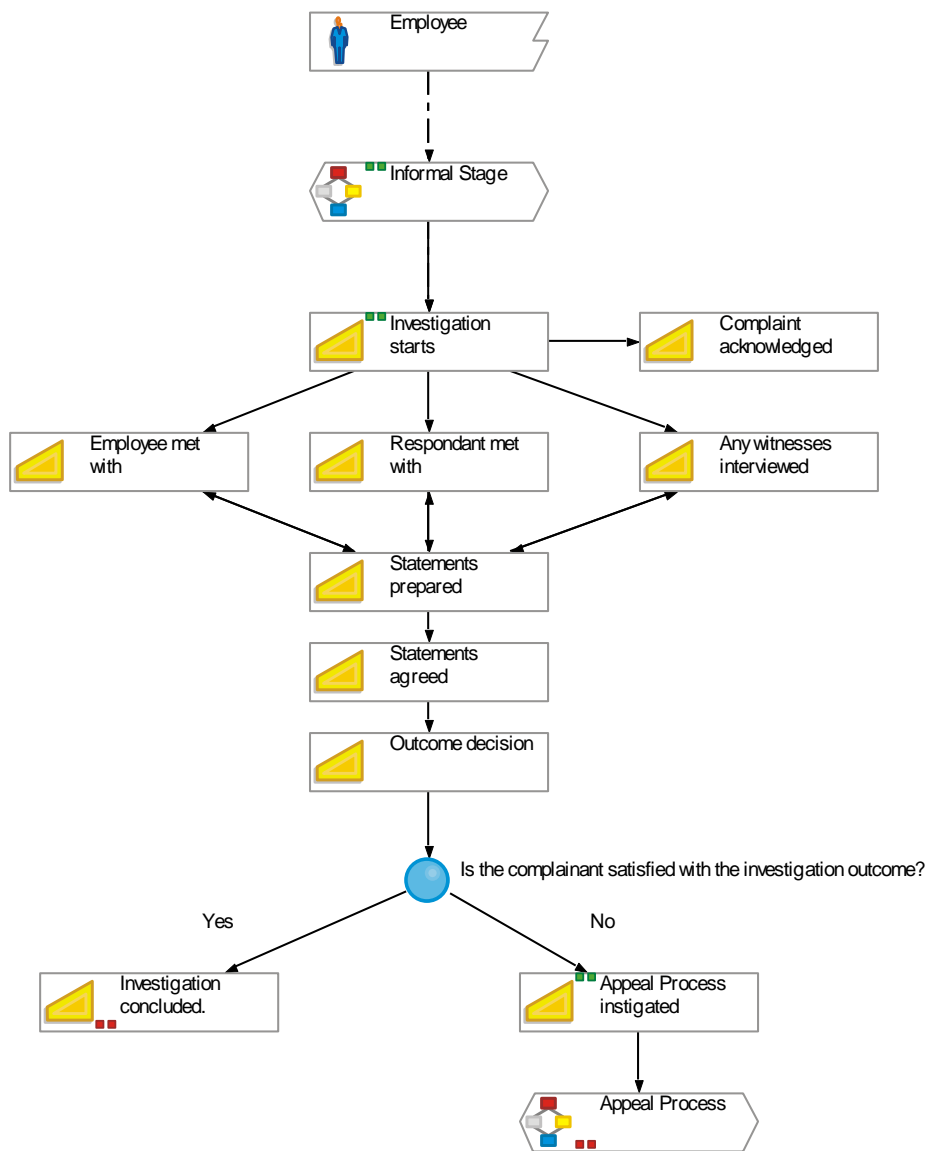
The Trade Union representation or colleague's role is to offer support to those involved within the investigation process.

Employees are to be made aware of their right to representation either by a Trade Union representative or colleague at all stages of the Procedure, by the Investigating Officer. This right does not include the right to be accompanied / represented by a Solicitor or other legally qualified representative.

**Employee Relations Officer**

If deemed appropriate the Council will seek support from a member of the Employee Relations Team, from within KMBC's Human Resources Service. They will be appointed to the investigation to offer support and guidance to the Investigating Officer.

The flow process diagram below is the overview of Dignity at Work main process.

