



SCOTTISH  
**CHILDREN'S REPORTER**  
ADMINISTRATION

**DIGNITY AT WORK POLICY & PROCEDURES**  
Updated 2019

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## 1. Context

- 1.1 SCRA is committed to eliminating discrimination, harassment, bullying, victimisation or sexual misconduct and encouraging diversity amongst our workforce. We oppose all forms of unlawful and unfair discrimination in terms of the Equality Act 2010 and the Human Rights Act 1998, which provides protection in relation to nine protected characteristics. The protected characteristics are - age, disability, sex, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief or sexual orientation (lesbian, gay, bi-sexual, heterosexual people). More details about each of the protected characteristics can be found at Appendix A of [SCRA's Equal Opportunities Policy](#). Additionally, SCRA recognises equality for children, young people and adults with experience of the care system and treat care experience as the "tenth protected characteristic."
- 1.2 SCRA is committed to creating and maintaining a safe, welcoming, inclusive and diverse workplace, which nurtures a healthy environment and culture of mutual respect and consideration, enabling all staff to thrive without fear of harassment, discrimination, bullying, sexual violence, abuse, coercive behaviour, sexual harassment or related misconduct.
- 1.3 The principles of the Dignity at Work Policy apply to all staff of SCRA and all visitors to SCRA including our partners and stakeholders, contractors, suppliers and their staff.

## 2. Aims of the Policy

- 2.1 The policy aims to:
  - Support and sustain a positive working environment for all staff, free from any form of inappropriate or unacceptable behaviour.
  - Make it clear that discrimination and harassment are unacceptable and everyone in SCRA has a role to play in creating a thriving environment, free from discrimination and harassment.
  - Make sure all staff are aware of their responsibilities under the policy.
  - To highlight the options to staff who feel they are or have been subject to bullying, harassment, discrimination, sexual misconduct, or any other inappropriate or unacceptable behaviour.
  - Provide a mechanism by which complaints can, wherever possible, be addressed in a timely way; be dealt with confidentially and the processes supporting it are fair, effective and clear to all concerned.
  - Set out the responsibilities for managing and supporting staff when concerns are raised under this policy.
- 2.2 SCRA expects all staff to treat each other with respect, courtesy and consideration at all times. All staff have a **personal responsibility** to comply with this policy and demonstrate active commitment to it by:-
  - Treating others with dignity and respect.
  - Discouraging any form of discrimination and harassment by suitably challenging inappropriate behaviour, making it clear that such behaviour is unacceptable and raising concerns with managers where appropriate so these can be dealt with.
  - Supporting any member of staff who feels they have been subject to discrimination and/or harassment, including supporting them to make a formal complaint if appropriate

- Managers have particular responsibility for setting standards and ensuring appropriate workplace behaviours are maintained. They are expected to set a good example and ensure concerns raised are acted upon.
- 2.3 Staff who may be experiencing Dignity at Work issues can discuss their concerns or seek advice from their line manager, a member of the Human Resources Team, a UNISON representative, an Equalities Ambassador or a Mental Health First Aider.
- 2.4 Any instances of discrimination, bullying, harassment, victimisation or sexual misconduct which fall within the scope of this Policy will be dealt with through SCRA's Disciplinary Procedure and may be regarded as gross misconduct. Complaints of discrimination, bullying, harassment, victimisation, or sexual misconduct will be assumed to have been made in good faith unless there is evidence to the contrary. If an accusation is shown to be deliberately false, then managers supported by the HR Team will consider whether action should be taken against the complainant.
- 2.5 SCRA has developed this policy in partnership with UNISON and in accordance with best practice and relevant legislation.

### **3. What is harassment?**

- 3.1 SCRA defines harassment as a single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to infer would have the effect of violating that other persons dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact.
- 3.2 The following are examples (not exhaustive) of behaviour that may amount to harassment under this policy:
- making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours.
  - engaging in harassment on the grounds of a person's sexual orientation/sexuality or gender identity/gender reassignment (or assumptions about a person's sexual orientation/sexuality or gender identity/gender reassignment ) including making derogatory homophobic, transphobic, or biphobic remarks or jokes aimed at a particular person, offensive comments relating to a person's sexual orientation/sexuality or gender identity/gender reassignment, refusal to acknowledge a person's sex or identity, or threats to disclose a person's sexual orientation/sexuality or gender identity/gender reassignment to others.
  - making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.
  - ignoring, disparaging, or ridiculing a person because of assumptions about their capabilities, or making offensive reference to an individual's appearance which may or may not be in the context of their disability.
  - controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief.
- 3.3 Online harassment may take the form of intimidating, offensive, or graphic posts or threats on social media sites or chat rooms, or communications by email, text, or instant messaging.

