



## Dignity at Work Policy and Procedure

<b>Lead/Owner</b>	CEO
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<b>Related Policies</b>	<ul style="list-style-type: none"><li>· Health and Safety Policy</li><li>· Whistle-blowing Policy</li><li>· Disciplinary Policy</li><li>· Grievance Policy</li></ul>
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### 1 Introduction

1.1 This document aims to move away from adversarial, procedure-driven methods of conflict resolution and towards achieving a working environment that encourages personal and professional respect, supported by mechanisms for early intervention and mediation between parties.

### 2 Policy Statement

2.1 At Compassionate Inverclyde, we are committed to providing a work environment and culture in which all employees have the right to be treated with dignity and respect, free from intimidation and harassment. Equally, we expect all employees to treat all those with whom they come into contact at work with the same dignity and respect.

2.2 We recognise that threatening or intimidating behaviour can create a work environment that interferes with job performance, undermines job security, causes undue stress and can lead to absenteeism.

2.3 We also recognise that harassment and bullying are serious offences and we will not tolerate any form of harassment or bullying by employees at any level. It is upsetting and humiliating, and can be unlawful.

2.4 We will deal with all complaints of harassment and bullying promptly, fairly and confidentially.

### **3 Policy Aim**

3.1 The aims of this policy are to:

- increase awareness of what is unacceptable behaviour;
- increase awareness that any form of harassment is unacceptable;
- provide a mechanism for complainants to report cases for resolution; and
- provide a mechanism for complaints to be properly investigated and addressed.

### **4 Definitions**

#### **Harassment**

4.1 In general terms, harassment is defined as any unwelcome behaviour that has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be related to a person's age, sex, race, disability, religion, sexual orientation, nationality or a personal habit or characteristic. Harassment can take many forms, and it may be directed at one person or a number of people.

#### **Bullying**

4.2 In general terms, bullying is defined as offensive treatment through vindictive, cruel, malicious or humiliating attempts to undermine an individual employee or groups of employees. These persistently negative attacks on the employee's personal and professional performance are often not apparent to anyone else.

4.3 Bullying can be described as unwanted behaviour from a person or group and may combine a variety of different approaches. It can be experienced from manager to subordinate, subordinate to manager, peer to peer, group of staff to individual. It is insidious (in other words, implied criticism rather than actually stated) and undermines the ability and confidence of the person on the receiving end.

### **5 Unacceptable Behaviour**

5.1 A one-off act, if it is serious, can amount to bullying or harassment. It is essential to remember that it is not the intention of the perpetrator (the person accused of bullying or harassment) that decides whether bullying or harassment has taken place; instead, it depends on whether the behaviour is unacceptable by reasonable normal standards, and is harmful or unwelcome to the person or people on the receiving end.

5.2 Examples of unacceptable behaviour include:

- derogatory comments, offensive language, remarks or jokes;
- spreading malicious rumours or insulting someone;
- insulting behaviours or gestures;
- displaying offensive or suggestive literature or remarks;
- intrusion by pestering, spying or stalking;
- embarrassing, threatening, humiliating, patronising or intimidating remarks;
- unwanted physical contact;

- physical or verbal assault, such as shouting;
- unwelcome sexual advances, such as touching or standing too close;
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status;
- deliberately undermining a competent worker by overloading or under loading them with work, and constantly criticising them;
- excluding or isolating a colleague, not co-operating with them or victimising them;
- wearing clothing (such as a T-shirt) with an offensive motif.

5.3 Bullying and harassment are not necessarily face-to-face; people can be bullied and harassed by way of telephone, written communications, such as e-mail or text message or directed through a third party.

5.4 Compassionate Inverclyde employees failing to fulfil their responsibility under this policy may face disciplinary action. Single, serious offences or repeated breaches of this policy may result in dismissal under Compassionate Inverclyde's disciplinary policy.

## **6 Employees' responsibilities**

6.1 Employees at all levels are expected to comply with this policy. Every employee has a responsibility to behave in a manner that is not offensive to others. As part of this responsibility, an employee must not ignore offensive behaviours in others and should report the matter to the CEO.

## **7 Managers' responsibilities**

7.1 Managers have a particular responsibility for making sure that this policy is implemented by communicating the policy and resolving any instances of harassment or bullying quickly and confidentially.

## **8 Confidentiality**

8.1 All internal complaints, investigations and subsequent actions must be treated in strict confidence. Only the necessary and relevant people will be involved in dealing with a complaint. All parties must respect the confidentiality of everyone involved. A breach in confidentiality may be dealt with Compassionate Inverclyde's disciplinary procedure.