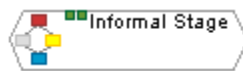


## Employee

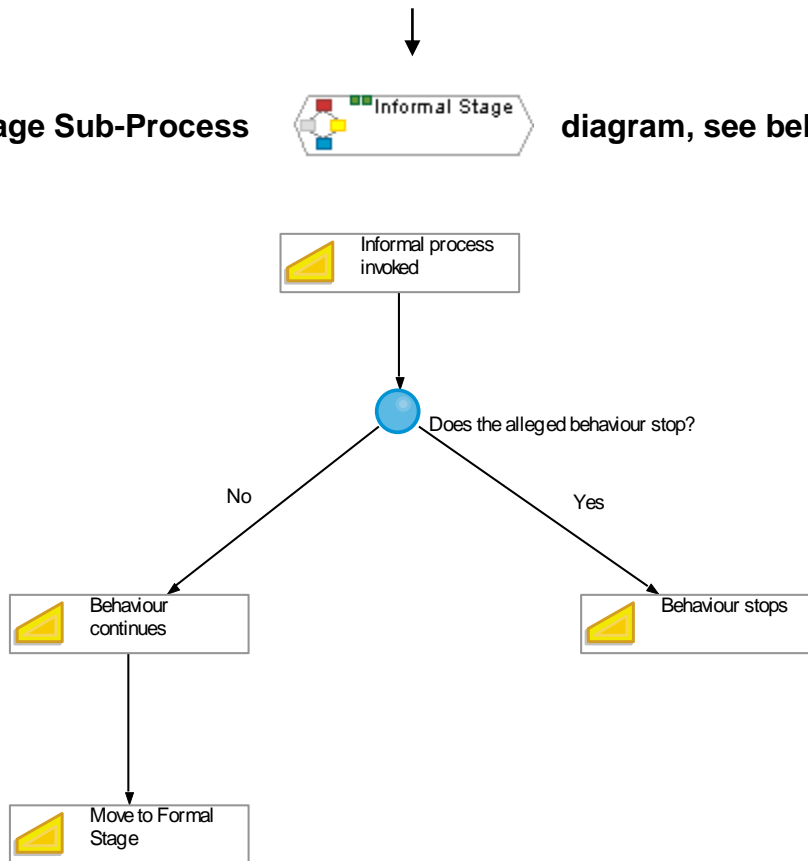
The employee's complaint should be dealt with on an informal basis wherever possible.

If the allegation is of such a serious nature e.g. serious sexual or racial harassment or attack, serious harassment or attack due to an employee's disability then the formal procedure should be invoked immediately.

### Informal Stage Sub-Process



diagram, see below



## Informal Process Invoked

The employee instigates the Informal Stage of the complaint process.

The employee can undertake either of the following courses of action:

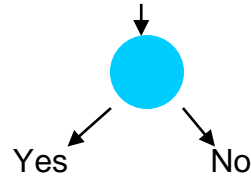
(i) Employee speaks to the alleged harasser:

If the employee feels able to do so, they should make it clear to the alleged harasser that their behaviour is unacceptable and that they require it to cease. This may be done orally or in writing, however with both, the employee should make a note of the incident(s) and dates and the date of their request for the harassment to cease.

(ii) Employee feels unable to speak to the alleged harasser:

If the employee does not feel able to approach the alleged harasser themselves, they may request the Town Clerk or the Chair of Human Resources to speak to the individual concerned on their behalf, to request the harassment to cease.

Does the alleged behaviour stop?



#### **Behaviour Stops**

The alleged behaviour stops and no further course of action is required.

#### **Behaviour Continues**

The informal stage is felt to be ineffective and the alleged harassment / bullying continues, or if the complainant is unable to progress through the informal stage (i.e. unable to confront the harasser).

The complaint should be progressed to the formal stage.

**Formal Stage Process is invoked**



#### **Move to Formal Stage**

The employee's complaint moves to the formal stage of the Dignity at Work process.

#### **Continuation of main process**

#### **Investigation Starts**

On receipt of the "Dignity at Work - Complaint Form" (see appendix 2), the Formal Stage of the Dignity at Work process starts.

Following receipt of a written complaint, the Town Clerk, or in their absence an Officer nominated by the Town Clerk in liaison with the Human Resources Committee will appoint an Investigating Officer to investigate the complaint. A representative from KMBC's Human Resources Service will normally support the Investigating Officer.

It may be appropriate for the complainant or respondent to be removed from the workplace. This should be discussed with both parties and both the individuals' personal circumstances and the needs of the service should be taken into consideration. This may result in the relocation of one or both of the parties or suspension from work on full pay.

Any decision to suspend is not a disciplinary sanction but may be implemented due to the serious nature of the complaint, or for the purpose of a 'cooling off' period, where relocation is not possible.