- 3.4 Sexual misconduct includes the following, whether or not within a sexual or intimate relationship, including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions.
- attempting to or engaging in sexual intercourse or engaging in a sexual act without consent.
  - sharing private sexual materials of another person without consent.
  - kissing and / or touching inappropriately without consent.
  - inappropriately showing sexual organs to another person.
  - repeatedly following another person without good reason.

#### **4. What is bullying?**

4.1 Bullying is also 'harassment' and is used to describe a threatening or intimidating work environment in which a group of people or an individual may become fearful or intimidated because of the negative or hostile behaviour of another group of people or individual. It can be a one off incident but is usually persistent, often unpredictable and may be vindictive, cruel or malicious. However, it can also arise even when a person is unaware of the effect his or her behaviour is having on someone else. Examples of bullying (not exhaustive) are:

- verbal abuse, such as shouting or swearing at staff or colleagues either in public or private.
- personal insults.
- belittling or ridiculing a person, or his/her abilities, either in private or in front of others.
- spreading malicious rumours about someone.
- sudden rages or displays of temper against an individual or group, often for trivial reasons.
- subjecting someone to unnecessary excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things.
- persistent and unjustified criticism.
- setting menial or demeaning tasks which are inappropriate to the job or taking away areas of work responsibilities from an individual for no justifiable reason.
- ignoring or excluding an individual e.g. from social events, team meetings, discussions and collective decisions or planning.
- making threats or inappropriate comments about career prospects or job security.

#### **5. What is Victimisation?**

5.1 When someone is treated less favourably because they have complained about direct or indirect discrimination, harassment or sexual misconduct, have given evidence for or supported another employee when they have complained or have been involved in the investigation process.

#### **6. What is discrimination?**

6.1 Dignity at work may involve equalities issues. UK discrimination law provides specific protection against discrimination, harassment and victimisation on a variety of grounds. SCRA takes its responsibilities in these areas very seriously. The Equality and Inclusion page on Connect provides more detailed information on these aspects of the law and the SCRA's responses.

## 7. Your own behaviour

7.1 It is possible that you are unaware of the effect which your behaviour has on others. For example, do you recognise any of the following and if so, you should recognise the impact this might have on others:

- do you consider that you are never wrong or that your way of doing a job is always right?
- do you shout at your employees or colleagues to get things done?
- are you sarcastic or patronising to your employees or colleagues?
- do you frequently criticise individuals, sometimes in front of others?
- do you often criticise minor mistakes but fail to give recognition to valuable contributions or good work?
- do you blame others for mistakes in your work area?
- do you refuse requests for leave or time off without giving a valid reason;
- do you ignore a colleague, or spread rumours or malicious gossip?

## 8. Roles and Responsibilities

### 8.1 All staff:

- Are required to comply with this policy and to take appropriate measures to ensure such conduct does not occur. Unacceptable behaviour is a disciplinary offence which may constitute gross misconduct and result in the offender's dismissal.
- Should report any unacceptable behaviour that comes from any person whether another member of SCRA staff, clients, visitors or employees of other organisations.
- Who are not the subject of the unacceptable behaviour but witness it and feel intimidated are entitled to complain to the alleged harasser/bully or make their concerns formal if required.
- Have a responsibility to act appropriately whilst in the course of their employment. This policy covers work related events regardless of the fact that these may be held outside the organisation's premises and in staff member's own time.

8.2 **Managers** have a duty to establish and maintain workplaces that are free from unacceptable behaviour. They also have a responsibility to make staff aware of what constitutes unacceptable behaviour, to be alert to conduct or behaviour which may contribute to incidents of unacceptable behaviour and to take prompt action to stop unacceptable behaviour as soon as it is identified.

8.3 **The Senior Management Team** is committed to the aims of this policy and have a responsibility for ensuring that organisational culture supports all employees throughout their employment with SCRA.

