

Equality Impact Assessment

DIGNITY AT WORK POLICY AND BULLYING AND HARASSMENT PROCEDURE

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1. Defining the Aims of the Policy and Procedure

- To recognise the right of all employees to work in a healthy and safe harassment free environment
- To provide clear statements of expected behaviours (linking to the competences in the Individual Performance Appraisal process) and define “bullying”, “harassment” and “victimisation”: to differentiate these from normal day-to-day management.
- To provide a route for staff to challenge behaviour that they perceive as bullying / harassment, ideally at an informal level, but formally when necessary. This includes behaviour directed at a colleague, rather than themselves.
- To address discrimination and other equal opportunities issues.
- To avoid / successfully defend employment tribunal claims.
- To assist in developing a culture of openness and trust, where all staff are able to reach their full potential.
- To ensure that all employees are aware of the types of behaviours which could offend or upset their colleagues.
- To signpost other procedures which may be appropriate, such as the Grievance or Whistleblowing Procedures.
- To provide timescales for completion of bullying or harassment investigations.
- To clarify the information that will be shared with the person making the complaint and the person who is the subject of the complaint.
- To clarify under what circumstances the right of appeal applies.

The Procedure is defined by the Corporate HR team. It is managed by departmental HR teams. The appeal process is administered by the Corporate HR Team.

The stakeholders are: HR, all employees, all managers, the Trade Unions and the Elected Members who hear appeals.

What might hinder the Procedure?

- If employees are not aware of the correct procedure to follow or are unclear about the outcomes they are seeking.
- If employees do not realise that the behaviour they are experiencing may amount to bullying or harassment.
- If managers do not respond swiftly and appropriately, in line with the aims of the procedure, either due to a lack of skill and knowledge or because of a particular management style and culture.
- It must be recognised that it is a difficult decision for most employees to follow a formal procedure. They may feel that their job prospects will be adversely affected and that they will be labelled as a “troublemaker”. (There is anecdotal evidence of employees reporting bullying to senior managers and being warned not to cause trouble.)
- The complainant and the alleged bully usually work in the same team or service. It is difficult for them to work together during the investigation and also afterwards.
- There are sometimes “counter-claims”, where the person accused of bullying responds by accusing their accuser. This makes the investigation process more complicated.

- There may be problems with certain managers who are currently unable to recognise the boundary between “firm” management and unacceptable behaviour and who may be “unintentional” bullies.
- There is anecdotal evidence of bullying behaviours being displayed at a senior management level.
- The structure of the organisation is traditionally hierarchical and the flow of communication is not always effective.
- Pressures of time and resources cause some stress to managers and staff. In client-centred areas (such as Social Services), the emphasis is clearly put on service delivery, sometimes leaving people management neglected.
- In some areas, there are individuals who have been high performers in their field and have subsequently been appointed to management posts, without having – or being trained in – the necessary competences for the role.

2. Available Data and Research

The Authority is working towards collecting up to date monitoring data for all employees, in line with the requirements of the Race Relations (Amendments) Act 2000. This will include monitoring of bullying and harassment complaints. Currently, data is only available within the Social Services and Housing department. This has therefore been used to provide a snapshot for the purposes of this impact assessment. It should be noted that data is only collected on formal complaints submitted and the outcomes – whether the complaint is upheld or not, or upheld in part, are not recorded. In future, monitoring will take place on an ongoing basis, led by the Equalities Monitoring Group.

In 2004/5, 2 formal complaints were dealt with. 1 was from a female staff member and 1 male. Both were white British and neither declared themselves to be disabled.

In December 2004, a report was produced by ACAS North West, outlining research conducted within the Social Services Department. This report has been used in conducting this assessment and some of its recommendations are repeated here.

3. Assessment of Impacts

Based on the available data – which must be acknowledged as minimal – there is no evidence of adverse impact based on race, disability or gender.

4. Possible Measures to Mitigate Impact / Promote Equality of Opportunity

- Relaunch the revised Dignity at Work Policy and the associated Bullying and Harassment Procedure and communicate this to staff.
- The new procedure should include more detail about how matters can be resolved informally, including the support that is available to all parties. This should, in some cases, avoid formal complaints and allow for an early resolution of the issue.
- Managers should be trained in the area of Dignity at Work. The Middle Managers’ Essential Knowledge programme will address this. Continuing Management development in other areas such as interpersonal skills is also required. This is already being addressed by the forthcoming appointment of an officer within Employee Development, concentrating on leadership and management development.
- The Equality Monitoring Group needs to advise on the exact data to be recorded and ensure this includes the outcomes of complaints of Bullying and Harassment.
- Job descriptions should include core management responsibilities. Work is already underway in Social Services to move towards competency-based job descriptions.
- Staff need to be clear about their individual responsibilities. This should be being addressed through the Individual Performance Appraisal process, which is now being rolled out across the

whole Council. This includes a mechanism for gaining feedback from staff. 360° appraisal is also being used in some areas, working from senior management level downwards.

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