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**Report to Council**

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**Date of Meeting: 2 February 2023**

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**Subject: HR Policies**

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**Report by: HR Team Leader – (Policy and Operation)**

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**1.0 Purpose**

- 1.1. This paper asks Council to formally approve the revised Grievance and Dignity at Work policies and procedures.

**2.0 Recommendations**

Council are asked to:

- 2.1. **Challenge** and **comment** on the paper as appropriate.
- 2.2. **Approve** the revised policies/procedures which are attached.
- 2.3. **Note** that the Policy group met on the 27 September 2022 to discuss the revised Grievance and Dignity at Work policies. Extensive discussions took place with both Trade Unions and Management at this meeting in the formation and development of the Policies.
- 2.4. **Note** that Tripartite discussed these policies at the meeting on 07 December 2022 and agreed, following a slight amendment to the draft Grievance policy/procedure, that these be progressed for approval.

**3.0 Considerations**

- 3.1. HR and Workforce Development continues, as part of its rolling programme, to review and update the Council's policies and procedures related to HR, H&S, OD and Payroll.
- 3.2. In order to ensure collaborative and partnership working the Council's policy group, which comprises TU colleagues, Management and HR, meet regularly to review and agree new/revised policies and procedures.

- 3.3. The Council recognises that all employees should be treated fairly and with respect and as such the purpose of the Grievance procedure is to provide a mechanism by which an employee's grievance will be addressed as quickly and fairly as possible. A grievance is a concern, problem or complaint which is raised by an employee about an alleged deficiency in the Council's/colleagues' treatment of them.
- 3.4. The revised Grievance procedure has been updated to make the process more succinct and to ensure that grievances are managed in the most supportive way possible.
- 3.5. The Council recognises that, both as an employer and service provider, it has a duty to ensure that there is an open and honest working environment where everyone is treated with dignity and respect. The Dignity at Work procedure aims to highlight the importance the Council takes towards dignity in the workplace and to inform staff of the options available to them if they are subject to bullying and/or harassment as well as ensuring that those responsible for managing and supporting employees are aware of their responsibilities.
- 3.6. The Dignity at Work procedure also aims to provide a clear framework which will ensure that complaints of unacceptable behaviour are dealt with promptly and fairly. It has been revised to make clear how this also links into the Grievance procedure.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

##### *5.4. Staffing*

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

**7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Grievance Policy/Procedure

Grievance EQIA

Dignity at Work Policy/Procedure

Dignity at Work - EQIA

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes  (please list the documents below) No

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Sarah Farmer	HR Team Leader Policy and Operations	01259 452172

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Stuart Crickmar	Strategic Director of Partnership and Performance	



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

# Grievance

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## 2023



## **1. INTRODUCTION**

- 1.1 The Council recognises that all employees should be treated fairly and with respect and as such the purpose of this procedure is to provide a mechanism by which an employee's grievance will be addressed as quickly and fairly as possible
- 1.2 A grievance is a concern, problem or complaint which is raised by an employee about an alleged deficiency in the Council's/colleagues' treatment of them.
- 1.3 This procedure should be read, where relevant, in conjunction with the Council's Disciplinary Policy & Procedure, Dignity at Work Policy & Procedure and the National Code of Conduct, all of which can be found on Connect.
- 1.4 If a grievance is found to be deliberately vexatious or malicious this may be treated as a serious disciplinary offence and may constitute gross misconduct.

## **2. SCOPE**

- 2.1 This procedure applies to SJC, Craft and Teaching Staff.
- 2.2 A modified procedure for Chief Officers/Directors and the Chief Executive is attached at Appendix 1.
- 2.3 Should a concern relating to an elected member be raised, this should be directed to the Council's monitoring officer.
- 2.4 This procedure applies to individual grievances and equally to collective grievances.