## **9 Malicious complaints**

9.1 Although it is extremely rare, an investigation may reveal that a complaint has been made maliciously. If this happens, the complainant (the person claiming that they have suffered bullying or harassment) may face disciplinary action. It must be stressed, however, that this should in no way deter genuine complaints of harassment or bullying as they will be dealt with sympathetically and constructively.

## **10 Anonymous complaints**

10.1 Compassionate Inverclyde may receive anonymous allegations of bullying or harassment through the "Whistle-blowing procedure". While we recognise that it is very

difficult to investigate such complaints, the CEO will conduct as thorough an investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them and asking for their views. Given the anonymity of the complainant however it may be impossible to investigate such a complaint.

10.2 If an allegation is made by someone other than the person who is being bullied or harassed, the CEO must check whether the person making the allegation is prepared to make a statement. In addition, the employee who is thought to have been bullied or harassed must be informed that an allegation has been made and to find out whether they feel that they are being bullied or harassed. If so, the CEO should encourage them to make a complaint or advise them of the other available options. In some instances, where there are reasonable grounds to suspect a serious breach, Compassionate Inverclyde will instigate the formal procedure, even if the 'victim' will not make a formal complaint

## **11 Complaints against non-Compassionate Inverclyde employees**

11.1 If a complaint involves employees of other organisations that Compassionate Inverclyde has dealings with on a regular basis, Compassionate Inverclyde will seek full co-operation of the organisation and encourage them to deal with the matter in line with the principles of this policy. If the organisation refuses to co-operate, the investigation will continue and when it is completed Compassionate Inverclyde will tell the organisation what action they would like them to take to protect their employees. Ultimately, Compassionate Inverclyde may remove the employee from one-to-one contact with the accused person.

11.2 It may be necessary to advise the organisation involved of the identity of the complainant and the details of the complaint.

11.3 If the allegation of bullying or harassment is made against a Compassionate Inverclyde Board member, the Chair of the Board of Trustees will investigate and if appropriate, inform the Information Commissioner.

## **12 Informal procedure**

12.1 If you believe that you or any other employee have been harassed or bullied in any way, you should, if you feel able to do so, tell the person or people concerned that you find their behaviour is offensive and unwelcome, and that it should stop immediately. By asking them to stop, you are making it clear that their behaviour has caused you offence and they have an opportunity to stop without anyone else being involved.

12.2 If you prefer, you can write to the person or people concerned, keeping a dated copy of the letter, or you can ask a work colleague/friend or Trade Union representative to speak to that person on your behalf. Any informal action that you or your representative takes should be recorded and logged in their personal file.

12.3 This kind of informal action may be enough to end the harassment or bullying, especially if the accused person is unaware that they are causing offence.

## **13 Mediation**

13.1 If an informal approach has been unsuccessful, or if you do not feel that the formal procedure is the right option, you may want to consider mediation as an alternative to the formal procedure. Mediation is a voluntary option and is not the answer to every conflict. It can only be used when both parties agree to take part.

13.2 Mediation gives both parties the opportunity to talk directly about the issues that are affecting them, without the stress and time normally associated with a formal investigation. An impartial mediator will hold a structured meeting at which both parties can have their say. It is a positive way of reaching agreement about how each party will behave towards the other in future. A written agreement is then drawn up between both parties to prevent further friction and misunderstandings. A copy will be provided to both parties.

13.3 Mediation is outside the formal complaints procedure and, as such, is not designed to establish facts or to decide if someone was at fault. It is purely a method of resolving past conflict and agreeing a positive way forward.

13.4 Any employees who want to follow the mediation process should inform the CEO.

13.5 If mediation is not successful, then an employee should use the formal complaint procedure.

## **14 Formal procedure**

14.1 The formal procedure will be followed if:

- either the employee or Compassionate Inverclyde decide that the seriousness of the complaint makes this necessary;
- all attempts at informal resolution or mediation have failed; or
- the employee wants to make a formal complaint.

14.2 The complaint should be formally reported in writing, to the accused person's line manager if, for example, the alleged bully or harasser is known to be friends of the CEO, a Trade Union representative can raise a complaint on their behalf. A copy of the written statement of complaint form should be copied to the CEO. At this stage, the complaint will be treated as an allegation only, which means that it is not proven and will be investigated.

14.3 Compassionate Inverclyde will appoint an appropriate person, who has been trained in conducting bullying and harassment investigations, to carry out an investigation based on the completed complaint form. To ensure impartiality the CEO should have no personal involvement with you or the person you are complaining about, and as such 'an appropriate person' may come from an external source.

14.4 The appropriate person will acknowledge your complaint and arrange to meet you to discuss your statement within 5 working days, where possible. You have the right to be accompanied at any stage by either a Trade Union representative or a Compassionate Inverclyde colleague. However, you have no right under this procedure to be accompanied by anyone else other than those previously referred to.

