

<b>Subject:</b>	<b>Dignity and Respect at Work</b>		
<b>Date of Meeting:</b>	<b>2 December 2008</b>		
<b>Report of:</b>	<b>Director of Strategy &amp; Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Shaun Rafferty</b>	<b>Tel:</b> 291290
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<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of the report is to update overview and scrutiny members on the council's progress in developing an effective approach to bullying and harassment at work.
- 1.2 A Dignity and Respect at Work policy will look at the issue in its widest context. By establishing some clear standards of behaviour and a toolkit of approaches that staff and managers can use, the policy would look to resolve issues at the earliest possible stage before relationships become irrevocably damaged. However where clear bullying or harassment is taking place the policy will also define a zero tolerance approach with clear processes for tackling the issue head on.

#### 2. RECOMMENDATIONS:

- 2.1 To note and comment on the content of this report and consider requesting further updates once the draft policy is complete.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The results of the last staff survey indicated that, despite some improvement since the previous survey, there was still some concern that the council does not have effective mechanisms for tackling bullying and harassment at work. Similar concerns were expressed by focus groups held following the last staff survey and the council's equalities staff forums. The development of a Dignity & Respect at Work policy and toolkit aims to address these issues.
- 3.2 In the last two years there has been a great deal of high profile work done nationally on the issue of bullying and harassment at work. A large scale

research project undertaken jointly by the DTI and the Trade Union Amicus identified a range of problems in the English workplace and a range of possible solutions. Along with approaches recommended by ACAS it is considered a dignity and respect at work policy likely to be more effective than the usual bullying and harassment procedures.

- 3.3 Following a successful session with the council's Directors and Assistant Directors in July a working group has been formed to represent the whole council. HR will lead the working group in the formulation of the policy and toolkit. The Chief Executive will be the project sponsor. The group will be supported by Dr. Karen McIvor, an academic who worked on the national research project with the DTI and Amicus. A project initiation document for the group is attached as appendix 1.
- 3.4 Next steps are that the working group will look to have a draft policy for TMT in January 2009 with a plan to launch the policy from April 2009.
- 3.5 Specifically the policy and toolkit will contain:
- Clear standards of respectful behaviour at work
  - A process for raising concerns both informally or formally
  - A proposal to establish a network of confidential dignity and respect advisors
  - A toolkit of approaches such as mediation or behavioural contracts to try and head issues off early
  - A clear process for tackling bullying and harassment that does not put the onus on the individual to initiate and manage the process.
  - Support for witnesses of bullying and harassment and a confidential reporting route
  - Approaches for supporting staff whose dignity and respect is threatened not just by other staff but by services users, partners or elected members.
  - A scheme for monitoring and learning from breaches of dignity and respect at work
  - Access to a staff welfare helpline for support advice and counselling
  - Some high impact training for staff and managers on Dignity and respect at Work

#### **4. CONSULTATION**

- 4.1 Outline consultation has already taken place with the trade unions and the Cabinet members for Central Services. The trade unions will continue to be consulted throughout the development of this policy.
- 4.2 The project group will seek the views of a random selection of council employees and managers to help inform the development of the policy, toolkit and behaviour protocols.
- 4.3 All staff equality forums will also be consulted as the policy is developed.

- 4.4 The draft policy will be presented to directorate DMTs and TMT. The council's Employment Lawyer will sit on the working group and comments from any other specialist stakeholders will also be sought at this stage. In the light of the feedback, the project group will produce a final draft. Formal consultation on the final draft will then take place with representatives of the recognised trade unions, the council's scrutiny committees, the appropriate cabinet members and the council's Staff Consultation Forum.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### **5.1 Financial Implications:**

There are no direct financial implications arising from this report. However, an effective Dignity and Respect at Work policy could reduce the cost and risk of litigation in employment tribunals.

*Finance Officer Consulted: Anne Silley/Peter Francis*      *Date: 28/10/08*

### **5.2 Legal Implications:**

All existing anti-discrimination laws (race, sex, religion, age, disability) cover bullying and harassment and there are also general laws on harassment where no particular motive need be attributed. Our policy will need to be 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

*Lawyer Consulted: Ian Yonge*      *Date: 27/10/08*

### **5.3 Equalities Implications:**

The policy will be subject to a full Equality Impact Assessment before it is launched.

### **5.4 Sustainability Implications:**

None

### **5.5 Crime & Disorder Implications:**

None

### **5.6 Risk and Opportunity Management Implications:**

None

### **5.7 Corporate / Citywide Implications:**

None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. HR Project - Development and implementation of a Dignity & Respect at Work Policy

### **Documents In Members' Rooms**

### **Background Documents**



# HR Project - Development and implementation of a Dignity & Respect at Work Policy

## Project context

The council seeks to prevent all forms of bullying and harassment by, or towards, any employee and is committed to creating and maintaining a culture in which all staff, irrespective of how senior they are and where they work, are treated with dignity and respect. Although, the council has had a Bullying and Harassment Policy since December 2003, this is now in need of review.