## **3. PRINCIPLES**

- 3.1 The grievance procedure provides a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. Examples of issues that may cause grievances include:
  - 3.1.1 Interpretation of Terms and Conditions of employment.
  - 3.1.2 Application of Clackmannanshire Council's Policies and Procedures.
  - 3.1.3 Matters of Health and Safety.
  - 3.1.4 Relationships at work.
- 3.2 The above are provided as examples and are not intended to be exhaustive.

- 3.3 The following examples fall out with the grievance procedure:
- 3.3.1 The outcome of a job grading or an organisational review
  - 3.3.2 Cases that should be addressed by the disciplinary and or other procedures.
  - 3.3.3 Unacceptable behaviour. In such circumstances an employee is entitled to raise a complaint under the terms of the Dignity at Work procedure A Dignity At Work investigation, if substantiated, may dovetail into a disciplinary or grievance hearing where appropriate
  - 3.3.4 Redundancy dismissals or the non-renewal of fixed-term contracts on their expiry
- 3.4 An aggrieved employee may, at any stage, withdraw their grievance by giving notice of his/her intention to do so. This must be done in writing and in such circumstances the employee will be deemed to have abandoned the grievance.
- 3.5 Where a grievance has already been raised but not resolved to the satisfaction of the employee, even at the completion of all stages of this Procedure, the employee cannot restart the Procedure in relation to the same matter.
- 3.6 A grievance can be rejected if an employee who raised the grievance fails to attend scheduled meetings without a reasonable explanation.
- 3.7 A collective grievance, i.e. one where a grievance raised by a representative on behalf of 2 or more employees who wish to raise concerns about the same issue will be dealt with under the same provisions as an individual grievance and the procedure and guidance should be read as equally applying to collective grievances.
- 3.8 Where a grievance relates to the actions of an employee acting in their capacity as a Trade Union Official, discussion will take place with a TU Branch Secretary or if against the TU Branch Secretary, then with the TU Full Time Official prior to the grievance being progressed.
- 3.9 Former employees who wish to raise a grievance once they have left their employment with the Council do not have access to this procedure. They must set out in writing their complaint and the basis for it. An appropriate senior manager must then set out a response in writing. There is no requirement to have a hearing and the individual has no right of appeal.

#### **4. COMPLIANCE WITH THE ACAS CODE OF PRACTICE**

- 4.1 This grievance procedure follows the ACAS code of practice on Disciplinary and Grievance Procedures (updated March 2015). The code is issued under section 199 of the Trade Union and Labour Relations (consolidation) Act 1992.

#### **5. STATUS QUO ANTE PROVISIONS (Maintaining the previous position)**

- 5.1 Where a grievance or concern relates to changes to an individual's terms and conditions of employment (with the exception of those negotiated and implemented at an organisational level ) then where possible the previous position as regards terms and conditions should be maintained until the grievance process has been completed.

#### **6. WORKING ARRANGEMENT DURING THE GRIVEANCE PROCESS**

- 6.1 A change of work arrangements or location for anyone involved in the grievance process should only be considered in circumstances where it is considered not possible for parties involved to work together during the process. This may be, for example, because it would not be practical for the investigation to be carried out thoroughly or because of serious difficulties in working relationships. A decision that any party should work from home or remain away from work should only happen in exceptional circumstances and after careful consideration has been given to alternative measures. Such arrangement should be for the shortest period possible and reviewed after 3 months if the process has not concluded. In all of the above circumstances, the decision to take such action must be taken at Director level.
- 6.2 In determining what alternative work arrangements are to be put in place, the manager must take into account the circumstances and particular sensitivities of each case as well as the requirements of the service. Where possible, first consideration should be given to alternative work arrangements for the individual regarding whose alleged behaviour the grievance has been raised.
- 6.3 If alternative work arrangements are put in place for any individual it should be made clear that this action in no way presupposes responsibility for the issue or concern or prejudices the outcome of the grievance process.
- 6.4 The period of alternative work arrangements should be as brief as possible.
- 6.5 When an individual is away from their normal place of work, a manager will be nominated as their point of contact during this period.