14.5 The full investigation should begin within 10 working days of the CEO receiving the original complaint.

14.6 The accused person must be informed of the nature of the allegations, in writing, by the CEO before the investigation begins.

14.7 The CEO/appropriate person should carry out a full investigation, collecting evidence and/or taking statements from you, the person you are complaining about and any witnesses.

14.8 It is recommended that the investigation into any complaint is carried out and concluded as quickly as possible, and normally within 21 working days of receiving the complaint, where possible. However, some cases will be more complex and therefore take longer to investigate. The CEO/appropriate person will keep both parties informed in writing of progress and expected timescales.

14.9 If you have made a very serious allegation, or to protect you or the person you have complained about, it may be appropriate to move either of you to another work area while the investigation is going on. If this is not possible, consideration (by the CEO or Board of Trustees) will be given to suspending the person you have complained about from duty, on full pay, until the investigation has been completed. Suspension is a neutral act and does not presume guilt or innocence. These options will only be considered as a last resort.

14.10 Employees may be accompanied at any stage of the formal procedure by either a Trade Union representative or a Compassionate Inverclyde colleague/friend. To make sure that meetings do not have to be delayed or postponed at the last minute, the CEO should inform in writing everyone involved in advance of the time and date for the meeting, in line with the time limits set out in this procedure.

14.11 If your Trade Union representative or colleague cannot attend on the date proposed, you can suggest an alternative time and date for the meeting, as long as it is reasonable and falls within 5 working days of the date proposed by the CEO. In proposing an alternative date, you should consider the availability of whoever has been investigating the situation. For instance, it would not be reasonable to propose a new date for the meeting when you knew that the CEO/appropriate person was not available.

14.12 After the investigation, the CEO/appropriate person should hold separate meetings with both parties and representatives to report the outcome of the investigation, including their recommendations about action to be taken. In reaching their decision, it may be necessary for the CEO/appropriate person to consult the line manager of the person complained about, and that line manager will also attend if necessary. The outcome of the meetings must be confirmed in writing to both parties together with a copy of the investigation report and all the relevant evidence. Any further action will be dealt with or arranged by the Compassionate Inverclyde Board of Trustees.

#### 14.13 Possible outcomes of such an investigation

##### Complaint upheld:

- Hold a disciplinary hearing to consider the case against the perpetrator, which may result in a warning for misconduct or dismissal for gross misconduct.
- Resolve the complaint through an apology and an instruction to the perpetrator to correct their behaviour. Also offer mediation to both parties.
- Arrange for the perpetrator to undertake appropriate training and address any other issues that may have contributed to their behaviour.
- No one-to-one contact between the perpetrator and the person who made the complaint, if this is possible and appropriate.

##### Complaint not upheld:

- Take no action against the accused person as the complaint was unfounded.
- Offer mediation to both parties.
- Take any appropriate remedial action against the employee if it is considered that it invokes the dignity of the accused.

14.14 If disciplinary action is necessary, a separate disciplinary hearing would be arranged under the provisions of Compassionate Inverclyde's disciplinary procedure.

14.15 The CEO should also consider the need to include a review period to check if the agreed resolution has taken place.

## **15 Records and monitoring**

15.1 During the investigation, the CEO should keep copies of paperwork and correspondence and, after the investigation is complete, file them appropriately to maintain confidentiality. The paperwork will be stored by the CEO and a copy of the outcome letter will be kept on the personnel files of both parties.

15.2 To measure the policy's effectiveness and to identify any possible improvements, the CEO will monitor this policy and procedure using completed monitoring forms to produce reports and recommendations for improving good practice. To maintain confidentiality, the identity of individuals will not be published.

## **16 Right of appeal**

16.1 If either the person complaining or the person being complained about is not satisfied with the outcome of the formal procedure, they should write to the CEO or the Compassionate Inverclyde Board of Trustees within 10 working days of receiving the investigating manager's letter confirming the outcome, to request a review of the findings. The Compassionate Inverclyde Board of Trustees will arrange for an appropriate person to deal with the appeal and will set up an appeal hearing.

16.2 If either party is not happy with the way in which the investigation was conducted, they can lodge a grievance through Compassionate Inverclyde's grievance procedure.

## **17 Appeal procedure**

17.1 If you give written notice of appeal, you must state on what basis you are making the appeal and, to save time, you should also provide details of your and your representative's availability to attend the appeal over the next two months.

17.2 All appeals will be dealt with within Compassionate Inverclyde. You will have no further right of internal appeal.

17.3 You have the right to be accompanied at the appeal hearing by a work colleague/friend or an appropriate Trade Union representative.

17.4 All parties involved will be given at least 5 working days' notice in writing of the date, time, place and any other arrangements of the appeal hearing.

