

Subject: Dignity & Respect at Work Policy
Date of Meeting: 17 June 2010 Cabinet
13 July 2010 Governance Committee
Report of: Director of Strategy & Governance
Contact Officer: Name: Charlotte Thomas **Tel:** 29-1290
E-mail: charlotte.thomas@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to brief the Committee on the council's Policy and Procedure for dealing with bullying and harassment at work and to seek approval for the implementation of the new Dignity & Respect at Work Policy and Procedure.

2. RECOMMENDATIONS

- 2.1 That Cabinet notes the report.

- 2.2 That the **Governance Committee** approves:

- (a) the new Dignity and Respect at Work Policy and Procedure.
- (b) the council adopting the core values set out in paragraph 3.3.4 of the report.
- (c) the incorporation of the core values set out in this Policy within the council's management standards and behaviours framework that is currently being developed as part of the "Creating a council the City Deserves" transformation programme.
- (d) the establishment of a network of Dignity and Respect at Work Advisers across the council.
- (e) the payment of £104 per annum to each Adviser in recognition of the important role they will be fulfilling in addition to their normal day-to-day duties.
- (f) the training of a "pool" of independent investigators to look into complaints.
- (g) the use of external, accredited mediators to maximise the chances of resolving bullying and harassment issues informally.
- (h) the development, in conjunction with the Head of Learning & Development, and subsequent implementation of a corporate learning programme for managers to support the introduction of the new Policy.
- (i) the Scrutiny Panel's recommendation that the Leader of the Council and the Chief Executive publicly endorse the Policy when it is launched to show that the council is serious about eliminating bullying and harassment from the workplace.
- (j) monitoring the impact of the Policy as described in paragraph 3.3.21.

3. BACKGROUND INFORMATION

3.1 Project drivers:

- 3.1.1 Bullying and harassment within the workplace is unwelcome and undesirable not only for ethical and moral reasons but also on business grounds.
- 3.1.2 The effect of bullying and harassment on the individual can be devastating but, perhaps less immediately obvious, is the significant damage it can do to organisational performance, productivity and reputation through:
- poor morale and employee relations
 - loss of respect for managers/colleagues
 - poor performance
 - reduced productivity
 - increased sickness absence
 - increased staff turnover
 - damage to the council's reputation as a good employer
 - difficulty in recruiting
 - loss of management time in dealing with issues.
- 3.1.3 The council also has a legal duty to protect employees' health, safety and welfare at work and is liable for the actions of its staff whilst at work. Failure to prevent bullying or harassment in the workplace may expose the council to a number of legal consequences including claims of unlawful discrimination.
- 3.1.4 The council already has in place a number of policies, including a Harassment at Work Policy, that support the health, safety and well-being of our employees at work.
- 3.1.5 However, despite having a Harassment at Work Policy, there is evidence from a number of sources to indicate that some staff have experienced unacceptable behaviour in the workplace. These sources include:
- feedback from previous Staff Surveys
 - externally facilitated employee focus groups
 - grievances raised by individuals
 - anecdotal evidence provided by the Staff Forums
 - a report commissioned by TMT "Perspectives of BME Staff" in December 2006
 - exit questionnaire data
 - the Audit Commission's report in October 2006 following the annual Comprehensive Performance Assessment.
- 3.1.6 This year's Staff Survey confirmed that some of our employees are still experiencing bullying or harassment whilst at work. Of those staff who answered the question, 15% said that they had been bullied, harassed or discriminated against at work in the past year. Whilst the majority of the unwanted behaviour derived from work colleagues and managers, in roughly equal proportions, some staff reported that they had experienced inappropriate behaviour from elected members or clients and customers.

- 3.1.7 Although it is concerning that any member of staff should experience bullying or harassment at work, it is reassuring that employees appear to feel able to come forward so their concerns can be addressed. It would be more worrying if there were apparently no instances of inappropriate behaviour in the workplace as this would suggest that staff did not feel “safe” to report them.
- 3.1.8 The level of confidence amongst staff that the council would take action to tackle any complaints of alleged bullying or harassment remains about the same (67% in 2009 as against 66% in 2007). However, this leaves a third of staff who do not appear to have confidence in the council taking action.