## **7. HEALTH ISSUES ARISING DURING THE GRIEVANCE PROCESS**

- 7.1 Where an employee raises health issues during the grievance process, consideration should be given to referral to Occupational Health for advice and guidance. There is not necessarily a need to delay the process but each case must be assessed individually with regard to the type and seriousness of the health issues. Indeed, in some cases completion of the process may assist in resolving these.

## **8. RESOLUTION**

- 8.1 When lodging a grievance the employee should state clearly what steps they wish to be taken to resolve their grievance.
- 8.2 Resolutions sought must be reasonable and in line with the Council's Terms and Conditions and Policies and Procedures.
- 8.3 Those involved in making a decision following a grievance, including setting out resolutions/ recommendations, may only do so in accordance with the Council's Terms and Conditions, Policies and Procedures and the Equality Act 2010.

## **9. OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES**

- 9.1 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. However, where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Where Managers are unsure, they should seek advice from HR Services.

## **10. CONFIDENTIALITY**

- 10.1 The Council recognises that very sensitive issues may be raised and that employees have a right to confidentiality and, at all stages, information discussed will be held in the strictest confidence by all parties. The Council will deal with any malicious or careless disclosure (e.g. talking to general work colleagues about the formal process, leaving papers about the process unsecured), by any party, under the Disciplinary Procedure.

## **11. REPRESENTATION**

- 11.1 Employees have a right to be accompanied by a companion at every stage in this process including informal stages.
- 11.2 The chosen companion may be a trade union representative, a fellow Council worker or an official employed by a trade union. (A trade union official who is not an employed official must have been certified by their union as being competent to accompany a worker)
- 11.3 It would not be reasonable for workers to insist on being accompanied by anyone whose presence would prejudice the case e.g. a potential witness.

## **12. INFORMAL RESOLUTION**

- 12.1 This step is preferred and should be encouraged and if handled well, it is hoped should avoid issues progressing to the formal stages.
- 12.2 Any employee who is aggrieved on any matter should discuss the issue initially with his/her line manager.
- 12.3 Where the matter concerns the line manager, the problem should be referred to the next level of management or advice sought from HR or Trade Union Colleague.
- 12.4 Upon being advised of the concerns either verbally by the employee, in writing (Form 1A) or through a Trade Union representative the manager must arrange a meeting to discuss these concerns within 5 working days of being notified
- 12.5 Every effort should be made to resolve the matter through informal discussion or through informal representation by a trade union official or work colleague.
- 12.6 Points of action and agreement made will be noted and shared with the employee.
- 12.7 If, after attempting to resolve the grievance informally, the employee is dissatisfied with the response, either verbal or written, or if no response has been forthcoming within 5 working days, the employee can initiate the formal stage of the Grievance Procedure.
- 12.8 There may be circumstances where, at the employee's request, informal resolution takes place over a longer time period. The relevant HRBP will ensure, if HR is aware of the informal stage, that regular contact with the employee is made to confirm whether or not they wish to continue with informal resolution, move to the formal process or confirm matters are resolved and they are withdrawing their grievance. This process should, in most circumstances, not go beyond 6 months.

12.9 An employee may choose to have their complaint heard formally in the first instance although every opportunity will be given to seek informal resolution.

### **13. STAGE 1 - FORMAL HEARING**

13.1 Where an employee wishes to raise a formal grievance they should complete Form 2A and submit it to the Senior Manager – HR and Workforce Development.

13.2 Where Form 2A is not used the grievance should be set out in writing, containing, as a minimum, the exact nature of the grievance and the resolution sought by the aggrieved party.

13.3 The Senior Manager – HR and Workforce Development will inform the relevant manager of the grievance and ask that they convene a formal grievance hearing within 10 working days of receipt.

13.4 It may, depending on the complexity of the grievance, be necessary to conduct an investigation before the grievance hearing takes place and this may affect the date of the hearing.