<b>Complaint Acknowledged</b>	
An employee's complaint must be acknowledged within a specific timeframe.	←
<p>The Town Clerk or nominated Officer will issue an acknowledgement letter, within 10 working days, or if this is not possible, as soon as practicable to the complainant.</p> <p>The letter should give the name of the person who will investigate the complaint and include general details of the investigation process.</p> <p>The Investigating Officer must complete Section (A) of the "Dignity at Work - Initial Investigation Form" (see appendix 3) and send it to the Service Director - People and Business Management.</p>	

<b>Employee met with</b>
<p>The Investigating Officer meets formally with the complainant and their trade union representative / colleague (if required).</p> <p style="text-align: center;">↓</p>
<p>The Investigating Officer will prepare questions to ask the complainant (if possible) and take written notes of the meeting.</p> <p>The Investigating Officer should offer the complainant access to the mediation service and / or counselling, in an effort to resolve the situation, even if this has already been offered.</p> <p>The written complaint will be used as the basis for the discussion and the aim of the meeting will be to establish the facts.</p> <p>The complainant must be informed that they must refrain from discussing the allegation(s) with their colleagues.</p>

<b>Any witnesses interviewed</b>
<p>Any witnesses to the alleged complaint should be interviewed.</p>
<p>Any witnesses must be advised that disciplinary proceedings may ensue and that they may, therefore be required to attend a disciplinary hearing as witnesses.</p> <p style="text-align: center;">↓</p> <p>Witnesses must be informed that they must refrain from discussing the allegation(s) with their colleagues.</p>

<b>Respondent Met With</b>	
<p>The Investigating Officer formally meets with the respondent and their trade union representative / colleague (if required).</p>	
<p>The respondent must be cautioned that the process may result in disciplinary action being taken against them, using guidance from the "Dignity at Work - Investigatory Opening Interview Statement" (see appendix 4).</p> <p>The respondent must be informed that they must refrain from discussing the allegation(s) with their colleagues.</p>	



## Statements prepared

Following each interview, a statement will be prepared which the complainant, respondent and any witnesses will be asked to sign and date.

The Investigating Officer must retain the statements confidentially and explain to each participant that the statements will only be used in relation to the alleged complaint and any disciplinary proceeding that may arise.

The complainant, respondent and witnesses may request for amendments to be made to the statements before they sign them. However, if the Investigating Officer feels that the information is additional to that discussed during the initial interview; an additional interview may need to be held to gain further information.

Also, if appropriate, the complainant should be interviewed again to clarify any points raised by the respondent or witnesses.

## Statements Agreed

All statements have been written and agreed.

The Investigating Officer must ensure that all statements have been written up and that each person has signed the statement to agree that it is a true account of the information that they have provided.

## Outcome Decision

Upon the conclusion of the investigation, the Investigating Officer will reach a conclusion, based on the facts of the case and the balance of probability.

The conclusion will normally be that one of the following is appropriate:

1. No case to answer;
2. Action not involving the disciplinary process;
3. Disciplinary action; or
4. Malicious complaint.

**Outcome 1:** Where an allegation is not upheld, it does not mean that the complaint was malicious. The complainant may still feel that they have been subjected to harassment or bullying, but the investigating officer has not been able to find the necessary evidence to substantiate the allegations. In addition, the complaint could have arisen due to a misunderstanding between individuals or clash of personalities.

**Outcome 2:** This may involve training, introduction of different work arrangements, an apology, or relocation. A meeting will be requested with both parties. The aim of these meetings is to

arrive at arrangements that enable a safe and acceptable working environment for both parties.

**Outcome 3:** The respondent will be informed in writing, by the investigating officer that this is the outcome of the investigation and that the matter will be referred to the Executive Director. Any further action will be taken in accordance with the Disciplinary Process within the Council's Managing Conduct, Behaviour and Information Policy.

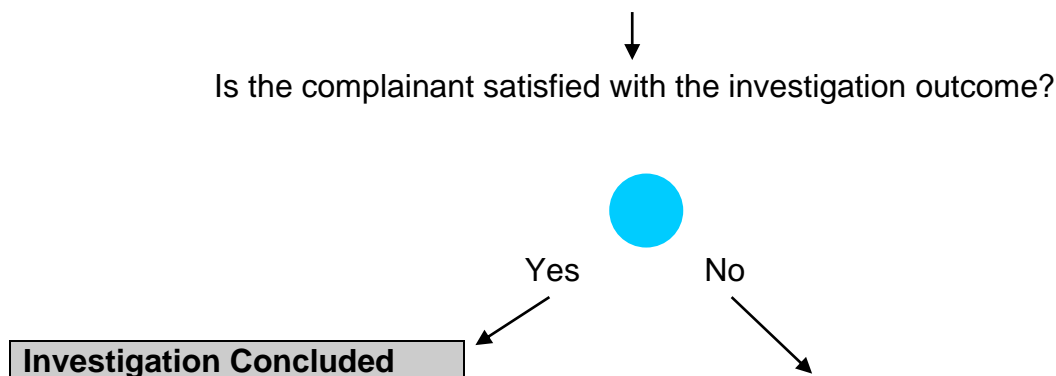
**Outcome 4:** It may be decided that the complaint was entirely false and made with the deliberate intention of having action taken against another employee. A malicious complaint could also be made in order to benefit the individual making the complaint (i.e. to obtain a transfer to another role or Directorate). In these circumstances the complainant will be subject to a formal investigation in accordance with the Council's Disciplinary Process within the Council's Managing Conduct, Behaviour and Information Policy.

