

Dignity at Work Policy

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Contents

1. Introduction.....	4
2. Principles	5
3. Values	5
4. Roles and responsibilities	7
4.1 Council and committee.....	7
4.2 Executive Management Team	7
4.3 Operational Management Team	7
4.4 Employees	7
4.5 Human resources (HR).....	8
5. Policy	9
6. Procedure	9
6.1 Dignity at work in practice	9
6.2 Support for those involved.....	10
6.3 Stage 1: Informal.....	10
6.4 Stage 2: Formal complaint.....	12
6.5 Stage 3: Formal appeal	13
6.6 Right to be accompanied	14
7. Further information	14
7.1 Learning and development.....	14
7.2 Sources of support	14
7.3 Related documents.....	14

1. Introduction

Purpose

We are committed to providing a positive workplace which supports an environment free from bullying, harassment, discrimination and victimisation. These behaviours will constitute unlawful discrimination where they relate to one of the protected characteristics listed under the Equality Act. This includes sex, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, religion or belief, disability and age. We adopt a zero tolerance approach towards bullying and harassment.

The SSSC Codes of Practice for Social Services Workers and their Employers describe the standards of conduct and practice that we require from social workers, social care workers and their employers. The Codes have treating others with respect at their core and similarly as an employee of the SSSC, we expect you to treat colleagues, external partners, registrants, stakeholders and any other individual you come in to contact with throughout the course of your work with dignity and respect.

All our employees have the right to expect fair and reasonable treatment at work in line with the provisions of our policies on equality and diversity and we commit to making sure that all our employees and managers receive appropriate training in this area.

This policy provides a means of challenging unreasonable behaviour it is not intended to inhibit reasonable and effective management.

Scope

This policy applies to all permanent and temporary employees, workers and contractors. This policy does not apply to social service employers or social work students.

Where you raise an issue or complaint that we can consider under another policy or procedure (eg whistleblowing, disciplinary, grievance) we will decide which of these is the most appropriate to use.

Incidents outside of normal working hours or outside of the workplace, including through social media, may require investigation and action where they involve employees of the SSSC or call into question your suitability to work for us.

Legislation

This policy has also considered the following legislation:

- Employment Relations Act 1999
- Employment Rights Act 1996
- Equality Act 2010
- Protection from Harassment Act 1997

Data protection

We will process any personal data collected in relation to this policy keeping to our [Data Protection Policy](#) and will record only the personal information required and keep the information only for as long as necessary.

Monitor and review

Human Resources and the Partnership Forum are responsible for monitoring this policy to make sure that we are fairly and consistently applying it and that we meet the stated principles and values. We will review this policy every three years (or earlier if legislation changes) and make appropriate amendments in consultation with the Partnership Forum. We will outline minor amendments in the change log and update the version control. Where there are major changes, we will consult more widely and follow the consultation cycle – Equality Impact Assessment, Operational Management Team, Partnership Forum, Executive Management Team and Council.

2. Principles

Guiding Principles

You are entitled to work in an environment where you are treated with dignity and respect and in line with our values. Pressures at work or outside of work are not an acceptable reason for anyone to treat others without respect. In operating this policy, the following principles will apply:

- We take all issues of bullying and harassment seriously and will handle any complaints promptly, sensitively, fairly and with an open mind.
- We are an inclusive organisation and value the skills and abilities of all employees
- You can raise concerns without fear of victimisation.
- We maintain confidentiality to the maximum extent possible, the investigation of allegations will normally require limited disclosure to witnesses on a need to know basis.
- We explain where special arrangements are required for any part of the Dignity at Work policy to allow all parties to participate fully.
- Wherever possible, we will try to make sure that the employee complaining of harassment or bullying and the alleged harasser / bully (called person complained of hereinafter) are not required to work together while the complaint is under investigation.
- Any employee involved in a complaint may be suspended (on full pay) where we consider it necessary to do so. The duration of suspension will be minimised and will not constitute disciplinary action.

3. Values

In everything we do, we believe the people of Scotland have the right to be safe when accessing social care services. We do this by listening, learning and doing the right thing.

Work together

We treat each other with kindness and respect and value the contribution every member of staff makes.

- We treat one another with dignity and respect and have a positive culture.
- We make sure you have access to advice, support and guidance to help you understand this policy.

- We recognise the value of positive and constructive involvement and participation from our recognised trade union. Our commitment to partnership working is integral to the development and maintenance of harmonious employee relations.

Accept responsibility and accountability

We recognise the trust placed in us to ensure the safety and wellbeing of people who use social services and that is our guiding mission.

