



Please can you provide UNISON with the following information about what steps your council as an employer takes to be proactive and systematic in preventing and tackling sexual harassment at work.

- 1) Does your council have a policy on sexual harassment in the workplace?
- a. Yes - Please attach a copy of this policy or a copy of a document that includes a policy and procedures on this.
- b. No – Please explain why?
- 2) If you answered yes to question 1, are local authority-maintained schools required to adhere to the same policy?
- a. Yes
- b. No
- 3) Does your council have training initiatives in place to address and prevent sexual harassment in the workplace?
- a. Yes - Is the training provided:
1. To all employees? Yes/No
2. To managers on how to support staff who have reported workplace sexual harassment? Yes/No
- b. No – Please explain why.
- 4) If you answered yes to question 2:
- a. Is the training delivered:
1. Online
2. In person
3. Hybrid
- b. Please provide details about who delivers the training on sexual harassment.
- Yes, albeit not a standalone policy on Sexual Harassment. Embedded into the dignity at work policy.
- Yes
- No
- However, a E-Learning module has been created and is ready to be launched.
- Training will be provided online however; discussions will be had to implement the training to front line workforce.

5) For 2023, 2024 and 2025 calendar years, please provide the number of recorded formal and informal complaints made about sexual harassment allegedly perpetrated by council employees against other employees broken down by:

a. Gender of claimant and alleged perpetrator

2023 – x1 Male
2024 – x1 Female
2025 – 0

b. The nature of the allegations for example:

1. Unwelcome verbal/banter of a sexual nature
2. Unwelcome physical advances of a sexual nature.
3. Sexual assault

2023 - Unwelcome verbal/banter of a sexual nature
2024 – Unwelcome physical advances of a sexual nature
2025– N/A

c. The number of formal and informal complaints that led to the perpetrator being:

1. Given a warning.
2. Suspended
3. Dismissed
4. Other – please state.

2023 – x1 Suspended & Dismissed
2024 – x1 Other - No case to answer following investigations being concluded
2025 – N/A

d. The number of formal and informal complaints that to your knowledge have been referred to:

1. The police for criminal investigation?
2. The appropriate professional registration body. e, g Social Work England?

2023
1. x1 Reported to GMP
2. None

2024
1. None
2. None

2025
1. N/A
2 N/A



Wigan[♥]
Council

Dignity at Work Policy

Author: Human Resources & Organisational Development

Date: 18th December 2024: Version 5

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Introduction

We believe that a confident and dignified workforce is created by a culture where employees feel valued and listened to and where they are treated with respect. Inappropriate behaviour such as bullying, and harassment has no place in the workplace. The effects of such behaviour on a person's health and wellbeing and the cost to the organisation can be significant.

Consequences can include:

- Strained relationships
- Low morale
- Poor performance
- Increased sickness absence
- Employees leaving
- Tribunal cases

The purpose of this policy is to ensure that preventative and proactive measures are established in relation to behaviours in the workplace which could be construed as harassment, discrimination, victimisation or bullying. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence and protect those affected.

The policy is supported by the Dignity at Work Procedure and FAQs document, which can be found within the Dignity at Work section of the Hub.

Policy Statement

We expect all employees to demonstrate a high standard of behaviour that represents our values and reflects the **Code of Conduct for Employees**. It is recognised that disagreements in the workplace may occur from time to time, however behaviour that goes beyond the boundaries of what would be considered normally acceptable will not be tolerated. This includes any form of harassment or bullying.

All complaints will be treated seriously and dealt with sensitively. Where possible, complaints will be dealt with at the informal stage of the procedure and the focus will be on re-building relationships. Where the complaint is serious, the formal stage of the procedure will be followed and may result in disciplinary action.

In addition, we will not tolerate victimisation of employees for making allegations of bullying and harassment in good faith, or for supporting someone who makes such allegations.

Scope

Who does this Policy apply to?

This policy applies to everyone who is employed by the Council or Schools who adopt the policy, whether temporary or permanent.

The principles of this policy apply to partner agencies, those on a placement, external contractors, agency workers, consultants, job applicants and volunteers. Complaints involving elected members should be raised with the employee's manager without delay.

This policy extends to outside normal working hours where an employee's actions adversely affect a workplace relationship. This includes actions or comments made at work related functions or comments placed on social networking sites.

Responsibilities

Employees

- Maintain appropriate standards of behaviour.
- Be responsible for their own behaviour and change it if necessary.
- Raise issues under this policy if someone is upsetting or offending them or if they feel they are being discriminated against.
- Help to prevent unacceptable behaviour by challenging and reporting colleagues whose behaviour appears to be causing distress to others.
- Participate in a dignity at work investigation, if required to do so; and
- Be honest and not act in any way maliciously.