The Investigating Officer will present a report to the Executive Director detailing the findings and recommendations from the investigation. This report should be factual and brief (see appendix 5). Attached to the report should also be an "Investigation Conclusion Form" and this can be found in appendix 6.

The Investigating Officer will convey their conclusions in writing to the complainant and respondent at the same time, confirming:

- The process of investigation;
- Who was interviewed; and
- The considerations in drawing the conclusions.

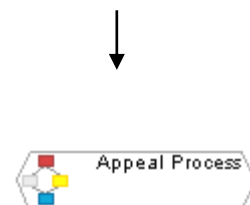
If the complainant is dissatisfied with the outcome or feels that they have been unfairly treated during the process, then they have the right to appeal against the decision.



### Appeal Process Instigated

If the complainant is dissatisfied with the outcome or feels that they have been unfairly treated during the process, then they have the right to appeal against the decision.

The appeal will be heard by the Human Resources Committee and Supported by a senior officer with KMBC's Human Resources Service.

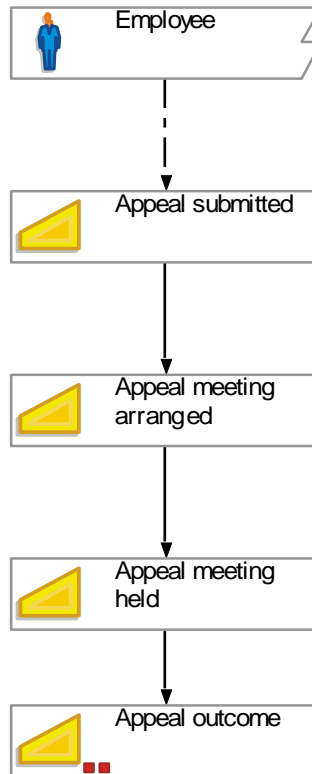


## Appeals Process

Employees have a right of appeal within the framework of the Dignity at Work process.

The process for Dignity at Work Appeals is detailed below.

### Appeals Sub-Process diagram



#### Employee

The employee is dissatisfied with the outcome of the investigation undertaken, or feels that they have been unfairly treated during the process.



#### Appeal Submitted

Any appeal against the outcome of a Dignity at Work investigation must be submitted to the Town Clerk, and the Human Resources Committee.

The appeal must be in writing within 10 working days of the employee receiving written confirmation of the outcome of the investigation.

It must clearly outline the specific reasons for the appeal, i.e. an employee cannot submit an appeal stating that they are unhappy with the decision, without stating the reasons why.



### **Appeal Meeting Arranged**

An appeal hearing will normally be held within two months of the receipt of the appeal. Sufficient notice of the hearing shall be given to enable the complainant to be represented at the appeal should they so wish.

Postponement of an appeal hearing shall not be allowed unless there are exceptional circumstances.

In all cases of appeal both parties (the complainant and the Investigating Officer) will be required to submit a Statement of Case detailing the evidence to be presented (see appendix 7).

Such statements must be submitted to the Town Clerk within one month of the receipt of the appeal by the Council. Only in exceptional circumstances, and at the discretion of the Chair of the appeal hearing, will documentary evidence that has not been included with the Statement of Case be allowed to be submitted at the appeal hearing.



### **Appeal Meeting Held**

At the Hearing both the Investigating Officer and their support and the complainant and their representative will be in attendance.

The Investigating Officer will present the information obtained during the investigation and the conclusions reached.

The complainant will present their appeal based on their written appeal.



### **Appeal Outcome**

The decision of the Appeal Panel will be made.

The decision of the appeal hearing shall be final. There shall be no further internal right of appeal.

Both parties will be advised of the outcome at the conclusion of the appeal hearing. Where this is not possible, the outcome will be communicated in writing within five working days of the hearing.