- We treat complaints seriously and handle any complaints promptly.
- We respect confidentiality about your complaint and only share information with those who have good reason to know.

Recognition and respect for others

We value the social service workforce and the life changing work they do. Our work increases recognition of, and further develops, their role. All our stakeholders contribute to our success and we recognise and respect their views.

- We describe acceptable and unacceptable behaviours and take action to make sure we all behave in appropriate ways.
- We make sure that you understand your entitlements under this policy and that you feel able to exercise your rights.

4. Roles and responsibilities

4.1 Council and committee

People management policies which include any of the following are reserved for Council:

- associated extra costs that are outwith the current budget
- any proposed fundamental change to terms and conditions of employment
- where Council has a clearly defined role to play.

Council is responsible for:

- approving this policy and procedure
- making sure that the application of this policy does not breach any statutory requirement placed upon the SSSC
- making sure that the Chief Executive and EMT have in place appropriate and up to date policies and procedures for the effective management of employees
- making sure we apply policies and procedures fairly and keeping to the law.

4.2 Executive Management Team

The EMT is responsible for:

- overall responsibility for the implementation of the policy and creating a culture in which employees can flourish through interesting and rewarding work
- delegating responsibilities related to the policy to Operational Management Team (OMT) and line managers
- making sure that managers and employees receive appropriate development, support and training to implement the policy appropriately
- making sure that the application of this policy and procedure does not breach any statutory requirement placed upon the SSSC
- setting a positive example to employees by following this policy
- treating complaints seriously and dealing with them promptly.

4.3 Operational Management Team

The OMT is responsible for:

- making sure their managers and employees are aware of the required behaviours and the details of this policy
- signposting employees to relevant information
- dealing with issues kindly, sensitively and showing compassion
- respecting confidentiality and only sharing information, as appropriate, with relevant postholders
- setting a positive example to employees by following this policy
- setting consistent performance standards and applying these consistently.

4.4 Employees

Employees are responsible for:

- complying with our [Code of Conduct for Employees](#). We expect the highest standards of integrity and conduct from all employees
- following the guidance in this policy
- acting appropriately and always keeping to our values treating one another with dignity and respect
- supporting colleagues involved in a dignity at work issue
- completing and following the mandatory training
- promptly raising concerns about unacceptable behaviour that they experience or witness.

4.5 Human resources (HR)

Human resources are responsible for:

- updating this policy and procedure in line with the agreed schedule or as changes occur to comply with employment and other pertinent legislation, best practice and the SSSC People Strategy
- developing this policy and procedure collaboratively to meet legal and business requirements
- developing template letters, forms and guidance if required
- offering advice on how to apply the policy and procedure
- making sure employees follow the process in line with the policy
- reminding employees and managers of their responsibilities under the policy, if required
- monitoring use of the policy and processes and reporting any non-compliance to heads of department / directors.

5. Policy

This policy makes sure that all employees are treated with dignity, respect and courtesy while at work and feel able and supported to meet their full potential through working in a non-threatening environment free of bullying, harassment, discrimination and victimisation.

6. Procedure

6.1 Dignity at work in practice

We use the following terms to describe different types of behaviour.

Direct discrimination occurs where a person is treated less favourably than another because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Indirect discrimination occurs when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic.

Reasonable adjustments - where someone meets the definition of a person who has a disability in the Equality Act 2010 we must make reasonable adjustments to any elements of the job which place a disabled person at a substantial disadvantage compared to non-disabled people.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act or because they are suspected of doing so.

Harassment is unwanted behaviour which has the effect of being intimidating, embarrassing, offensive or humiliating.

Bullying is treating someone in an aggressive, intimidating or insulting way, where it has the effect of humiliating, threatening or upsetting a person.

Examples of harassment and bullying include:

- physical – such as physical gestures, personal contact, threats or assaults
- verbal – such as insulting or ridiculing someone, using abusive language, undermining someone, innuendo, jokes or remarks about someone, especially if they have a protected characteristic
- nonverbal – such as circulating offensive material, sending abusive messages, withholding information to affect someone's work. It can also include looks or gestures made towards the recipient.
- behaviour that has the effect of isolating or excluding someone or the inappropriate exercise of power over another.

Inappropriate behaviour is never a joke or harmless fun. It is not the intent of the harasser but the impact on the recipient that defines harassment or bullying. Even well intentioned behaviours are considered patronising and unhelpful by some people.

Line managers have a particular role under this policy to model good behaviour and make sure that they treat their employees with dignity and respect as well as being vigilant to the behaviour of others and addressing any inappropriate behaviour that they witness.

