

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	28 September 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Dignity and Respect at Work Policy
REPORT NUMBER	RES/21/183
DIRECTOR	Steven Whyte – Director of Resources
CHIEF OFFICER	Isla Newcombe – Chief Officer – People and Organisational Development
REPORT AUTHOR	Kirsten Foley – Employee Relations and Wellbeing Manager
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 To seek approval of the Dignity and Respect at Work policy, which replaces the Managing Bullying and Harassment at Work policy.

2. RECOMMENDATIONS

That the Committee: -

- 2.1 approves the Dignity and Respect at Work Policy, attached as Appendix 1 to this report to replace the Managing Bullying and Harassment at Work policy;
- 2.2 agrees that implementation of this policy will be delayed until such time as the required training and communication has been undertaken on this policy and on the Managing Discipline and Managing Grievances policies;
- 2.3 notes the appended procedure/guidance document which supports the application of the policy; and
- 2.4 notes that a generic investigations procedure has been developed to cover all three policies mentioned above, also appended to this report.

3. BACKGROUND

- 3.1 As an employer, the Council seeks to promote and embed a positive workplace culture in which every member of staff feels valued, is empowered to meet their full potential and in which all individual circumstances and characteristics are respected and supported.
- 3.2 This culture is embedded in our Guiding Principles, Code of Conduct and Job Profiles of all staff, and staff should be supported to have a positive experience in the workplace and are not subjected to any inappropriate behaviour such as bullying, harassment, discrimination, or abuse.
- 3.3 Managers and employees alike are encouraged and supported to build good day to day communication which is honest, constructive and based on a culture

of mutual respect. Such communication will allow any concerns regarding behaviours set out in 3.2 above to be raised quickly and effectively. There may be occasions, however, when a more structured approach is required. In such circumstances it is essential that a policy and procedure are in place through which staff can be encouraged and supported, as appropriate, to raise a complaint and for this to be heard.

- 3.4 The Dignity and Respect at Work policy and accompanying procedure and guidance provides a framework within which employees can raise such matters in a safe and confidential manner without fear of censure, with managers supported to make a determination regarding the required actions and recommendations to address the concern.
- 3.5 In the policy reassurance is given that employees raising such issues will not be subjected to unfavourable treatment or victimization as a result of making a complaint in good faith.
- 3.6 Issues will be dealt with at the earliest opportunity and wherever possible, and appropriate, this will be through the provision of informal support.
- 3.7 The policy recognises the importance of ensuring that appropriate support is provided for individuals not just at the outset and during the application of the policy, but crucially also to promote and rebuild positive working relationships once the process has been exhausted.

4. Aims of the Review

- 4.1 The replacement of the Managing Bullying and Harassment policy with the Dignity and Respect at Work policy is part of a wider review of policies that sit at the heart of employee relations processes within the Council, the other two policies being Managing Discipline and Managing Grievances. Renaming the policy emphasises the positive behaviours expected from each other in the workplace and avoids unhelpful labelling of individuals as “bullies”.
- 4.2 The key aim of this review is to promote a workplace culture based on mutual respect, in which all employees, whatever their level of responsibility within the Council, are valued and have the opportunity to raise any concerns they may have easily and informally, knowing that they can be confident that their concerns will be considered seriously and addressed appropriately. Accessible, supportive policies empower employees to meet the expectations set out in the Guiding Principles, Code of Conduct and job profiles. Moreover, by fostering a workplace in which relationships are based on mutual respect, the likelihood of issues being escalated through formal channels is reduced, thus reducing levels of anxiety on individuals and reducing workload demands on managers.
- 4.3 Following feedback from an initial staff survey and focus groups (including employees, trade unions and managers), a number of key areas of improvement were identified. In relation to the Dignity and Respect at Work policy, these key improvements centred around:

- increasing the use of informal processes and support through early intervention wherever appropriate,
- achieving early resolution,
- the need for a clear investigation process, and
- highlighting the support available to all employees involved with the policy both during the application of the policy and in supporting relationships once the process has concluded.

The review aimed to address these issues and ensure that the policy is legally compliant.