Further information can be found in the **Dignity at Work Procedure and FAQs document on the Hub (Wigan Council Hub or Your HR Hub for schools)**.

Managers

Managers have a particular responsibility to take all reasonable steps to prevent harassment claims and eliminate unacceptable behaviour in the workplace. They will treat employees fairly, communicate effectively and

use appropriate measures to deal with issues concerning an employee's behaviour or performance. Providing the reasons for any action taken are legitimate and decisions are communicated in an appropriate manner, this does not constitute bullying, harassment or victimisation.

Managers at all levels have a responsibility to:

- Ensure that employees are aware of and adhere to this policy.
- Encourage an open working environment where incidents can be reported.
- Encourage a positive working environment, where people treat each other with mutual dignity and respect.
- Be alert to potential problems and changes in atmosphere and act promptly, without waiting for a complaint to be made.
- Treat all complaints seriously and deal with them sensitively taking into account the feelings of all those involved.
- Manage complaints at the appropriate stage of the procedure.
- Lead by example and demonstrate the council's behaviours.

Trade Unions

- Support the Council or School in its effort to provide an environment that is free from harassment, bullying, discrimination and victimisation.
- Encourage the resolution of matters at the informal stage of the procedure, when appropriate.
- Advise members of their rights and responsibilities under this policy and represent members when appropriate.
- Work with managers to seek effective resolutions for employees.

HR & OD Services

- Provide advice and guidance to managers and employees on the application of this policy to ensure actions are practical, proportionate, and tailored to the circumstances of the workplace.
- Advise on the appropriate stage of the procedure to be followed.
- Periodically review this policy and update in line with current legislation. Ensuring all procedures are readily available to all employees (not limited to a gender or age).

- Signpost to training for employees, channels to report incidents (without fear of reprisal) and relevant policies and procedures.
- Take proactive action to improve inclusivity, such as conducting reviews to ensure that measures in place are effective - reviewing our culture by conducting audits into the effectiveness of training, policies and reporting structures to identify areas for improvement.

What is Bullying or Harassment?

Bullying and harassment can be summarised as offensive, intimidating, behaviour that is unwelcome and unwanted by an individual or individuals. While the two are closely linked and may overlap, harassment is linked by law to discrimination and is unlawful under the Equality Act 2010.

Bullying and harassment may be carried out by one or more individuals and may be directed at one person or a group of people. It may be verbal – face to face or by phone, or written – by email, letter, text message or social media, non-verbal – gestures, body movements, facial expressions, or physical.

Bullying or harassment can occur:

- ↓ Downwards from managers to employees;
- ↔ Sideways between colleagues;
- ↑ Upwards from employees to managers.

Bullying

There is no legal definition of bullying, however experts describe it as negative behaviour towards an individual or individuals, repeatedly and persistently over a period of time. ACAS characterises bullying as:

‘Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.’

Bullying can often be subtle and devious and take place away from witnesses.

Harassment

The Equality Act 2010 defines harassment as: *‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.’*

The relevant protected characteristics are:

- Age.
- Sex.
- Disability.
- Gender (and gender reassignment).
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race - including colour, nationality, ethnic or national origin.
- Religion or belief.
- Sexual orientation.

Whilst not covered by the Equality Act 2010, Wigan Council and Schools also recognise the below groups as additional protected characteristics:

- Care Experienced.
- Armed Forces Personnel.
- Carers.
- Socio-economic disadvantaged

The complainant does not need to possess the relevant characteristic themselves. They may be associated with a person who has one, wrongly perceived to have one or are treated as if they do.

Bullying may amount to harassment if it relates to a protected characteristic. Although pregnancy, maternity, marriage and civil partnerships are protected characteristics under the Equality Act, any unfavourable treatment in respect of these characteristics would be considered as discrimination, as opposed to harassment, as outlined in the act.

Examples of bullying or harassment may include:

- Shouting or swearing at people in public and private.
- Sarcastic comments deliberately aimed at an individual.
- Persecution through threats and instilling fear.
- Verbal abuse including threats, name calling, insults or ridicule.
- Offensive jokes, banter, gossip.
- Spreading malicious rumours.
- Displaying or circulating of offensive or abusive materials.

- Intrusion by pestering, spying or stalking.
- Coercion, such as pressurising someone to take a particular course of action.
- Overbearing supervision.
- Threatening to or attempting to take disciplinary action which is totally unjustified.
- Treating someone with a protected characteristic less favourably than others.
- Unwanted physical contact, sexual advances or innuendo.
- Flirting, gesturing or making sexual remarks about someone's body, clothing or appearance.
- Sexual assault or rape.