13.5 The Senior Manager – HR and Workforce Development will formally acknowledge receipt of Form 2A/written grievance and advise whether or not an investigation is required prior to a hearing.

13.6 Where an investigation is required the relevant Senior Manager (or equivalent) will give the appointed Investigating Officer the terms of reference for their investigation.

13.7 The Investigating Officer should conclude the investigation within one calendar month from receiving their remit. There may however be circumstances where it will not be possible to conclude the investigation within this timescale (for example where potential witnesses are unavailable due to holidays/ sickness; or where the case is particularly complex either due to the number or nature of the issues raised; or where a number of parties are involved). Where the timescale cannot be complied with, the Investigating Officer must notify the relevant Senior Manager who will agree an alternative extended timescale. The Employee shall be advised of the new timescales and shall be notified of the reasons.

13.8 The manager (Chair) appointed to hear the formal grievance will ensure that invites are sent to the aggrieved employee and to the person the complaint was made against.

13.9 It may be appropriate in some cases to meet with both parties separately to discuss the complaint.

- 13.10 Both parties should take all reasonable steps to attend the hearing. If for any genuine reason (i.e. illness) either party or their accompanying person cannot attend, an alternative date for the hearing will be arranged. This should be within five working days, if possible, of the original hearing date
- 13.11 Both parties have the right to call witnesses to the hearing and it is the responsibility of each party to arrange for the witnesses to be invited.
- 13.12 The Chair should be notified of the names of the requested witnesses as soon as possible and be provided with any relevant documents, no later than 3 working days prior to the hearing, that either party may wish to be considered.
- 13.13 The Chair is responsible for the conduct of the hearing and must regulate the process in such a way as to be fair to all parties.
- 13.14 If during a hearing, where no investigation was undertaken prior to convening, the Chair requires further information to make a decision he/she should consider adjourning the hearing and consider further investigation within reasonable timescales.
- 13.15 The hearing will be reconvened on conclusion of the investigation with all documents shared in advance.
- 13.16 The outcome of the grievance hearing including any action points will be conveyed to both parties in writing within 5 working days of the date of the hearing taking place
- 13.17 If agreed by all parties involved in the grievance that it is not possible to meet the prescribed time scales, the reason for the delay should be notified in writing to the employee and his/ her representative within the original time scale. An alternative date will be scheduled by the Chair who will keep both parties informed.

## **14. STAGE 2 - APPEAL**

- 14.1 Where the employee is dissatisfied with the decision at Stage 1 – Formal Hearing they have the right of appeal.
- 14.2 If they wish to appeal, the employee or his/her trade union representative must submit a statement of appeal, in writing, to the Senior Manager – HR and Workforce Development.
- 14.3 The statement of appeal must explain the reasons for continuing dissatisfaction and must be submitted with 10 working days of receipt of the decision at Stage 1.
- 14.4 An appeal can be lodged on any of the following grounds:-
  - that the decision was unfair or unreasonable
  - that any proposed measures are inappropriate or unreasonable
  - that new and relevant evidence or information has come to light that was unavailable at the time of the grievance hearing, which if it had been available at the time would have impacted upon the decision
  - that they consider that the grievance procedure was not followed properly and as a result they were disadvantaged in some way
- 14.5 The Senior Manager – HR and Workforce Development will inform the relevant manager (Chair) of the appeal and ask that they convene an appeal hearing.
- 14.6 The Senior Manager – HR and Workforce Development will formally acknowledge receipt of appeal.
- 14.7 The Chair will convene a formal grievance appeal hearing within 10 working days.
- 14.8 The grievance appeal should refer to the reasons why they remain dissatisfied with the outcome of Stage 1. No new grievance can be raised at this stage.
- 14.9 The appeal hearing should not be seen as a re-run of the original hearing and must address why the employee is still dissatisfied with the Stage 1 response.
- 14.10 If the Chair requires further information to make a decision he/she should investigate further within reasonable timescales.
- 14.11 The appeal will be reconvened on conclusion of the investigation.
- 14.12 The Chair shall advise the aggrieved employee of his/her decision in writing within 5 working days of the date of the hearing.