3.2 Approach to the project

- 3.2.1 In view of the evidence referred to in paragraph 3.1.5 and the findings in paragraph 3.1.8, it was felt that the council could improve its approach to bullying and harassment in the workplace. Council Members were involved through the Overview and Scrutiny function.
- 3.2.2 The aim was to establish some clear standards of behaviour for staff and to develop a range of approaches that staff and managers could use to resolve conflict in working relationships when they arose. The policy would look to resolve the concerns, as far as possible, informally and at the earliest possible stage before relationships become irrevocably damaged. However, where clear bullying or harassment was taking place the policy would provide a clear procedure for tackling the issue.
- 3.2.3 It was recognised, that to be successful, this work needed to be actively supported and driven by senior management at the top of the organisation. It was also considered essential for ultimate success to engage staff in the work at an early stage by asking the recognised trade unions and Staff Forums to participate. This would enable any shortcomings of the current policy to be identified and addressed so that the revised approaches would be fit for purpose.
- 3.2.4 A working group was therefore set up with senior representatives from each directorate and a member from each of the council’s minority Workers’ Forums. Although invited, the trade unions chose to work closely with us but outside the confines of the formal working group.
- 3.2.5 Dr Karen McIvor, an academic with a background of research and training in bullying and harassment in the workplace was also engaged to provide specialist expertise and act as a critical friend for the group. Dr McIvor had been a Research Fellow at the University of Portsmouth. In this role she had worked on a DTI/Amicus Dignity at Work Partnership sponsored project identifying effective interventions for bullying and harassment in the workplace.
- 3.2.6 The aims of the working group were to:
- gain an understanding of bullying and harassment

- gain an understanding of the current culture of the organisation as there is a strong link between organisational culture and the level of workplace bullying and harassment
- facilitate the council's leadership to identify core values which would define and develop the right workplace culture across the council
- define clear standards of respectful behaviour at work
- develop a policy that would enable the council to develop and maintain a workforce culture in which all staff are respected and treated with dignity. Key elements were to include:
 - processes to enable staff to raise concerns with confidence, either informally or formally
 - support mechanisms for employees experiencing or witnessing bullying or harassment
 - a clear process for tackling inappropriate behaviour with particular emphasis on early informal interventions to prevent matters escalating and becoming more difficult to resolve.

3.3 Project outcomes

Change of culture and embedding new behavioural core values

- 3.3.1 Given the link between an organisation's culture and the incidence of bullying and harassment, a cultural web exercise was carried out to identify how the council's culture was perceived by staff.
- 3.3.2 Whilst there were a number of very positive aspects to the ways in which staff worked together and were managed across the council, there were also some features of our workplace cultures that gave cause for concern including:
- poor communication within and across directorates
 - an emphasis on meeting targets
 - inconsistent treatment of staff.
- 3.3.3 None of these features are conducive to creating a happy and productive working environment in which staff can thrive and deliver high-quality customer service.
- 3.3.4 Therefore, to ensure a consistent culture in which everyone can expect to be treated with dignity and respect, it is recommended that consideration be given to the council, as an employer, adopting the following core values within the workplace:

Recognise and reward achievement

Ensure we communicate with integrity, honesty and openness

Strive to be the best we can

Put people first

Embrace diversity, respect difference and allow individuality to flourish

Collaborate and work cooperatively with colleagues and provide mutual support

Treat people fairly and equitably.

- 3.3.5 However, these values alone cannot create and maintain the desired culture. This can only be achieved if everyone, regardless of their role, position, grade or level of seniority within the organisation embraces them and personally enacts acceptable standards of behaviour in their day-to-day working relationships.
- 3.3.6 To help staff understand how they are expected to behave in their dealings with one another, a set of acceptable behaviours has been developed to accompany the Dignity and Respect at Work Policy (see Appendix 1 of the Policy).
- 3.3.7 However, these standards of behaviour can only be embedded effectively within the workforce if every employee's performance is assessed not only on what they achieve but how they go about achieving it in terms of the quality of their working relationships with others. It is, therefore, proposed that these desired standards of behaviour are reflected in the management standards and behaviours framework that is currently being developed as part of the "Creating a council the City Deserves" transformation programme.

The new Dignity & Respect at Work Policy

- 3.3.8 A number of key changes from the existing policy have been made. These are:
- clearly setting out roles and responsibilities under the policy
 - creating a network of Dignity and Respect at Work Advisers across the organisation to encourage staff to come forward to discuss their concerns in confidence and to find out the options available to them to stop the unwanted behaviour
 - using independent, trained investigators to look into complaints
 - ensuring that outcomes of investigations are communicated, subject to the constraints of confidentiality, to individuals working closest to those involved in the complaint
 - using trained, accredited external mediators to try to resolve conflict in working relationships at a very early stage before matters escalate, positions become entrenched and relationships irretrievably break down.
- 3.3.9 These changes, reflecting best practice of other employers, have also been made in direct response to the feedback received from the trade unions and the Staff Workers' Forums on the current policy and the issues often faced by staff who had been the subject of bullying or harassment. They are specifically designed to improve matters by:
- encouraging staff to come forward if they have concerns rather than suffering in silence
 - giving confidence to complainants that their concerns will be taken seriously and properly investigated
 - building confidence in the council's processes for dealing with bullying and harassment issues
 - reducing, as far as practicable, the stress on individuals by attempting to resolve these sensitive and complex issues quickly and informally wherever possible.