Less obvious behaviour may include:

- Constant 'nitpicking'.
- Ignoring or excluding people.
- Removing areas of responsibility and imposing menial tasks without justification.
- Setting people up to fail by imposing unrealistic deadlines or targets, or constantly changing them.
- Purposely withholding information or supplying incorrect information.
- Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.

Sexual Harassment

It is recognised that every employee has the right to be able to attend work and to perform their duties without being subjected to any form of sexual harassment.

Equally, it is the obligation and responsibility of every employee to ensure that the workplace is free from sexual harassment.

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

Third Party Harassment

We do not tolerate harassment of employees by third parties, and we take all reasonable steps to eliminate this. Where employees feel that they have experienced harassment they are required to notify their manager and follow the protocol outlined in the Violence and Challenging behaviour procedure.

Managers and staff members should seek the advice and support of their Service Manager/Assistant Director/Headteacher and legal services where appropriate.

In addition to this, when we are working with third parties, we will encourage them to ensure they have appropriate protocols in place for their employees to raise issues or concerns with them too.

Our Procurement processes support this by including specific equality related considerations when purchasing goods and services such as copies and assurances around equality policies before awarding contracts as well as contract management processes.

What is not considered as Bullying or Harassment?

Managers have a right and a duty to manage and may need to make unpopular decisions from time to time that may not be welcomed by employees.

Managers will treat employees fairly, communicate effectively and use appropriate measures to discuss issues concerning an employee's behaviour or performance.

Providing the reasons for any action taken are legitimate and reasonable and decisions are communicated in an appropriate manner, this does not constitute bullying or harassment.

Examples of reasonable management action include:

- Setting reasonable performance goals, standards and deadlines.
- Rostering or allocating working hours where the requirements are reasonable.
- Transferring employees for operational reasons.

- Undertaking action in line with the Performance Capability Procedure.
- Undertaking appropriate action to address inappropriate behaviour.
- Implementing organisational changes or restructuring.

What is Discrimination & Victimisation

Discrimination

Discrimination can be based on any one of the following protected characteristics. Managers can avoid a successful claim of unlawful discrimination by showing that they took reasonable steps to prevent the offence being committed.

The relevant protected characteristics are:

- Age.
- Sex.
- Disability.
- Gender (and gender reassignment).
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race - including colour, nationality, ethnic or national origin.
- Religion or belief.
- Sexual orientation.

Whilst not covered by the Equality Act 2010 Wigan Council and School also recognise the below groups as additional protected characteristics:

- Care Experienced.
- Armed Forces Personnel.
- Carers.
- Socio-economic disadvantaged.

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have.

Direct discrimination may also be based on the following:

- Perception discrimination. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic; and
- Discrimination by association. This is direct discrimination against someone because they associate with a person who possesses a protected characteristic.

Indirect Discrimination

Indirect discrimination can occur when a condition, rule, policy or even a practice that applies to everyone, particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that the employer acted reasonably in managing the business and that it is a proportionate means of achieving a legitimate aim.

Victimisation

This is defined as treating people less favourably because of action they have taken, or are proposing to take, in connection with legislation, such as giving evidence in a tribunal case, being a trade union representative or making a formal complaint of discrimination. It can also occur when an employee has rejected the advances of another person, or it could arise if someone is adversely treated prior to a complaint being discussed with them, for example by being moved to a different workplace.

No employee will be victimised for making a complaint, even if the allegations are unfounded following the investigation, however, should the investigating officer conclude that the complaint was malicious, disciplinary action may be taken.

Employee Support

Dignity at work issues can be very distressing for all employees involved and they will be offered support throughout the process. In addition, to the support offered by their trade union representatives' employees have access to the Wellbeing Hub and Helpline (Schools should check with their Business Manager if they have access to this service). This is a dedicated, confidential information and support service. For more information visit The Hub or the Schools Portal.

Data Protection

The council holds staff personal information in accordance with the General Data Protection Regulation (GDPR).

We hold your personal data as set out in the Data Privacy Primary Notice and Recruitment and Employment Privacy Notice. For Wigan Council employee's further guidance is available from GDPRQueries@wigan.gov.uk

Further Information

Further advice and support is available from your HR team. Wigan Council HR can be contacted on 01942 404030 or by emailing **Hrcaseworkdandadvice@wigan.gov.uk**



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Council

Dignity at Work Procedure & FAQs

Author: Human Resources & Organisational Development

Date: 18th December 2024 – Version: 4

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Introduction

This guide has been developed to provide both guidance to managers (managers, headteachers, governing bodies) supporting employees and advice to staff on what they can do if they feel they are experiencing unacceptable behaviour at work.