**DIGNITY AT WORK - GUIDANCE**

**1. INTRODUCTION**

- 1.1 The Council believes that every individual has the right to be treated with **dignity** and **respect** in the workplace, and is committed to providing a supportive working environment where individuals are free from discrimination, harassment, bullying and victimisation.
- 1.2 The Council recognises that behaviour which creates threatening or intimidating work environments can interfere with job performance, undermine job security and can cause undue stress.
- 1.3 The Council will not tolerate harassment or discriminatory behaviour between employees, between Line Managers and employees, from members of the public aimed at Council employees or from employees aimed at members of the public or from elected members aimed at employees and employees aimed at elected members. An employee who harasses another employee, elected member, client or member of the public will be subject to disciplinary action.
- 1.4 The Council is therefore committed to removing all forms of discrimination and regards all forms of harassment as a serious disciplinary offence, potentially constituting gross misconduct. It is unacceptable for any employee to harass another employee, client or member of the public for any reason.
- 1.5 This guidance applies to any situation, whether during or outside normal working hours, where an employee's behaviour or actions has a detrimental effect on a workplace relationship.

**2. AIMS AND OBJECTIVES**

- 2.1. The primary aim of this guidance is to prevent behaviour that could be construed as discrimination, harassment or bullying in the workplace. Where this does occur, the guidance aims to ensure that appropriate and effective action is taken to prevent any recurrence.
- 2.2. This guidance provides a framework to investigate and deal with situations where employees are being harassed, bullied or discriminated against by colleagues, subordinates or Line Managers.
- 2.3. This can include harassment or bullying in relation to an individual's age, gender, gender identity and gender reassignment, actual or perceived sexual orientation, race, disability, religion, culture or belief, offending past, caring responsibilities or real or suspected HIV status. Other complaints during the course of an employee's employment, should be dealt with in accordance with the appropriate procedures / guidance e.g. grievance procedure, re-grading procedure.
- 2.4. The specific objectives of this guidance are to: -
  - Ensure that all employees are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour;

- Ensure that all employees understand that behaviour that may constitute harassment or bullying is unacceptable and that appropriate measures, including disciplinary action, may be taken;
- Promote a climate in which employees feel confident in bringing forward complaints of harassment or bullying without fear of victimisation;
- Ensure that all allegations of harassment or bullying are responded to quickly, positively and in confidence;
- Provide a framework for bringing forward a complaint, identifying to whom complaints should be submitted and outlining the support mechanisms available; (See Section 8.6 – 8.9)
- Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and respect the rights and confidentiality of all those involved;
- Ensure the process is fair and equitable, giving both sides a fair opportunity to put across their points of view.

### 3. **WHAT IS HARASSMENT?**

***Harassment is unwanted conduct that disregards a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment, particularly where it is motivated by an employee's protected characteristic (i.e. ethnicity, gender, etc), or by their trade union activity.***

Harassment is also behaviour which could reasonably be considered to be offensive or humiliating by an observer.

Harassment takes many forms and includes physical, verbal or non-verbal conduct. It can include some of the following forms:

- *Unwanted or inappropriate physical contact.*
- *Offensive remarks, lewd or racist jokes, malicious gossip or slander.*
- *Displaying or circulation of sexist, homophobic or racially offensive material.*
- Leering, staring or stalking.
- Suggestive remarks or unwanted sexual advances.
- Physical attacks on persons or property.
- Disclosing somebody's sexual orientation (real or perceived) without their consent ("outing somebody"). The revelation of an employee or colleague's sexuality should only be made with prior consent by the individual concerned. It should be noted that even where an employee or colleague may be "out" at work they, or their partner, may not be in other areas of their life. It is important to note that where an individual may declare another as their partner (who could be totally unconnected to their workplace),

colleagues or managers should maintain that confidentiality whether in work or external situations.

- 3.1. The Council will not tolerate any kind of hate incident and is committed to combating this kind of behaviour. A hate incident is any incident committed against a person or property that the victim or any other person believes is motivated by the offenders hate against people because of their protected characteristic (i.e. ethnicity, gender, etc).

In making judgements about hate incidents, it is the behaviour and its impact on the recipient and not the intention of the perpetrator that is important.

The Council has adopted the definition of a racist incident from the Stephen Lawrence Inquiry Report as follows:

*'A racist incident is any incident which is perceived to be racist by the victim or any other person'.*

#### 4. **WHAT IS BULLYING?**

***Bullying is the use of aggressive, malicious, intimidating or humiliating behaviour that attempts to undermine any employee or group of employees. Bullying is also behaviour which could reasonably be considered to be offensive or humiliating by an observer.***

- 4.1. Bullying can be physical, verbal or non-verbal behaviour. It can take place in private or in the presence of others.

It can include behaviour as listed below although this list is not exhaustive.

- Abuse or misuse of power.
- Using abusive language.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Deliberately excluding individuals.
- Making a colleague the regular butt of jokes.
- Shouting or persistent unwarranted negative verbal attacks on colleagues.
- Deliberately undervaluing or undermining a colleague's contribution and / or over-monitoring a colleague's performance.