3.3.10 A copy of the new policy is attached at Appendix 1. It consists of 2 parts. The first part is a Policy Statement setting out the aims of the policy, the roles and responsibilities within it as well as examples of acceptable and unacceptable behaviour. The second part details the various approaches the council intends to take when dealing with bullying and harassment issues.

Implementing the new policy

3.3.11 The Dignity and Respect at Work Advisers (approximately 12-15) will be “recruited” from across the organisation and will take on this role in addition to their normal day to day work. As far as practicable, those selected will be representative of the workforce as a whole. It will be necessary for these individuals to be properly trained for the role and it is intended to engage an external provider to deliver that training and to provide on-going support for these staff.

3.3.12 It is proposed to pay the Dignity and Respect at Work Advisers a nominal sum of £104 per year for taking on this important role for the organisation. This figure is in line with the allowance paid to qualified first aiders who similarly voluntarily take on an important additional role to their normal work.

3.3.13 The new policy places greater emphasis on the use of mediation to try to resolve conflict in working relationships at an early stage before relationships deteriorate too far.

3.3.14 It is crucial to the ultimate success of the mediation process that the participants feel comfortable in discussing their issues with the chosen mediator and have confidence in their independence and impartiality.

3.3.15 To avoid any perception of possible bias from those participating in the mediation process, it is proposed to use external, accredited mediators. Although there are a number of trained, accredited mediators within our HR team, it is proposed not to use them as it is quite likely that they will be called upon to mediate in situations where they have had previous professional dealings with the individual(s) concerned.

3.3.16 In order to effect the desired change in workplace culture, it is crucial that managers model the right standards of behaviour and have the skills and confidence to manage, and where necessary, challenge inappropriate behaviour by their staff. It is also important that when recruiting, they select individuals who not only have the necessary skills and experience but also display the behaviours we expect from our staff.

3.3.17 To this end, the ethos of dignity and respect has been incorporated within the corporate learning and development offer that is currently being developed for staff by the Head of Learning & Development. The training will give participants amongst other things:

- an understanding of bullying and harassment and how to recognise it
- the knowledge and skills to lead and manage diverse teams and to be sensitive to individuals’ needs

- the opportunity to develop and improve their skills and confidence in challenging inappropriate behaviour within their teams in an acceptable way
- practical skills they can use to resolve conflict or instances of bullying or harassment as soon as they arise.

3.3.18 To maximise its effectiveness, the training will be delivered using a mix of e-learning packages, facilitated skills workshops and work-based activity such as action learning sets, work shadowing and mentoring.

3.3.19 It is also proposed within the draft Performance Agreement for the new organisation design that employee performance will be managed and reviewed against agreed objectives and the council's management standards and behaviours framework. The Core Values stated within the Dignity at Work Policy will be embedded into these behaviours.

3.3.20 The new policy will be publicised widely to staff when it is launched. In addition to using the normal communication channels such as the intranet and The Channel magazine, it is proposed to include a message on employee payslips and distribute posters within council buildings, particularly in those workplaces where employees do not have access to the council's intranet.

Effectiveness of the new Policy

3.3.21 The impact of the Policy and Procedure will be assessed through:

- monitoring incidents of bullying and harassment and reporting findings to DMTs/TMT/Staff Consultation Forum on a regular basis
- reviewing the results of the Staff Survey on the incidence of staff feeling bullied or harassed
- monitoring the number of referrals to the Occupational Health Service as a result of bullying or harassment
- monitoring the number of approaches made to the network of Dignity and Respect at Work Advisers
- monitoring the usage of mediators
- auditing the return rate and content of exit interviews/exit questionnaires to identify cases of alleged inappropriate behaviour and to report these to the appropriate Head of Service for possible further action.

3.3.22 It is imperative to preserve the anonymity and confidentiality of those who may come forward with concerns and therefore it should be stressed that any monitoring will focus solely on the number and type of cases and will not identify the individuals concerned.