If an employee is unsure about whether the behaviour is acceptable or not, they can find further information in the Dignity at Work Policy. The policy includes definitions of bullying, harassment, discrimination and victimisation and examples of behaviour that can amount to bullying and harassment.

While not every situation may be a case of bullying or harassment, if someone's behaviour is offending you, upsetting you or making you feel uncomfortable – it is still unacceptable and should be stopped.

A dignified workforce is created by those who...

- Treat people with respect regardless of their position, background, gender, race, sexuality, religion, disability, or age.
- Are friendly, polite, and courteous to colleagues and customers.
- Consider everyone's feelings as well as your own.
- Are professional and demonstrate positive behaviour.

Do not...

- Make explicit, lewd, or derogatory comments about anyone.
- Assume that just because something doesn't offend you it won't offend others.
- Make offensive jokes or engage in inappropriate innuendo or banter.
- Gossip, nit-pick, ignore or exclude.
- Make unwanted physical contact, sexual advances, or innuendos.

Managers play a lead role in helping to create a dignified and confident workforce. By promoting an open and inclusive team approach they can help create a positive culture, where employees feel informed and involved, and where negative behaviour is far less likely. In addition to leading by example through their own behaviour managers should ensure that as a minimum, employees can expect:

- Regular one to one/keep in touch meetings with their line manager.
- To attend regular staff meetings/updates

- The opportunity where they can 'have their' say, either through a staff survey or other appropriate feedback mechanism.
- To receive regular corporate or school communications and important updates.

Dignity at Work Procedure

Introduction

It is recognised that dignity at work issues need to be dealt with swiftly, sensitively, and thoroughly. This procedure has been developed specifically for dignity at work issues with the aim of providing an effective process for the resolution of complaints. This procedure includes the following two stages:

- Informal action
- Formal action

The action taken will depend on:

- The seriousness of the complaint.
- Whether informal action has already been taken.
- The wishes of the employee raising the complaint.

Whilst it is preferable to try to resolve matters informally in the first instance, an employee is not obliged to go through the informal stage before submitting a formal complaint.

The employee may feel, for example, that a particular situation is too serious to be dealt with informally, and therefore goes straight to the formal stage. The stage used will not in any way influence the outcome. For example, if an employee chooses to raise a complaint at the formal stage the issue may be more appropriately addressed with informal methods such as discussion, training, or mediation. Similarly, if an employee chooses to address an issue at the informal stage the manager still reserves the right to take disciplinary action if the incident is sufficiently serious.

Effective Resolution

Dignity at work issues not only seriously affect the people directly involved, but they can also have a significant impact on the rest of the team and the Council or School as a whole.

Prevention and effective resolution methods are essential in achieving and maintaining a positive, engaged workforce. It is therefore in everyone's interests to resolve complaints as swiftly and smoothly as possible to minimise damage to working relationships and enable employees to move forward more easily. Most people will be able to identify extreme cases of bullying and harassment, but it is sometimes the 'grey areas' that cause most problems.

Managers should be aware of the behaviour and the culture in the workplace to address issues before they escalate. Being alert to changes in the 'atmosphere' or the behaviour of a particular employee will enable managers to recognise and deal with any potential issues promptly.

When complaints are brought to the attention of management they must be dealt with thoroughly, fairly and in a timely manner.

Informal Action

General

Prompt and informal action is less stressful for all involved and will enable employees to move forward more easily. Informal action is particularly effective for dealing with 'grey' areas and possible misunderstandings or miscommunication. It can also be used to address issues such as 'escalated banter' that is causing an employee to feel uncomfortable or for less serious incidents that may not have been intentional.

Informal action is particularly effective for:

- Potential misunderstandings or miscommunication.
- Clash of personalities which may have escalated to inappropriate behaviour.
- Escalated banter that may have caused some upset or offence; or
- Less serious incidents that may not be intentional.

Informal action is not appropriate for:

- Serious incidents of bullying or harassment; or
- Cases of prolonged, intentional bullying or harassment.

If an anonymous complaint is received the Manager should discuss the matter with the employee against whom the complaint is directed, and then consider whether it is appropriate to take any action. If a complaint is made by anyone other than the employee who is the subject of the alleged

inappropriate behaviour, the Manager must discuss this both with the employee who has raised the issue, and the recipient of the alleged behaviour, before taking any action.

Action by the Employee

An employee can take steps to resolve a situation directly if they feel comfortable and able to do so. This can be done by approaching the person to ask that the unwanted behaviour stops. This approach is likely to have a positive impact on the employee and the feeling of them being back in control of the situation can do a lot for self-esteem.