8.4 **The Head of Human Resources** is responsible for ensuring, in partnership with UNISON, the ongoing review of this Policy and Procedure as well as ensuring appropriate support and/or training is provided to Managers, UNISON representatives and Human Resources staff.

## **9. Challenging Unacceptable Behaviour**

- 9.1 Staff who believe that they are subject to unacceptable behaviour (bullying, harassment, discrimination and or sexual misconduct) should record a note of incident(s) of alleged unacceptable behaviour which may include the time, date, place and nature of the incident(s), how they felt at the time, their response and the names of any witnesses present. This record may be helpful to the member of staff if raising a formal complaint. Where possible, the member of staff should advise the alleged perpetrator of the discrimination, harassment, bullying or sexual misconduct that they find the behaviour unacceptable and ask them to stop.
- 9.2 Where the alleged perpetrator of the discrimination, harassment /bullying or sexual misconduct is not an employee of SCRA, staff should discuss their concerns with their line manager and/or HR Manager who will investigate the matter under the Unacceptable Actions Policy.
- 9.3 Where the alleged perpetrator of the discrimination, harassment /bullying or sexual misconduct is an employee of SCRA, unacceptable behaviour may be dealt with informally where the alleged perpetrator is unaware that their behaviour is causing offence and that this would be an acceptable outcome for the member of staff. The aim of the process is to, where appropriate, resolve any issues as informally as possible and may include mediation or a facilitated meeting as options. If the issue appears to be serious then the formal process may be invoked without first following the informal process.
- 9.4 Any person against whom a complaint has been made has the right to know the nature and sufficient details of the complaint in order to respond, whether it is being progressed through the informal or formal process.
- 9.5 In order to safeguard individuals, confidentiality must be maintained throughout the informal and formal processes in line with SCRA's Investigation, Disciplinary and Grievance Policies.

### **9.6 Employee Assistance Programme**

SCRA provides an Employee Assistance Programme to SCRA employees. Part of this service is the provision of a free confidential telephone counselling and advice service to:

- staff who feel they have been discriminated against, harassed, victimised, bullied or subjected to unwanted sexual misconduct
- managers who are supporting staff who feel they have been harassed/bullied- expand as above
- staff who are accused of discrimination, harassment, bullying or sexual misconduct.

EAP provider can be contacted 24 hours a day on freephone 0800 587 5670.

## **10. Informal Process**

- 10.1 Staff who feel that they are being subject to inappropriate or unacceptable behaviour may wish to approach the other party to resolve the issue informally.
- 10.2 Options may include but are not limited to:

**Informal direct approach** - talk directly to the other party explaining that they perceive their behaviour to be unacceptable and they would like them stop this. The approach may be made in person or in writing. Examples should be provided to the other party of the unwanted behaviour with an explanation why this has made them feel uncomfortable. In many cases this may resolve the issue without further action being taken.

**Informal approach with support** - where staff may be unable or reluctant to approach the other party on their own, they may obtain advice or ask for support in achieving an informal resolution to the problem. For example, this might include seeking advice from a Line Manager, Human Resources representative, UNISON representative, Equalities Ambassador or Mental Health First Aider.

Staff contacted for support will meet with the member of staff in a private environment, listen to issues raised and discuss and explain the options available to the member of staff, providing further support if required.

**Facilitated Meeting** - This is a meeting between the member of staff who feels they have been the subject of unacceptable behaviour and the person they are complaining about, with an appropriate person there to facilitate (make it easier). The appropriate person might be an independent manager or a member of Human Resources. They will make sure that the issues are discussed in a safe, confidential, and supported way with the aim of reaching a resolution.

If a facilitated meeting is appropriate, a member of Human Resources will make appropriate arrangements for this to proceed with both parties within a reasonable timeframe.

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

Where at all possible this would be the preferred way of resolving the matter in the most timely way and with the least distress and disruption to those involved.

**Mediation** – Where a facilitated meeting is not appropriate or successful, then the member of staff could consider Mediation. Mediation is entirely voluntary and is a process of bringing together two parties in dispute to air their differences in a constructive manner in order to identify a way forward. The process is facilitated by a trained mediator. Mediation in unacceptable behaviour cases may lead to a timely resolution of the issues, hence reducing the negative effects on all concerned.