4. CONSULTATION

4.1 The trade unions and the Staff Forums have been extensively consulted on the new policy by management and through the scrutiny process. The Scrutiny Panel's report is attached at Appendix 2.

4.2 Comments made by staff side representatives and the Scrutiny Panel have been taken into account, wherever possible, when finalising the policy. Management's

response to the recommendations made by the Scrutiny Panel are attached at Appendix 3.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There will be a small one-off cost of approximately £5,000 relating to the recruitment of and training for the Dignity and Respect at Work Advisers, with on-going allowances for these staff of approximately £1,500 in total. Other costs are estimated at £1,200 relating to the training of a small number of independent investigators and a poster campaign to launch the policy. These will be met from existing resources.
- 5.2 It is expected that external mediator costs (approx £60 per hour) will be recharged to departments making use of the service.
- 5.3 An effective Dignity and Respect at Work Policy reduces the risk and associated cost of litigation in future employment tribunals.

Finance Officer Consulted: Anne Silley

Date: 04/06/10

Legal Implications:

- 5.4 All existing anti-discrimination laws (race, sex, gender reassignment, disability, religion, age,) cover bullying and harassment and there are also general laws on harassment where no particular motive need be attributed. Our policy is compliant with those laws and also reflective of case decisions and codes of practice thus ensuring the policy is effective at the grass roots level.
- 5.5 Existing provisions on bullying and harassment contained in separate pieces of anti-discrimination legislation will be repealed, then harmonised and re-stated in the Equality Act 2010. Provisions in the Act prohibiting discrimination (including harassment) in the workplace are expected to come into effect in October 2010. The Government Equalities Office intend to issue a draft code of practice in June, covering employment issues in the Act. The council will need to have regard to the final version of the code, once published.

Lawyer Consulted:

Oliver Dixon

Date: 07/06/10

Equalities Implications:

- 5.6 The Policy aims to ensure that all employees, including those from minority groups, are protected from suffering bullying, harassment or discrimination in the workplace. The Policy clearly sets out standards of acceptable behaviour and gives examples of unacceptable behaviour towards staff from minority groups.
- 5.7 The Policy is also designed to remove any potential barriers that may prevent staff coming forward with concerns about the way they are being treated. Individuals can raise their concerns through a number of routes including via a

network of Dignity and Respect at Work Advisers that is, as far as practicable, representative of the workforce.

- 5.8 Once concerns are raised, the Policy aims to give employees, especially those from minority groups, confidence that their issues will be treated seriously and handled objectively. Individuals will not be victimised for raising concerns in good faith. Where cases of bullying or harassment are founded, disciplinary action, including the possibility of dismissal, will be taken.
- 5.9 The effectiveness of the Policy will be monitored using a number of metrics analysed by equality strand.

Sustainability Implications:

- 5.10 The policy will be published on our intranet and hard copies will be circulated only to those staff who are not connected to the intranet. Posters publicising the policy will similarly be targeted at those workplaces without intranet access.

Crime & Disorder Implications:

- 5.11 None.

Risk & Opportunity Management Implications:

- 5.12 The new policy will help protect the council from legal action taken by staff, or former staff, because they have been subjected to bullying or harassment in the workplace.

Corporate / Citywide Implications

- 5.13 Having an effective Dignity and Respect at Work Policy will enable the council to create and maintain a culture in which all staff can thrive and work productively. By reducing the incidence of bullying and harassment in the workplace, the council will be able to improve its efficiency and, by doing so, its level of service to customers.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Evidence from a number of sources has indicated that some staff are experiencing bullying and harassment at work which suggests that the council's approach to tackling these issues could be improved.
- 6.2 If the council is serious about wishing to eliminate bullying and harassment and to creating a working environment in which everyone is treated with dignity and respect, there is no option other than to introduce this policy.

7. REASONS FOR REPORT RECOMMENDATIONS:

- 7.1 The implementation of the Dignity and Respect at Work Policy should:

- protect the council from legal claims, including those of unlawful discrimination, from current and former employees
- help to improve the organisation's performance by reducing sickness absence and staff turnover and improving staff morale and productivity. In turn this will have a positive impact on the level of customer service provide by our staff.

SUPPORTING DOCUMENTATION

Appendices:

1. Dignity and Respect at Work Policy
2. Report of the Dignity at Work Scrutiny Panel
3. Management's formal response to the Scrutiny Panel's recommendations

Documents In Members' Rooms

1. Dignity and Respect Policy

Background Documents

None