The employee should prepare for this approach by:

- Thinking about what they want to say and examples of the behaviour they want to stop.
- When and where will be most appropriate for the discussion to take place.
- The potential responses from the other person and how they can be prepared to seek agreement.
- To explore if they would feel more comfortable being accompanied by a work colleague or their line manager.
- Reading the Dignity at Work Policy; and
- Considering seeking advice from their Trade Union or from HR.

Many people are unaware that their actions are causing an issue and often the behaviour will stop when they are approached about it. Before approaching the person, be prepared and think about what you are going to say.

When approaching the person, you should:

- Be firm but not aggressive.
- Keep calm and remain professional.
- Tell them to stop the behaviour that is making you feel uncomfortable or causing you distress.

Alternatively, the employee could write to the person to explain their feelings, giving an example of the unacceptable behaviour and asking that it stops immediately. This may be in the form of an email, letter, or text message. However, it is important to remember that the person may wish

to discuss this letter with you. If you do not feel comfortable with this, you may wish to speak to your manager.

When taking this approach, employees should:

- Stick to the facts; do not personalise.
- Give an example of the unacceptable behaviour.
- Tell them to stop the behaviour that is making them feel uncomfortable or causing them distress; and
- Keep a copy of the letter, email or text message.

If the employee does not feel comfortable in approaching the person alone or contacting the person directly or if they have already done so without success, they should speak to their Line Manager without delay. They may also ask someone to accompany them for support. You may wish to speak to the person with support from a colleague or speak to your trade union representative for further advice. If the concern relates to their Line Manager, the employee should speak to the next level of line management.

Your manager will listen and try to gain a thorough understanding of the issues and if appropriate, may discuss with you, the possible ways forward as detailed above. They will explore several options to resolve the complaint to your satisfaction – you may feel that an acknowledgement and an apology can bring an end to the situation.

Your manager will meet with the person and try and resolve the issue on an informal basis unless it appears to be too serious.

Action by the Line Manager

If an employee raises a dignity at work issue, the Manager will listen and try to gain a thorough understanding of the issues and any action that has been taken so far, and, if appropriate, explore whether the employee may wish to approach the person, in any of the ways outlined above. Managers should remain objective and allow the employee to explain their account in full. The manager should also explore whether the employee making the complaint has considered mediation and should provide them with relevant information so that they can consider and try to resolve the matter informally.

If action by the employee is not appropriate, the Manager should then meet with the employee who the complaint is about to discuss the issue and explain that they are trying to resolve the matter informally. The

Manager should remain objective, not pre-judge and allow the employee to respond fully.

The employee may not be aware that their behaviour has offended someone and will stop immediately. An acceptable outcome is that the person accepts that they have upset somebody, even if it was unintentional, and that no further incidents will be expected.

Following the meetings, the Manager will need to decide whether any further action is needed, and, if so, whether it should be formal or informal.

Confidential notes should be kept of all meetings, conversations, actions, or agreements.

Mediation

Mediation can be a very useful tool when dealing with issues between employees. It involves an independent, impartial person helping two or more individuals or groups to reach a solution that is acceptable to everyone. Mediators do not make judgements or determine outcomes; they assist people to understand the issues and clarify the options for resolving their disputes. Mediation is voluntary and all parties must agree to enter into the process.

Although it is usually expected that mediation would be used during the early stages of complaints under Dignity at Work; to help resolve the issues as early as possible, it may be arranged at any point throughout the process.

Mediation is appropriate when:

- There is a need for further support in dealing with the issue.
- Both parties are willing to take part.

Mediation is not appropriate when:

- There is an imbalance of power, or one person is afraid of the other.
- The incident is serious.

Mediation can be accessed by contacting the Wigan HR team by emailing HRCaseworkAndAdvice@wigan.gov.uk (charges apply to schools).

Training, Learning & Development

It may become apparent during conversations that an employee may require additional training or coaching that is specific to the circumstances of the case. For example, equality and diversity awareness, or handling

conflict and dealing with difficult situations. Managers can contact the Learning Team by emailing HRLearning@wigan.gov.uk for further advice (charges may apply to schools).

Training, learning, or development is appropriate when:

- The situation could be due to a lack of awareness or understanding.
- Either parties would benefit from training, for example assertiveness or handling conflict.

Team Building

It may be appropriate to arrange a team meeting and look at ways of rebuilding relationships. Managers may also want to explore a bespoke team building package. Further advice on this can be obtained from Talent and Inclusion Team by emailing talentandleadership@wigan.gov.uk (not currently available to schools).

Team building is appropriate when:

- The situation involves several team members.
- Managers sense a change in team atmosphere and tension among colleagues.
- A culture of inappropriate behaviour seems to be developing.