- 4.2. Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying.

- 4.3. It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

## **5. WHAT IS VICTIMISATION?**

Victimisation is a form of discrimination and occurs when a person is treated less favourably because they have exercised their right to speak out against harassment, discrimination and / or bullying. They may have reported an incident of this nature which they have witnessed, made an allegation themselves or they may have offered supporting information / evidence to an enquiry into such behaviour. Any victimisation of an individual(s) will not be tolerated and likely to lead to disciplinary action.

## **6. THE LEGAL POSITION**

6.1 In addition to the detrimental effects on individuals or groups and the quality of overall service delivery, harassment and bullying can have legal implications for both the alleged harasser and the Council. Some of the legislation covering discrimination and harassment is detailed below and employees should be aware that legal or civil proceedings might be brought against the alleged harasser and the Council.

- Health and Safety at Work Act 1974 - employers have a duty of care to ensure the health, safety and welfare of all their employees
- Sex Discrimination Act 1975 (including the Gender Reassignment) Regulations 1999
- Race Relations Act 1976
- Criminal Justice and Public Order Act 1994
- Disability Discrimination Act 1995
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Race Relations (Amendment) Act 2000
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- The Equality Act 2010

6.2 Whilst other forms of harassment may not be in breach of the law, they contravene Council guidance and as such are unacceptable, e.g. any harassment against an individual due to their real or suspected HIV status or an offending past will not be tolerated and may lead to disciplinary action.

## **7. GENERAL GUIDANCE**

It is recognised that individuals may be reluctant to proceed with a complaint, however employees should feel reassured that the Council is committed to tackling incidents of harassment or bullying and must feel safe to come forward and tell someone they are being harassed or bullied.

## **8. COMPLAINTS**

8.1. Complaints regarding harassment or bullying should be dealt with informally, where possible. If attempts to resolve the complaint informally are not effective, this does not preclude the matter progressing to the formal stage at a later date.

8.2. Generally, the decision to initiate any form of complaint of harassment whether formally or informally is that of the individual. However there may be instances where the informal procedure will not be appropriate and the formal procedure must be invoked. This may be due to the wishes of the complainant or if the matter may lead to criminal investigations.



- 8.3. If an employee feels that they are being harassed in the course of their duties by another employee, client or member of the public, they should report the situation to their Line manager or the Town Clerk.
- 8.4. Where the employee does not feel able to discuss the matter with the Town Clerk / Line Manager or the alleged harasser is also the victim's Line Manager, the victim is advised to speak to a member of the Human Resources Committee.
- 8.5. Where a complaint is made against the Town Clerk this should be investigated by the Human Resources Committee with support from KMBC's Human Resources Service.

### **Support**

- 8.6. In order to foster a climate in which employees feel able to bring forward cases of harassment or bullying, KMBC's Listeners are available to provide support, advice on counselling and information on procedures to individual employees.
- 8.7. Counselling will be made available to both parties at all stages if requested. In some cases counselling may help identify the problem and the best course of action to be taken.
- 8.8. Availability of counselling is particularly important for harassment cases due to the sensitive and distressing nature of the issues involved. Counselling can be arranged through the Town Clerk.
- 8.9. The Council recognises that employees who experience harassment or bullying at work may experience emotional or psychological reactions to their experiences. As such, each case will be dealt with on an individual basis and Line Managers will provide as much support as possible.

### **Mediation**

- 8.9. Mediation can be a valuable resource in helping to resolve conflict raised through complaints of harassment or bullying.
- 8.10. At any stage during the informal or formal procedure either party can request that a "mediator" be assigned to the case. The mediator will contact both parties and if both are in agreement a meeting (s) can be arranged. Mediation will only be recommended where the conditions are appropriate to ensure a successful outcome.
- 8.11. Mediation will be arranged via KMBC's HR Service and be in accordance with the Mediation Process – further guidance can be found in the Managing Conduct, Performance and Information Policy.

### **Line Manager's Role**

- 8.12. Line Managers must remember that some situations could arise (e.g. physical assault) where they have a responsibility to ensure the general welfare of all employees. In such cases, appropriate action has to be taken and Line Managers are advised to seek immediate advice from the Town Clerk.

- 8.13. It is a Line Manager's responsibility to ensure that employees feel able to come forward, by creating an atmosphere that is both caring and considerate, and to offer continuing support throughout the process. It is essential to remember that all complaints must be taken seriously.
- 8.14. Line Managers should arrange appropriate support for the individuals involved as outlined in Sections 8.6 to 8.9.