You and your manager can always seek to resolve any difficulties informally in the first instance. Where this is not possible both parties can consider the use of an independent third party to help mediate the process.

A third party need not necessarily come from outside the SSSC but may be an internal facilitator / mediator, a highly skilled manager or an HR professional that has not been involved in the process so far.

6.2 Support for those involved

We make sure that anyone who raises a complaint, and any other employee who participates in an investigation under this policy, will not suffer any form of retaliation or victimisation as a result. Where you are found to have retaliated against or victimised someone for making a complaint under this policy or for participating in an investigation we may act under our [Disciplinary Procedure](#).

When you raise a complaint under the Dignity at Work Policy or where you are subject to a complaint this is often upsetting. We provide you with access to a free, confidential counselling service that is open 24 hours a day, seven days a week. You can contact them on 0800 032 9849.

You can access support to raise an issue from your line manager, HR, a recognised trade union representative or another colleague. We offer mediation – which is voluntary and confidential – and you can engage this at an early stage to have open communication in a safe environment.

Where you are sick during a dignity at work issue your line manager and HR will support you to continue to participate in the process. The investigation will continue despite the sickness absence where we consider it is reasonable to do so.

6.3 Stage 1: Informal

You will discuss concerns about behaviour at work wherever possible, with your manager informally before submitting a complaint under the formal stage of this policy. This will help you to gain an objective perspective on an incident or demonstration of behaviour and it often helps to get a viewpoint from an individual who was not involved. Normally this is your line manager however where the complaint is about your line manager you should raise your concerns with their manager.

You can consider these alternative options:

- Raising the behaviour directly with the individual. Where the individual concerned has not been aware that their behaviour is causing a problem this may resolve the problem. Where you feel you cannot approach the individual directly, an alternative is to write down your concerns with examples of behaviour and share it in an informal meeting as a means of opening discussions.

- Tell the individual's line manager either verbally or in writing with examples of the behaviour which is causing you concern and setting out how you want the matter resolved. In this case, the individual's line manager will encourage you both to engage in direct and informal discussions. At this point in the interests of openness and transparency the content of the written concerns are shared with all parties.

Where the complaint is against your own line manager changes to the normal procedure may occur eg involving another manager at an early stage.

Facilitated meeting

Where necessary, support for a facilitated meeting between the parties involved is available from Human Resources.

A facilitated meeting is a meeting between you and the person you have complained about with an appropriate person there to facilitate (ie to make it easier). The appropriate person is an independent manager or a member of Human Resources. They will make sure the issues are discussed in a safe, confidential and supported way with the aim of reaching a resolution.

At this meeting the issues are discussed and if possible resolution reached. If necessary, more than one facilitated meeting can take place to resolve the issue.

As part of any resolution reached any identified actions are identified and recorded. A note of all meetings held setting out agreed actions and the way forward is issued to those involved in the meeting. The impartial manager who facilitated the meeting will monitor any future actions and make sure these are implemented and discuss with Human Resources where they have concerns.

Mediation

We will use mediation where appropriate with a trained internal / external mediator to seek a resolution before moving to the formal procedure. Mediation can only work where all parties involved agree to take part.

Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving your differences.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Mediation is a voluntary process. All parties must agree to participate in the process and set the agenda. If the parties do not agree to participate in mediation then it cannot be used to resolve the issues.

Responsibilities of the employee

- You are not expected to complete any forms at this stage. Instead you can request a private meeting with the appropriate manager. Where you feel that this is too difficult or embarrassing you can set out your concerns in writing.
- You must state the name of the individual you are raising a concern about, state that you are doing so under this policy, explain what the issue is with examples and tell how you want the matter resolved.

- Wherever possible, the concerns should be raised within 10 working days of the matter arising to stop it from reoccurring again.

Responsibilities of the manager

Although each case is managed on its own merits the person managing the complaint will generally follow the steps below:

- meet the employee or respond to the employee's written concerns within 10 working days
- where a meeting is requested, tell the employee of their right to a companion in advance of the meeting taking place.
- if required, meet the individual who the concerns are against and allow them a full and fair opportunity to answer any allegations against them and / or explain their conduct
- take an informed decision that addresses the substantive concern. This may include a decision that an independent investigation is the best way forward.
- confirm, in writing, the outcome of the informal stage detailing any decisions, follow-up actions and reasons behind them
- review the outcome and any actions within three months of the date of the meeting.

6.4 Stage 2: Formal complaint

Where one of the following circumstances applies you can ask that the matter is considered under stage 2 by completing a Dignity at Work notification form.