Written Instruction

The Manager may issue a management instruction detailing the expected standard of behaviour or conduct, which will be placed on the employee's personal file. This is not a form of disciplinary action.

Line managers should keep a record of such instructions, which can be referred to as evidence in future hearings should the management instruction and guidance fail to resolve the issue. The HR Operations team can offer advice and guidance, if needed, prior to issuing a management instruction.

A management instruction is appropriate when:

- The employee has previously been spoken to about inappropriate behaviour and the manager feels a written instruction is necessary.
- The issue is still being addressed informally.

A management instruction is not appropriate when:

- The manager has not discussed the issue with the employee.

- Formal action is required.

Counselling

Dignity at work issues can be very distressing for all employees and either party may benefit from independent counselling provided by the council's **Wellbeing Hub and Helpline** (Schools should check with their Business Manager if they have access to this service). For more information visit **The Hub** (Wigan Council Hub or Your HR Hub for schools).

Wider Issues

If it becomes apparent that several employees are involved, the situation as a whole should be addressed at an early stage, if possible, rather than allowing it to escalate.

If the Manager feels there may be a culture of inappropriate behaviour developing, all employees need to be involved in achieving a resolution.

Depending on the issues and how advanced the situation may have become several options can be considered such as:

- Communicating the dignity at work policy to all employees.
- Team building events such as an away day.
- Training.
- Mediation.
- Management Instructions to employees – this may be in the form of a letter or an email to all employees, or those within the particular group concerned, as appropriate.

These options can be discussed with HR & OD Services (either Wigan Council HR & OD team or some schools may choose to use an alternative HR provider) to explore the appropriate way forward.

Formal Action

The formal stage will be appropriate in all, or any, of the following circumstances:

- The complaint is too serious for informal action.
- The bullying or harassment continues following attempts at informal resolution; or
- The employee wishes to pursue a complaint at this stage.

Formal complaints should be made by completing the **Dignity at Work Statement of Complaint Form, which you will find on the Hub**. You should keep a copy of your completed form and submit the original to your manager, or where the complaint involves your line manager, the manager on the next level. If you are in any doubt as to who to send to you should speak to your trade union representative or contact HR & OD Services for advice.

Your manager will meet with you to discuss the issue further and explain that formal action will involve an investigation into the complaint. As part of the investigation, you will be interviewed and asked to provide names of any witnesses. The employee who the complaint is against will also be interviewed and asked to provide names of any witnesses.

The outcome of the investigation will be shared with the senior manager who will decide on how to proceed.

This may mean that you need to attend a formal disciplinary hearing, to give the evidence regarding your complaint.

Receiving a Complaint

The manager receiving the complaint must acknowledge receipt of it with the employee as soon as possible. If they feel they have had substantial involvement in attempts to resolve the complaint at the informal stage, they may feel it necessary to forward the complaint to the next stage of line management, along with any notes they have kept from the informal stage. The receiving manager should inform the employee of the reasons why they have referred the matter on.

If the complaint has been raised at the formal stage in the first instance and the circumstances do not appear to be of a serious nature it may be appropriate to discuss the resolution options available at the informal stage. However, this must be explored carefully and with tact and diplomacy. It may be that the incident does not appear to be serious but has been the latest in a series. If the circumstances are serious or the employee wishes to pursue the complaint, the manager will proceed with dealing with the complaint at the formal stage.

Initial Meeting with the Employee making the Complaint

The senior manager will arrange to meet with the employee within 10 days of receiving the complaint. The employee may be accompanied by a trade union representative or work colleague if they choose to. The purpose of

the meeting is to acknowledge the complaint and advise the employee of the process that will follow.

The manager will inform the employee:

- That a full and thorough investigation will take place.
- They will be interviewed as part of the investigation.
- The employee against who the complaint is made will be informed of the allegations and will also be interviewed as part of the investigation.
- Witnesses will be interviewed as part of the investigation; and they will be informed of the outcome of the investigation as soon as possible.

The manager will also ask the employee if they feel there is any further support they could offer them and if they have any questions about the process.

Initial Meeting with the Employee who the Complaint is about

The senior manager will arrange to meet with the employee against who the complaint has been made within 10 working days of the initial meeting with the employee who made the complaint. The employee may be accompanied by a trade union representative or a work colleague if they choose to. The purpose of the meeting is to inform the employee that a complaint has been made against them and advise them of the process that will follow.

The manager will inform the employee:

- That a full and thorough investigation will take place.
- They will be interviewed as part of the investigation.
- Witnesses will be interviewed as part of the investigation.
- They will be informed of the outcome of the investigation as soon as possible.