## **9. MONITORING AND GUIDANCE REVIEW**

- 9.1 The Council has a statutory duty under the Race Relations (Amendment) Act 2000 to collate and analyse statistics in respect of the ethnicity of any employee involved in an incident of harassment.
- 9.2 It is also essential to record and monitor all complaints of harassment and bullying regardless of the reasons for it, in order to continually assess the effectiveness of this guidance and process.
- 9.3 Any Officer who receives an initial complaint of harassment and bullying must complete the "Initial Investigation Form" and forward it to the Town Clerk and Human Resources Committee.

See appendix 3 for the Dignity at Work – Initial Investigation form.

- 9.4 On conclusion of the investigation undertaken in accordance with the formal stage of the process, the Investigating Officer must complete the "Investigation Conclusion Form" and forward it to the Town Clerk and Human Resources Committee.

See appendix 6 for the Dignity at Work – Investigation Conclusion Form.

- 9.5 All records of reported incidents of harassment or bullying are confidential and as such will be maintained in the strictest confidence.

## **10. PROCEDURE FOR DEALING WITH COMPLAINTS**

The process for dealing with Dignity at Work complaints can be found within this document.

If an employee submits a formal complaint, they must refrain from discussing the allegation(s) with their colleagues, other than the person they may have confided in for support.

All employees who are interviewed as part of any investigation have the right to be accompanied by a Trade Union Representative or colleague if they so wish.

## **11. APPEALS PROCESS**

The process for Appeal against the outcomes of Dignity at Work investigations can be found through the Town Clerk.

## **12. CONFIDENTIALITY**

- 12.1 Claims of discrimination, harassment or bullying will always be treated seriously and dealt with in the utmost confidence. Confidentiality is vitally important to provide all parties concerned with a degree of security and to ensure that all procedural aspects are dealt with impartially and objectively.
- 12.2 In order that the Council can revise, review and develop its guidance, procedures and practices, key information from cases may be used to assist in this process. This guidance has been devised to provide mechanisms that will help the Council improve best practice based on the outcomes of cases whilst protecting any individual or group of people involved.
- 12.3 It is therefore necessary to make it clear to anyone involved in any part of the process that 'confidentiality' relates to the details of the case and investigation. Appropriate steps will be taken so that only those who are required to know details of a case will have access to information, including both the complainant and the person against whom the allegations have been made. Evidence to support or discredit the complaint can only be gained via gathering factual evidence from all parties. This may involve discussing details of the case, particularly with the respondent.
- 12.4 **Anonymity cannot be guaranteed**, especially where there may be a breach of the law or where criminal proceedings may be initiated. Information gained during an investigation may be presented at a hearing or at an external body (eg Employment Tribunal) and therefore such information will be read by both sides (at a Disciplinary Hearing) or could become public (at an Employment Tribunal). Witnesses may also be called as a witness to a future hearing.
- 12.5 Witnesses are required to maintain confidentiality after giving evidence to ensure facts are not distorted. Malicious or intentional breaches of confidence will be treated seriously and any breaches of confidentiality may be subject to disciplinary action in accordance with the Council's Managing Performance, Conduct and Information Procedure.

## **13. RE-ESTABLISHING WORKING RELATIONSHIPS**

This guidance applies in situations where the individuals will be working together again following a complaint of harassment or bullying.

- 13.1 On conclusion of an investigation, all reasonable efforts to re-establish the working relationship between both parties should be pursued. This can be assisted by using mediation or confidential counselling.
- 13.2 The Line Manager must monitor and review the situation and meet with both parties to discuss progress.
- 13.3 In situations where it is not possible for individuals to work together again, following a complaint of harassment or bullying, the Line Manager should contact the Human Resources Service.

**Dignity at Work - Complaint Form**

To be completed by the individual making the complaint (Complainant)

If you require support in completing this form, please contact the Town Clerk, or a Trade Union Representative.

**Name:**.....

**Directorate:** .....

**Job Title:**.....

**Allegation**

Please state the name of the person or people you wish to raise a complaint about in relation to the Dignity at Work Guidance. (e.g. individual who you feel has harassed, bullied or discriminated against you)

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.....  
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.....

Please state the nature of your complaint, eg what is the allegation.

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**Examples**

If possible, please give examples of dates and times and witnesses to any incidents with direct quotes. You should give factual descriptions of events rather than opinions or assumptions (Continue on a separate sheet if necessary.)

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.....

**Effect of the behaviour**

Please give examples of the effect each incident had on you, eg how did it make you feel?

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**Supporting Evidence**

If you have any documentary evidence, please give details or if appropriate attach copies to this form.

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**Action previously taken**

Please give details of any action that yourself or others may have already taken in relation to this complaint.

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.....  
.....