- Where no satisfactory resolution or way forward is reached at stage 1
- You feel your concern has not been adequately addressed.
- Where the allegations are more serious than can be addressed by the informal process or the concerns continue after an agreed resolution.

You will aim to have the complaint submitted to your relevant Head of Department or Director (as appropriate) within 10 working days of receiving the outcome of the informal stage.

Responsibilities of the employee

You must fully complete the Dignity at Work notification form and set out full details of the conduct in question. This will include:

- the name of the person complained of
- the nature of the alleged bullying, harassment, discrimination or victimisation behaviour
- details of where and when the conduct in question occurred
- the names of any witnesses
- any action that has been taken so far informally to attempt to stop it from occurring
- what actions you think will resolve your complaint.

Responsibilities of the senior manager and investigation officer

- With support from Human Resources, the Head of Department, Director or another manager (as appropriate) considering the complaint will identify the most appropriate person to investigate the complaint.
- Make sure the investigation is thorough, impartial and objective and carried out with sensitivity and due respect for the rights of all parties concerned. At no time will the investigator suggest or imply you have invited the bullying, discrimination, harassment or victimisation or are exaggerating your concerns.

- Will remain alert to the sensitivities involved when interviewing you and recognising that you may well have difficulty talking about the incidents and may become distressed during any interview.
- Will remind all of those interviewed of their duty to maintain confidentiality throughout the process.
- Where possible, meet with the person complained of, to hear their account of events. They have the right to know the nature of the complaint against them and the procedure being followed so that they can respond.
- Support all parties throughout the process. Where you and the person complained of work together or regularly come into contact we will assess whether alternative arrangements are required until completion of the investigation.

Action following the investigation

On conclusion of the investigation a written report is prepared by the investigating officer for consideration by a manager appointed by HR. They will consider the findings and recommendations of the investigation and confirm in writing the outcome of the complaint and any follow up action that are required. This may include:

- mediation
- counselling
- reflective practice
- awareness training
- buddying
- further investigation
- no further action
- commencing a disciplinary hearing.

Where the investigation concludes that the allegation was malicious, that any of the parties has deliberately provided false information or acted in bad faith the manager will consider what action is appropriate.

Whether or not your complaint is upheld we will consider how best to manage the ongoing working relationship between you and the person complained of. This may include some form of mediation, counselling, a change in duties, different working location, different reporting lines of one or both parties or arranging for further training.

6.5 Stage 3: Formal appeal

If you are not satisfied with the outcome of stage 2 you can appeal the decision. You must submit any appeal in writing to the Head of Human Resources within 10 working days of the date you received the outcome of the formal complaint. You must include details of the grounds for the review in your letter of appeal. The Head of Human Resources will decide whether there are sufficient grounds to hold a formal appeal hearing and notify you directly.

All appeals are heard by the SSSC's Employment Appeals Panel. The decision of the Panel is final and binding on all parties. There is a key difference between the right of appeal under the Dignity at Work Policy and the [Disciplinary Procedure](#).

This is summarised below:

If you raise a complaint of harassment, bullying or unacceptable behaviour which is investigated, and you disagree with the outcome, you have a right to appeal and ask for an independent management review of the case under stage 3 of this policy.

If the outcome of the investigation is that the matter goes to a formal disciplinary hearing we will notify you of the outcome. If you disagree with the decision of that hearing, you do not have a right of appeal against it.

The person against whom the complaint is made does not have a right of appeal against the outcome of a Dignity at Work investigation but does have a right to appeal against the decision of a formal disciplinary hearing under the [Disciplinary Procedure](#).

6.6 Right to be accompanied

All parties involved have the right to be accompanied at any meetings within this policy by a person who is either a fellow worker or a recognised trade union official.

7. Further information

7.1 Learning and development

To support the fair and consistent application of this policy, we will identify the opportunities and implications for managers. We will do this by incorporating training on this policy within line management development programmes. We will consider the implications for employees and make sure that they receive suitable training. We will also provide refresher training.

7.2 Sources of support

Further sources of support include:

- day to day support from line managers
- the employee assistance programme
- help advice and support from recognised trade union representatives
- ACAS
- Health and safety
- Human resources.

7.3 Related documents

This policy has strong links to other people management policies and guidance. We have listed these below.

- [Code of Conduct](#)
- [Disciplinary Procedure](#)
- [Equality, Diversity and Inclusion Policy](#)
- [Grievance Policy](#)
- [Whistleblowing Policy](#)



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If you would like this document in a different format, for example, in larger print or audio-format, or in another language please contact the SSSC on 0345 60 30 891.

We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

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