- 4.4 An additional key aim of the review was to ensure that a collaborative approach was taken throughout, seeking, and addressing feedback from all stakeholders including unions, employees, and managers.

5 Approach

- 5.1 A policy review group was set up in People and Organisational Development to progress the work on the revised policy, with the approach being to balance feedback from various stakeholders, working in a collaborative manner.
- 5.2 An employee survey was run to gather views on the operation of the current policy and on any proposed changes. Benchmarking was undertaken with other organisations to compare the content of their policies with the Council's.
- 5.3 Focus groups were also organised with managers, employees, and trade unions to obtain views on the operation of the current policy and what changes might be required to improve it.
- 5.4 A check was also made in relation to any legal issues to ensure that the revised policy was legislatively compliant.
- 5.5 Following the research phase, the information gathered was collated and evaluated.
- 5.6 A wide range of further engagement on the draft documents was undertaken including:
- 3 additional consultation events with the trade unions
 - officer attendance at all 13 Service Management Team meetings to gather feedback on the draft documents
 - further engagement with the teams within Legal and People and Organisational Development
 - feedback gathered from CMT.

6 Emerging Themes

- 6.1 In addition to the key issues identified and set out in paragraph 4.3 above, other suggestions put forward were:
- a. reviewing the level of management involved in the various stages of the process in order to widen the pool of managers available to undertake the various stages and thus ensure that a larger number of employees

are supported to gain the transferable skills that are developed through undertaking such tasks whilst sharing the workload among a wider group of staff;

- b. considering a generic investigations process to avoid situations that have arisen in the past whereby a complicated case can result in a number of investigations being undertaken under different policies at the same time;
- c. considering what role mediation and other informal measures could play in the process, thus avoiding the need for formal processes to be invoked;
- d. making more use of aids such as flow charts, which visual learners in particular find more user friendly when navigating policy and procedural documents.
- e. greater emphasis on restorative practice and support for individuals, managers and teams once the process has concluded.

6.2 If approval is given by Committee, the intention would be to delay implementation until such time as the required training and communication has been undertaken on this policy and on the Managing Discipline and Managing Grievances policies and implement all three policies together.

6.3 The benefits of having a single implementation plan are that it will allow the application of the generic investigations process to all three policies and a single communication plan and training plan can be put in place. Appropriate communication and training will be undertaken during the period October – December 2021 to ensure that employees and managers are aware of their content and trained in the skillset required to apply them appropriately.

6.4 The policy documents and guidance will also be placed on the People Anytime portal on the Intranet and cascaded throughout services via ECMT and the Leadership Forum.

6.5 A separate set of guidance notes will accompany the Dignity and Respect at Work policy giving fuller details on its application, including the procedure. This document is attached for noting.

7. Changes to the policy

7.1 From the employee survey, the focus groups and engagement sessions a number of issues were identified.

The table below details the issues raised, the change made to address the issue, and whether the change is part of the policy or the accompanying guidance.

Issue raised	Change proposed	Policy or Guidance
Changing the title of the policy to better align with the culture of the Council.	The new title of 'Dignity and Respect at Work' better reflects the current culture of	Policy and Guidance

	the organisation and links to the Council's Guiding Principles.	
Early intervention in relation to bullying and harassment issues and informal resolution where possible.	Emphasis placed on early intervention and on the use of informal measures to achieve resolution, where appropriate e.g. 1-2-1 facilitated meetings, mediation, empathy mapping, use of reflective statement.	Policy and Guidance
Clear process for formal investigation of a case.	A generic investigation procedure has been compiled to undertake a formal investigation of a bullying and/or harassment issue.	Procedure
Reflecting the fact that bullying and harassment can be undertaken on-line as well as face to face.	The term 'Cyber Bullying' has been included in the policy and guidance to clarify the expected behaviours when using technology.	Policy and Guidance
Considering a range of options for resolution of a bullying and harassment issue.	There is a focus on a range of recommendations for resolution of an issue following a formal investigation, in addition to any disciplinary outcome. The employee will have the right of appeal against any such recommendations.	Policy and Guidance
Counter complaints.	To indicate what should occur where a counter complaint of bullying and/or harassment is	Guidance