14.13 Having considered all of the relevant issues the Chair may :-

- Uphold the appeal in full ( thereby removing any actions / measures imposed)
- Uphold the appeal in part ( in which case the Chair can amend the actions / measures previously imposed)
- Dismiss the appeal ( in which case the previous actions/ measures remain in place)

14.14 The outcome letter should also be sent to the person the complaint was made against.

14.15 If agreed by all parties involved in the grievance that it is not possible to meet the prescribed time scales, the reason for the delay should be notified in writing to the employee and his/ her representative within the original time scale. An alternative date will be scheduled by the Chair who will keep both parties informed.

14.16 This is the final internal stage of the Grievance procedure and there is no further recourse for Council employees, except for Teaching staff in regard to conditions of service matters reserved for SNCT, in which circumstances an appeal to SNCT may be allowable.

14.17 SNCT states “Every teacher has the right to seek redress for grievances relating to their employment. Where a teacher, or a number of teachers collectively, wish to raise a grievance with their employer they can use of a locally agreed grievance procedure. SNCT Appeals Procedure (only applicable in disputes involving national conditions of service) details can be found on SNCT website”.

## **15. PROCESSING OF PERSONAL DATA**

15.1 The grievance decision and any subsequent measures, where they are relevant to the individual shall be recorded on the individual's Idox file.

15.2 The Council processes personal data collected as part of the Grievance Procedure in accordance with its data protection policy/privacy notices. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

15.3 The particular timescales are stated below and are determined by the nature of the measures that require to be put in place. In general the level of intervention reflects the nature or complexity of the issue. More complex or serious the issues require a higher level of intervention and accordingly a greater timescale for implementation and monitoring.

15.4 Accordingly the outcome of any investigations and a note of any measures applied will be recorded as follows:-

15.4.1 **Low level intervention**:- this shall be noted on the individual's file for a period of 6 months. Interventions could include, but not limited to, training, shadowing, mediation.

15.4.2 **High level intervention**: this shall be recorded on the individual's file for a period of 12 months. Interventions could include a Performance Improvement Plan (PIP) through the Capability Procedure a more intensive training course for example or Disciplinary Action.

## 16. MONITORING AND REVIEW

16.1 Strategic Directors/Senior Managers are responsible for monitoring the progress of grievance cases within their service area, on an ongoing basis, to ensure that the timescales contained in this policy are adhered to.

16.2 Both HR and Trade Union Representatives shall monitor the effectiveness of the procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

## 17. EQUALITY IMPACT ASSESSMENT

Policy Name	Grievance
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input checked="" type="checkbox"/> No* <input type="checkbox"/>
* In no please provide rationale	
Date Full EQIA complete	
Date Approved	
Review Date	

## **APPENDIX 1 – GRIEVANCE PROCEDURE CHIEF OFFICERS/DIRECTORS AND CHIEF EXECUTIVE** *Grievance Procedure Chief Officers/Directors and Chief*

### **Chief Officer/Directors**

If a formal grievance is raised by a Chief Officer/Director the matter will be dealt with by the Chief Executive in line with Section 13 of the grievance procedure.

If the Chief Officer/Director remains dissatisfied an appeal will be considered by the Council's Workforce Committee. The steps outlined in Section 14 will apply to the appeal.

If a grievance is submitted by a Chief Officer/Director against a decision or actions of the Chief Executive, written notification should be submitted to the Senior Manager – HR and Workforce Development. Thereafter, in conjunction with the Monitoring Officer, mutually agreed arrangements will be made with the Chief Executive for the grievance to be considered. This may, for example, mean it is heard by a Chief Executive from another Council. The steps as outlined in Section 13 of the Grievance Procedure will apply at the hearing.