Suspension or Alternative Action

It may be necessary to undertake a precautionary suspension of the employee who has been complained about, or to take some alternative

action to suspension (for example to relocate the individual). Further information can be found in **Guidelines on handling disciplinary issues** that is available on the Hub.

Suspension is not an assumption of guilt and is not a disciplinary sanction. It is a paid period where an employee is removed from the workplace for one or more of the following reasons:

- To prevent repetition of the alleged incident.
- To protect an employee from harm.
- When the presence of the employee will obstruct the investigation process.
- Where the circumstances of the allegation may become public knowledge and will affect the reputation of the Council.
- There is a significant issue relating to trust and confidence; and
- Continued working will breach a statutory requirement.

Suspension must only be used when all alternatives have been considered. Employees who are suspended will be paid their normal pay. Managers are advised to contact HR for further assistance when considering suspension or alternative action. Wigan Council HR team can be contacted via telephone 01942 404030 or emailing hrcaseworkandadvice@wigan.gov.uk.

Investigation

The senior manager will appoint a lead investigating officer, who may be supported by another investigating officer, if appropriate. The investigation will be handled in line with the **Investigation Toolkit**, which is available on the Hub.

Outcomes of the Investigation

Once the investigation is complete, the investigating officer will recommend to the senior manager, one of the following courses of action:

No case to answer

If the finding is that there is no case to answer, the senior manager will meet with the employee who has submitted the complaint to advise them of the outcome of the investigation and will explain the considerations in reaching the decision. It is important to remember that the employee may still feel they have been subjected to inappropriate behaviour, but the

investigating officer has not been able to find the necessary evidence to substantiate the allegations.

The senior manager will then meet with the employee who is subject to the complaint to also explain the findings.

The findings and reason for the decision will be confirmed in writing to the employees.

Malicious complaint

If the investigation concludes that the complaint was malicious, the senior manager will decide whether the employee who made the complaint will be subject to the disciplinary procedure.

Some level of inappropriate behaviour has occurred

It may be found that some level of inappropriate behaviour has occurred which would be more appropriately dealt with by methods at the informal stage, such as training or a management instruction.. The senior manager will consider the best course of action and meet separately with the employees to discuss. The senior manager will advise them of the outcome of the investigation and the considerations in reaching the decision.

The findings and reason for the decision will be confirmed in writing to the employees.

Disciplinary proceedings

If the outcome is that a disciplinary hearing is being convened the senior manager will refer to the **Disciplinary Procedure**. The disciplinary hearing will usually be held within 4 weeks.

The findings and reason for the decision will be confirmed in writing to both employees.

The original complaint and witness statements will be shared with the employee who is subject to the complaint. The timescales and process as detailed in the Disciplinary Procedure will be followed.

Following the disciplinary hearing the manager will explain the outcome of the hearing to the employee who submitted the complaint and highlight any further actions put in place.

Appeals

The employee has the right to appeal against the outcome of a formal Dignity at Work Investigation if they continue to feel aggrieved.

School's Based Employees

The Employee should complete and submit an Appeal Form to the Clerk to the Governing Body within ten school working days of receiving written notification of the outcome of the investigation.

The employee should ensure that they clearly state the grounds on which they are appealing. The appeal form must include the following details:

- The nature of the Dignity at Work Complaint
- Why the employee feels the outcome of the formal Dignity at Work investigation is unsatisfactory.
- The outcome the employee is seeking and how this might be achieved.

On receipt of the Appeal form, the Clerk to the Governors will convene an appeal hearing giving ten school working days' notice of the hearing. The employee has the right to be represented by a trade union representative or a Work Based colleague. The Headteacher or School Based manager who completed the investigation may be accompanied by a representative from their chosen HR provider.

At least five school working days prior to the hearing, the employee and the Headteacher or School Based manager must send any written evidence which is to be referred to at the hearing and any witnesses, if any to be called.

No new evidence will be considered at the appeal hearing unless there is good reason in the interests of fairness. Any new evidence must be submitted to the Clerk to the Governing Body at least five school, working days in advance of the hearing. It will only be accepted if the employee / headteacher or School Based manager can demonstrate that the evidence could not have been provided earlier, and/or that it is in the interests of fairness that it should be considered. A panel of three governors will hear the appeal (except in cases where there are insufficient governors; in these circumstances a hearing may go ahead with a panel of two). The panel may be supported by a representative from their chosen HR Provider.

Corporate Based Employees

The Employee should complete and submit an Appeal Form to the appropriate senior manager within ten working days of receiving written notification of the outcome of the investigation.