	submitted by another employee.	
Manager/TU survey - would like easy step by step guidance - more flowcharts with links would be welcomed as well as diagrams and less text.	A flow chart has been added giving an overall summary of the procedure. Visuals have also been included showing the key steps in each part of the process.	Policy and Guidance
Clarity around timescales.	Timescales have been clearly indicated in relation to each stage of the procedure.	Guidance
More templates / 'How To' Guides / Checklist.	Introduced a template form for employees to use to lodge a complaint. The form will assist with consistency of format and understanding of the issue and resolution being sought. A checklist has been included on how to conduct an appeal hearing under the procedure.	Guidance
Need to recognise the impact of these processes on all involved in terms of wellbeing.	A new section has been added on employee wellbeing, emphasising that the health and wellbeing of all employees involved in the process should be a priority at each stage of the procedure, and signposting to where support can be accessed.	Policy and Guidance

- 7.2 The procedural elements in the current policy have been removed from the policy document and have been put into the guidance document, so that the policy is separate and standalone in the new corporate template format. A procedural summary has been retained as an appendix to the policy.
- 7.3 Sections on manager and employee responsibilities have been added to the documents, detailing what is expected of each, as well as a section on core principles.
- 7.4 The Council's Guiding Principles have been identified as setting the expectations in relation to the cultural norm of the organisation, thus providing a point of reference for employees when undertaking self-reflection on their behaviours.
- 7.5 Some terminology updating was required to the policy to take account of the changes in the organisation's structure.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no direct financial implications arising from the recommendations of this report.

9. LEGAL IMPLICATIONS

- 9.1 By law employers must set out a procedure for employees to make complaints, including complaints about the behaviour of other employees, and share it in writing with all employees. It must include who the employee should contact about a complaint and how to contact that person. The Dignity and Respect at Work policy and the accompanying Procedure and Guidance will fulfil these requirements.

10. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A	N/A	N/A
Compliance	The policy has been examined to ensure that it is legally compliant. If the revised policy was not applied, then there may be a risk that the most up-to-date good practice is not reflected, and this could be detrimental to the Council in an	M	The approval and implementation of the new policy and accompanying procedure and guidance should help to mitigate this risk as they have been checked for legal compliance.

	employment tribunal situation.		
Operational	The changes made in the new policy should result in its more efficient application, which will be a benefit to the operation of the Council, assisting with employee relations, and helping meet customer and service requirements. If the revised policy was not applied, then these benefits may not accrue.	M	The approval and implementation of the new policy and accompanying procedure and guidance should help to mitigate this risk.
Financial	If the new policy, which reflects up-to-date good practice was not applied, there is a risk that bullying and harassment complaints are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council may be more likely to occur, which can be costly.	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.
Reputational	If the new policy, which reflects up-to-date good practice, was not applied, there is a risk that bullying and harassment complaints are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.

	may be more likely to occur, which can lead to adverse publicity for the Council and also affecting the Council's reputation as a good employer.		
Environment / Climate	N/A	N/A	N/A

11. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	The Prosperous Economy theme in the LOIP makes mention of the importance of retaining talent and expertise in City organisations. This would include the Council. Having this policy in place should assist with employee relations in the organisation and with the retention of trained and valued employees. This would mean that they can continue in post and contribute to delivering effective services to citizens and businesses, indirectly contributing to the City's economy.
Prosperous People Stretch Outcomes	The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees of the Council. Having this revised policy in place should assist with employee relations in the organisation, ensuring that any bullying and harassment complaints are efficiently addressed and that employees are supported when undergoing the procedure. This should indirectly assist with employee mental health and wellbeing allowing them to function both in employment and at home.

12. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment required – an Integrated Impact Assessment has been compiled in respect of the revised policy and no negative impacts have been identified.
Data Protection Impact Assessment	Not required.

13. BACKGROUND PAPERS

The Dignity and Respect at Work Procedure and Guidance and the Investigations Procedure are appended to provide further clarity and for noting.

14. APPENDICES

Appendix 1 - Dignity and Respect at Work policy

Appendix 2 - Dignity and Respect at Work Procedure and Guidance

Appendix 3 – Investigations Procedure

15. REPORT AUTHOR CONTACT DETAILS

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