17.5 The appeal hearing's decision will be confirmed in writing to all parties within 5 working days of the hearing.

17.6 The appeal decision may dismiss the appeal and confirm the original decision or uphold the appeal and overturn the original decision.

17.7 A letter confirming the decision will be sent to both parties within 5 working days of the appeal, unless otherwise agreed.

17.8 Appendix 1 details the conduct of the appeal hearing.

### **Document version control**

<b>Version number</b>	<b>Change or update</b>	<b>Author or owner</b>	<b>Date</b>
1.0	First version	CEO	03/07/2025



### **Conduct of the appeal hearing**

#### **Roles**

- The Chair is responsible for making a decision based on the evidence presented by both parties.
- Compassionate Inverclyde will use the support of the SCVO HR service to advise on the conduct of the hearing and offer advice to the Chair when reaching a decision.
- The employee raising the appeal and their representative must explain why they have raised the appeal and what they think the solution or remedy should be.
- Whoever received and dealt with the original complaint will be asked for their views on the decisions made to date relating to the complaint, including any actions taken to try and resolve the matter. They may be supported by an appropriate representative.

#### **Introductions**

- The Chair hearing the appeal should introduce all present, explain the purpose of the meeting (i.e. to consider whether the appeal can be resolved, upheld or dismissed) and explain how the meeting will be conducted.

#### **Statement of the grievance or dispute**

- The Chair should establish precisely what the appeal is and invite the employees involved to present their case and any relevant supporting information.

#### **Manager's reply**

- Whoever dealt with the original complaint will have the opportunity to present the reasons for their decision and any relevant supporting information.

#### **Civility**

- The meeting should be conducted courteously and fairly, with the emphasis being on establishing the facts. To achieve this, all parties should be free to ask questions politely and to comment appropriately.

#### **Summing up**

- After general questioning and discussion, both parties should be given the opportunity to summarise their main points, with the employee having the right to go last.

#### **Adjournment**

- The Chair should consider his or her decision in private with an SCVO HR representative. If it is necessary to recall one of the parties to clear up any points of uncertainty, both parties should be invited to return.

### **The decision**

- All parties involved should be recalled and those (Chair and an SCVO HR representative) hearing the case should inform them of the decision, which will be confirmed in writing.

**Note:** The Chair may decide that further investigation is needed and arrange for this to be conducted, which will mean that a further hearing is convened at a later date. Or, the Chair may consider it necessary to review the information and confirm the outcome of the appeal in writing after the hearing.

## APPENDIX 2

### Good management behaviours vs bullying behaviours

Good management	Bullying
Setting realistic targets	Deliberately setting unachievable targets
Giving feedback in private	Giving negative feedback in public
Legitimate, constructive and fair criticism of performance or behaviour	Unfair or unjustified criticism
Keeping records	Keeping unnecessary and unjustified records on irrelevant information, e.g. toilet visits
Regular supervision	Intrusiveness, over-managing
Challenging poor performance in order to improve performance	Unsubstantiated criticism with no improvement plan

Sometimes, behaviour that is construed as bullying or harassment is actually poor management. It is sometimes difficult to distinguish between good, close management and over management. In these instances, training and guidance will be provided for the manager concerned and their performance will be monitored.

## **APPENDIX 3**

### **Guidance to staff who feel that they are being subjected to unacceptable behaviour**

1. Keep a record of events and incidents.
2. Get advice from your line manager, Trade Union representative,
3. Consider following the informal procedure outlined in this policy.
4. Consider mediation and get advice from a union rep.
5. Consider completing a bullying and harassment complaint form (appendix 4) and raise a formal complaint using the method outlined in the policy.

All staff have the right to complain if they consider they are being harassed or bullied. Employees who suffer such treatment are encouraged to keep a diary of events so that the extent of the problem can be determined. Any employee making a complaint of bullying or harassment can be assured that they will be protected from any victimisation that could arise as a result of making a complaint.

Dignity at Work Complaint Form	
<b>Name:</b>	<b>Date of complaint (today's date)</b>
<b>Job title:</b>	
Please list the names of the alleged bullies/harassers?	
Was there anyone else present who witnessed the incident(s)?	
<p>In your own words, describe the incident(s), including:</p> <ul style="list-style-type: none"> <li>• dates, times and places;</li> <li>• the people involved, including witnesses;</li> <li>• your feelings concerning the incident(s); and</li> <li>• how long the situation has been going on?</li> </ul>	

**What outcome, if any, would you like to see?**

**Please add any other relevant information in the space below.**

Please keep a copy of this form along with any written response for future reference. You should put this form in an envelope marked 'Private and Confidential' and give it to your line manager or CEO.