If the Chief Officer/Director remains dissatisfied an appeal will be considered by the Council's Workforce Committee. The steps outlined in Section 14 will apply to the appeal.

### **Chief Executive**

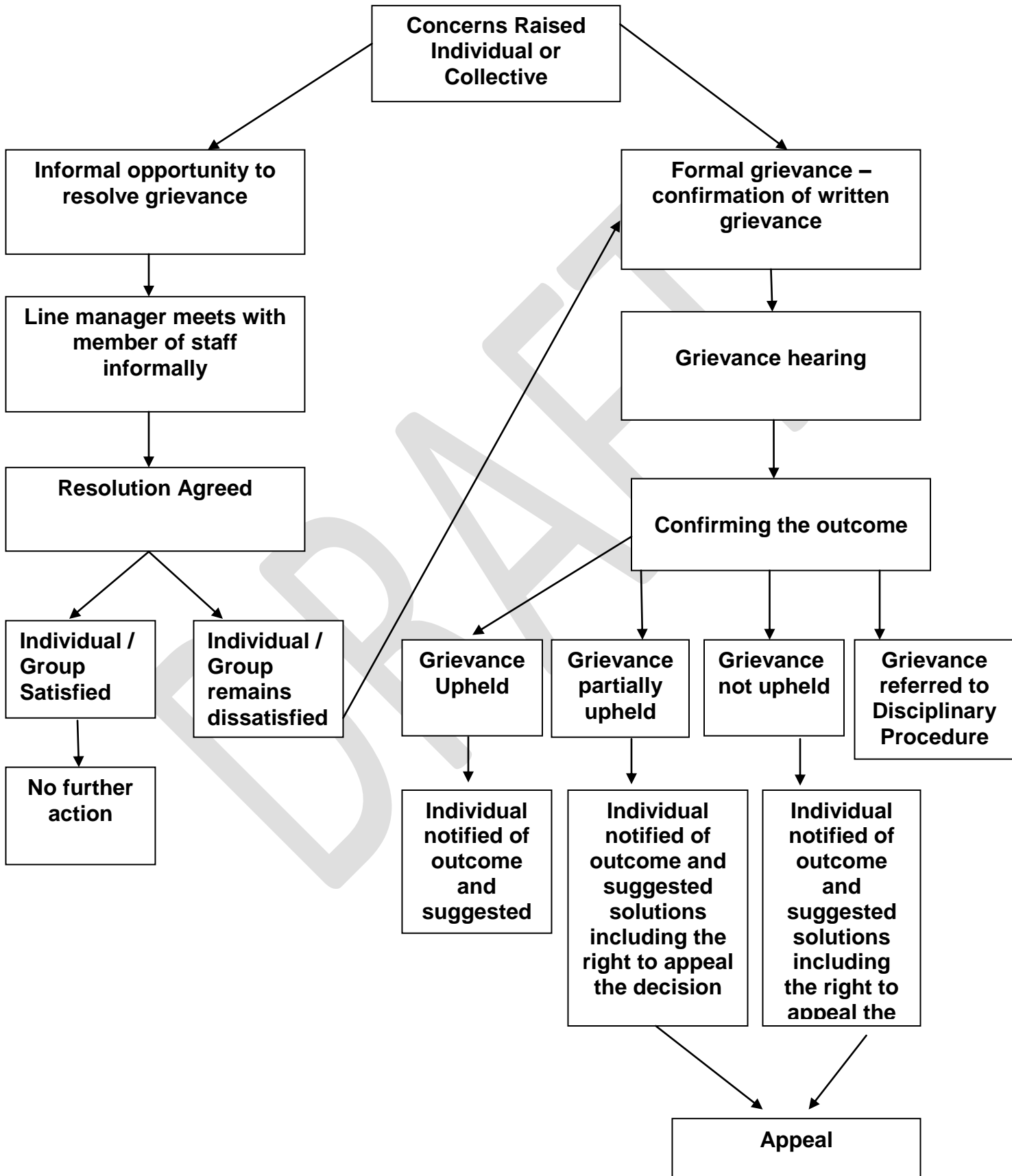
In line with the Scheme of salaries and conditions of service for Chief Officers should the Chief Executive have a grievance, they should initially raise the grievance with the Leader of the Council.