Signed:.....Name: (Print).....

Date: .....

Once complete, this form must be forwarded on to the Town Clerk.

**DIGNITY AT WORK – INITIAL INVESTIGATION FORM**

**NOTIFICATION TO THE TOWN CLERK OR MEMBER OF THE HUMAN RESOURCES COMMITTEE**

This form should be completed by the Officer who was initially notified of the complaint. The form should then be forwarded to the Human Resources Committee for monitoring purposes.

Please mark the envelope '**Strictly Confidential**'.

Name of Complainant:.....

Date of Complaint: .....

Nature of Complaint:.....  
[in brief, specifying grounds of complaint – e.g. race, gender]

.....  
 .....

Complainant Details: M/F..... Ethnicity .....

Disabled [Y/N] .....Grade .....

Age .....

<b>Action taken</b>	[a]	Counselling Offered	
	[b]	Counselling Accepted	
	[c]	Mediation Offered	
	[d]	Mediation Accepted	
	[e]	Other (please specify)	
<b>Outcomes</b>	[f]	Matter resolved within informal stage	
	[g]	Formal stage invoked	
	[h]	Other (please specify)	

Signed.....Name:(Print).....

Job Title:..... Date:.....

**DIGNITY AT WORK INVESTIGATION**

**INVESTIGATORY INTERVIEW OPENING STATEMENT**

Today's meeting has been called to put to you, and to allow you to respond to, a number of allegations from .....(NAME),.....(JOB TITLE), that you have .....(nature of allegation)

(An example of an allegation could be as follows: you have treated him / her less favourably on a number of occasions over the last 12 months, and that this less favourable treatment is on the grounds of his race.)

I have a number of questions to ask you in this investigatory interview and any response you choose to make to those questions will be recorded. Should I determine on conclusion of this investigation that there is a case for you to answer, your responses will be produced at a later stage as evidence.

You or your representative may ask for an adjournment at any time during the course of the investigatory interview.

On conclusion of, and separate to this meeting, I hope to be in a position to make a decision as to whether there is a case for you to answer. However this may not be known until such time as I have fully completed my investigation. As such it may be necessary to carry out further investigations upon conclusion of this investigatory meeting. On conclusion of my investigation you will be informed in writing of the decision I have reached in this matter.

Are there any questions that you or your representative has at this stage?

**DIGNITY AT WORK INVESTIGATION**

**FORMAT OF FINAL REPORT**

The following is a suggested simple format for the final report.

***Background***

Details of the employee structure, working arrangements etc.

***Nature of complaint***

Specific incidents referred to and nature of the complaint – use complainant's own words.

***Investigation Process***

Describe the steps taken to investigate the incident.

***Alleged Harasser's Response***

Give the response for each complaint.

***Additional Evidence***

Brief details of witnesses' statements and corroborative evidence taken into account.

***Findings and Evaluation***

Statement as to whether the Investigating Officer is able to support the claim of harassment/bullying based on witnesses' evidence or balance of probabilities.

***Recommendations***

This should contain any recommendations which the Investigating Officer feels needs to be considered in order to assist in the future resolution of this issue e.g. training



**DIGNITY AT WORK – INVESTIGATION CONCLUSION FORM**

**NOTIFICATION TO THE TOWN CLERK OR MEMBER OF THE HUMAN RESOURCES COMMITTEE**

This form should be completed by the Investigating Officer at the conclusion of the investigation. The form should then be forwarded to the Human Resources Committee for monitoring purposes

Please mark the envelope '**Strictly Confidential**'.

Name of Complainant: .....

Date of Complaint .....

Nature of Complaint.....  
 [in brief, specifying grounds of complaint – e.g. race, gender] .....

Complainant Details      M/F..... Ethnicity .....

Disabled [Y/N] .....Grade .....

Age .....

<b>Action taken</b>	[a]	Counselling Offered	
	[b]	Counselling Accepted	
	[c]	Mediation Offered	
	[d]	Mediation Accepted	
	[e]	Other (please specify)	
<b>Outcomes</b>	[f]	Informal action resolved complaint	
	[g]	Formal complaint investigated and resulted in no further action	
	[h]	Formal complaint investigated and resulted in disciplinary action	
	[h]	other [ please specify]	

Signed.....Name:(Print).....

Job Title:..... Date : .....

**STATEMENT OF CASE**

**DIGNITY AT WORK HEARING**

***Purpose***

***Background***

**Attached documentation**

**e.g.**

Copy of Dignity at Work Process

Copy of any other relevant policies and procedures

Witness statements

Minutes of interview with employee

Any other supporting documentation relating to the case

**Case Against the Employee**

***Conclusion***

**Summary**