Mediators are available within SCRA and arrangements for mediation can be progressed through the HR Team. Both parties need to be clear that mediation is an independent, confidential and impartial facilitative process, which has no legal authority. The process is intended to facilitate an informal settlement of the issues raised. Both parties must be willing to proceed with mediation. The process to be followed will be determined by the mediator based on the circumstances of the case. Both parties may have support as outlined earlier.

Should there be concerns about the health of either of the parties involved then SCRA's Occupational Health Provider should provide advice as to whether the individual is fit to be at work and participate in the mediation process.



## **11. Formal Procedure**

- 11.1 If the situation is not resolved by the informal process or the matter is deemed to be so serious, the complainant may raise the issue formally with their line manager. Where, because of particular circumstances or a conflict of interest exists, it would be inappropriate for the line manager to take part in the process, the matter should be referred to the Human Resources Manager who will identify a suitable manager to initiate action. In all cases, the Human Resources Team should be advised of a potential complaint.
- 11.2 Concerns should be raised at or around the time of an incident occurring and normally within 3 months of the (latest) incident. In exceptional circumstances, any historic concerns will be treated seriously and may be investigated under this policy.
- 11.3 The manager and a member of the Human Resources Team should meet with the complainant to ascertain the details of the alleged unacceptable or inappropriate behaviour and identify what course of action they wish to take. The other party should be advised as soon as reasonably practicable of the complaint against them and invited to respond. Where appropriate, both parties should be offered the opportunity to resolve the issues informally. A record should be maintained of all meetings/discussions with both the complainant and the other party.
- 11.4 Where the issues raised cannot be resolved informally, then the issue will be investigated under SCRA's Disciplinary Policy. All employees have the right to be accompanied/represented to any meeting by a colleague or UNISON Representative. Although there is no specific right to be accompanied by a relative, it should be recognised that in some circumstances this may be appropriate. In all cases employees must be advised in writing of their right to representation. If the employee involved in the issue is a UNISON representative, the matter should be discussed with Human Resources and the Full-Time UNISON Official should be advised before the employee is interviewed.
- 11.5 If the investigation finds that a Disciplinary Hearing should be convened care should be taken that the member of staff raising the issue does not unnecessarily have to state repeatedly in evidence the circumstances leading to the complaint.

## **12. Police Investigations**

- 12.1 Matters may be so serious that the member of staff has made a formal Police complaint. Any police investigation will take priority over SCRA internal investigations. SCRA investigating officers must not hamper any police investigations and be willing to take advice from the police. However, internal investigations may continue, if appropriate, during police investigations.
- 12.2 The Head of Human Resources must be informed of all police investigations.
- 12.3 Care should be taken to ensure no evidence which may be required by police is deleted or destroyed, such as letters, electronic documents/files, e-mails, text messages, missed call records on mobile phones, CCTV video evidence etc. Paper and electronic copies of electronic harassment should be made available where possible.

### **13. Unsatisfactory Resolution**

- 13.1 If the member of staff considers that their complaint has not been resolved to their satisfaction following the outcome of the investigation under the Disciplinary Procedure, they have recourse to raise this under the appropriate stage of SCRA's Grievance Policy and Procedure.

### **14. Suspension/ Redeployment**

- 14.1 When there is a need to apply a suspension or temporary redeployment during an investigation into unreasonable or inappropriate behaviour, the other party alleged to have exhibited unreasonable or inappropriate behaviour should normally be the employee who is suspended or moved. Suspension will be on full pay and as outlined in SCRA's Investigation Guidelines. In all cases HR advice must be sought before a decision is taken.
- 14.2 If an outcome of the Disciplinary Process is redeployment, then the party found to have exhibited the unacceptable or inappropriate behaviour/misconduct towards the complainant should normally be the employee to be redeployed. In all cases, HR advice must be sought before a decision is taken.

### **15. Monitoring and Review**

- 15.1 Monitoring is necessary to ensure the effectiveness of this Policy and Procedure to challenge and eliminate harassment and bullying. By monitoring the policy, SCRA will be able to establish the types and severity of incidents, how they were resolved and the areas in which they occur.
- 15.2 The Human Resources Team will monitor the number and outcome of complaints raised under the Dignity at Work Policy and Procedure. Anonymised data will be shared with UNISON, the Executive Management Team, the Equalities Network and other external parties as appropriate.
- 15.3 This policy will be reviewed by the HR Team on a three yearly basis to ensure continued compliance with legislation and best practice.