Appeals will be handled in line with the **Appeals Procedure**

Other Issues

Anonymous Complaints

Managers will try to resolve anonymous complaints as far as reasonably practicable. The complaint will be discussed with the recipient to try and gain a better understanding of the situation. The manager will consider if it is appropriate to put in place any informal action. In serious or complex situations, it may be appropriate to investigate the issue on a formal basis.

Complaints on Behalf of Somone

If the complaint is made by someone other than the employee who is the target of the inappropriate behaviour or action, the manger will discuss the complaint with the employee who raised the issue and the recipient of the inappropriate behaviour before taking either informal or formal action.

Complaints Involving Elected Members

Complaints involving elected members should be referred by the manager to their Assistant Director. The complaint will be discussed with the Assistant Director and the Legal team, to determine the most appropriate course of action. Further guidance can be found in the Council's Constitution, Codes and Protocols.

Complaints Involving Third Parties

Managers must investigate complaints involving third parties promptly and thoroughly and take all reasonable steps to prevent further incidents. Third parties are people who an employee may come across through their work but who are not directly employed by the council. For example:

- Service users.
- Customers.
- Agency workers.
- Contractors.
- Consultants.

Investigations should be handled jointly with the partner agency. Where appropriate, managers should refer to the **Violence at work policies**.

Timescales

It should be possible to resolve issues promptly at the informal stage. All meetings should be held within a 10-working day timescale of the date the matter was brought to the attention of the Manager (or the individual who is subject to the complaint in cases where the employee who has complained approached the individual themselves), although further work to monitor and rebuild working relationships may continue. It is acknowledged that it is very unlikely that the timeline of 10 working days will be achievable if mediation is involved, due to the nature of the process. Every effort will, however, be made by all parties to ensure that the process is completed as quickly as reasonably possible.

Formal complaints can be much more involved depending upon the complexity of the case, the number of witnesses who need to be interviewed. The aim is to resolve cases as swiftly as possible, with due regard for the need for a full and fair investigation.

All parties will be expected to assist the progress of the investigation so that it can be completed in a timely manner.

Due to the complex nature of some cases, some investigations may take a significant period of time. In these circumstances, the investigating officer should ensure that employee who has made the complaint and other individuals subject to the complaint receive periodic updates on progress; this is not to provide the detail of the case, but to advise both parties that progress is being made, and, where possible, to give an indication of potential timescales.

Support

We recognise that dignity at work issues can be very distressing for all employees, and we will offer a range of support. In addition to the support offered by trade union representatives, managers and HR and OD Services, all employees have access to the **Wellbeing Hub and Helpline**. This free confidential service is available 24 hours a day, seven days a week. Further details can be found by visiting **The Hub**. If you do not have access to the intranet, please contact HR & OD Services. The Wellbeing Helpline number is only available to schools who purchase the Wellbeing SLA.

FAQs

Are you experiencing unacceptable behaviour?

Some things you could ask yourself are:

- How does the behaviour make you feel?
- Are the types of behaviour referred to in the Dignity at Work Policy?
- Does the individual or individuals realise how they are making you feel?
- Is it a clash of personalities, work styles or approach?
- Has there been a change of management, a style which you are not used to, and you need time to adjust?

If you are still unsure about the situation you may want to speak to your trade union representative or line manager for further advice and information. You can also contact the Wellbeing Hub and Helpline for free, impartial advice.

However, if you feel you are being bullied or harassed there are a number of options you can take to put a stop to it - the most important thing is not to ignore it.

Try to keep a record of incidents, noting dates, times and what occurred. This can be invaluable in helping you to be clear that bullying or harassment has occurred and for contributing to any subsequent action that may be taken.

What happens if my behaviour is being challenged?

You may be unaware that your behaviour is upsetting someone or that you have caused offence.

If someone raises issues with you, you should:

- Listen.
- Think about how your behaviour could have been perceived even if it was unintentional.
- Apologise that your behaviour has caused offence even if it was unintentional.
- Tell them that no further incidents will take place.
- Stop the unwanted behaviour immediately.

You may not agree with the other person's point of view but should accept that an aspect of your behaviour has upset them and try to reach a resolution and move forward. It may be helpful for you to speak to the **Wellbeing Helpline** who can give impartial advice on dignity at work issues. For more information visit **The Hub**.

What should I do if I witness unacceptable behaviour?

It can be uncomfortable for employees who witness unacceptable behaviour and it's often difficult to know what to do. However, you should not ignore it - all employees have a duty to help eliminate unacceptable behaviour at work. You should speak to your manager without delay, providing as much detail as possible about the incident or situation. As an employee of you council you are expected to participate fully in a formal investigation when requested to do so. You should be open and honest when giving your account of the incident or situation. You will be fully supported and will not be victimised in any way.