## Project drivers

Bullying and harassment within the workplace is unwelcome and undesirable not only for ethical and moral reasons but also on business grounds. 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

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.

Despite having a Bullying and Harassment at Work Policy, there is evidence to suggest that some staff have experienced bullying or harassment in the workplace. Evidence has come from a number of sources:

- feedback from the Staff Surveys carried out in 2005 and 2007
- 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.

## **Project Objectives**

The objectives of the project are to:

- facilitate the council's leadership to identify the core values which will define and develop the right workplace culture across the organisation
- clearly define and introduce a set of behavioural norms for staff that will underpin the core values .
- link the defined behavioural norms to performance management and personal development frameworks to embed the desired workplace culture
- determine and implement an effective support network for staff experiencing bullying or harassment
- identify and introduce informal intervention mechanisms to enable bullying and harassment issues to be resolved at an early stage without the employee having to resort to formal procedures
- implement successfully a Dignity & Respect at Work Policy that will enable the council to develop and maintain a workforce culture in which all staff are respected and treated with dignity
- secure a written commitment from TMT and Assistant Directors/Heads of Service to actively support the policy and endorse the behavioural norms for staff
- develop a learning and development programme to support the implementation of the policy
- develop a mechanism for monitoring objectively the effectiveness of the policy following implementation.

## **Project Methodology**

A project group of key stakeholders and chaired by the AD, Head of Human Resources, will be established to undertake the project in accordance with the Project Plan.

## **Project Group membership**

**The project will be championed by Alan McCarthy**

The project group will comprise:

Shaun Rafferty, AD, Head of HR (chair)  
Liz Boswell, Policy & Projects Manager  
Equalities Officer  
Caroline Bottrell, Head of Learning & Development  
Ian Yonge, Employment Lawyer

Janita Bagshawe, Head of Museums & Royal Pavilion  
Brigid Day, Interim Head of Adult Social Care (Operational)  
Liz Rugg, AD Specialist Services  
Richard Butcher-Tuset, Head of Cabinet Support  
Judith Macho, AD Public Safety  
Dr McIvor, specialist consultant

## **Project Group Terms of Reference**

The remit of the project group will be:

- to develop and draft a Dignity & Respect at Work Policy and associated toolkit. The work will include:
  - researching the issues relating to bullying and harassment including the legal framework and best practice
  - developing/adopting a definition of bullying and harassment
  - seeking the views of staff, including those who have experienced or witnessed bullying or harassment at first hand, in order to:
    - help identify the key issues
    - define what the essential elements of a good workplace culture are
    - identify what aspects of the current culture need to change within the organisation and how this might best be achieved
  - facilitating TMT to identify the council's core values and from this to identify the standards of behaviour expected of all staff and to clearly define what these behavioural norms mean in practice
  - carrying out an Equalities Impact Assessment on the draft Policy and toolkit.

- to look at ways to encourage and support staff who consider they have been bullied or harassed to raise the issue – in particular to consider the benefits and practicalities of introducing a network of trained, confidential harassment advisers to provide that practical support
- to identify how informal intervention methods, such as mediation, could be used to resolve bullying and harassment issues effectively at an early stage without the employee having to resort to using formal procedures
- to examine, in conjunction with I&OD, how best to incorporate the new behavioural norms for staff and managers into the PDPS process/paperwork
- to develop, in conjunction with I&OD, a development programme to support the implementation of the policy and toolkit
- to develop a strategy for communicating the new policy and toolkit to the workforce.
- to examine how the effectiveness of the policy can be objectively measured
- to explore the feasibility of involving a specialist in this field and identify what role, if any, they could usefully play in the development of the policy.

### **Communication and Consultation**

The project group will seek the views of a random selection of council employees and managers to help inform the development of the policy, toolkit and behaviour protocols.

The draft policy will be presented to directorate DMTs and TMT. Comments from the Council's Employment Lawyer and any other specialist stakeholders will also be sought at this stage. In the light of the feedback, the project group will produce a final draft. Formal consultation on the final draft will then take place with representatives of the recognised trade unions, the council's scrutiny committees, the appropriate cabinet members and the council's Staff Consultation Forum.

The new policy will be launched and publicised to all employees.

### **Decision-making arrangements**

Following the conclusion of the consultation process, the Director of Strategy & Governance will sign off the new policy and toolkit under delegated powers.