If the grievance cannot be resolved informally the Chief Executive should provide written notification to the Monitoring Officer. Thereafter, the Leader and Chief Executive, in conjunction with the Monitoring Officer, will mutually agree arrangements for the grievance to be considered. This may, for example, mean it is heard by a Chief Executive from another Council. The steps as outlined in Section 13 of the Grievance Procedure will apply at the hearing.

Should the Chief Executive remain dissatisfied, then the appeal should be considered by the Council's Workforce Committee. The steps as outlined in Section 14 of the Grievance Procedures will apply during the hearing.



**APPENDIX 2 – FLOWCHART**





## Equality and Fairer Scotland Impact Assessment - Screening

<b>Title of Policy:</b>	Grievance Policy & Procedure
<b>Service:</b>	Partnership & Performance
<b>Team:</b>	HR & Workforce Development

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

**IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment**

**IF NO - Explain why an Equality & Fairer Scotland Assessment is not required**

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### APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

## **Equality and Fairer Scotland Impact Assessment - Scoping**

<b>Purpose of the proposed policy or changes to established policy</b>
<p>A recent review of the Grievance policy and procedure has been undertaken in line with the HR services's schedule of policy review.</p> <p>The Grievance policy and procedure will provide employees with a mechanism whereby problems in relation to work and the working environment can be raised in relation to:-</p> <ul style="list-style-type: none"><li>• Terms and conditions of employment;</li><li>• Policies and procedures;</li><li>• Matters related to health and safety;</li><li>• New working practices; and</li><li>• Organisational change.</li></ul>
<b>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</b>
<b>General Equality Duty -</b>
<b>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</b>
<p>The provision of the revised Grievance policy and procedure should assist with the elimination of discrimination for protected characteristics as individuals who have a protected characteristic have a mechanism to support them should they feel they have been treated inconsistently or unfairly.</p>
<b>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</b>
<p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The Council's proposals for the revision of the Grievance policy and procedure should assist with minimising disadvantages for employees who share protected characteristics.</p> <p>The procedure sets out a clear process to ensure that individuals can raise concerns should they feel disadvantaged. It ensures all employees whether within a protected group or not have a mechanism to raise concerns.</p>
<b>➤ Fostering good relations between people who share a protected characteristic and those who do not.</b>
<p>This element of the Duty is more relevant to the Council's role as service provider, and there is relatively limited direct relevance to this particular policy/procedure.</p>

**Fairer Scotland Duty -**

**➤ Reducing inequalities of outcome caused by socioeconomic disadvantage**

This policy and procedure should assist with the retention of staff given that they can see that the organisation ensure that employees are treated in a fair and consistent way and can raise concerns regarding without fear of retribution.

<b>To which of the equality groups is the policy relevant?</b>		
<b>Protected Characteristic</b>	<b>Yes/No*</b>	<b>Explanation</b>
Age	No	This policy and procedure is intended to ensure fair treatment for all employees, irrelevant of age, who wish to raise a grievance.
Disability	Yes	<p>Staff data shows a relatively high “Compare Not to Say” response in relation to disclosure of a disability (39.5%). At a national level, it is estimated that 1 in 10 people who are economically active have a disability or a long term health condition.</p> <p>It is hoped that the policy would encourage disclosure of staff to advise whether or not they have a disability as the policy shows how proactive the Council are in tackling issues. It may also be the case that employees who do not feel reasonable adjustments as required under the Equality Act 2010 to remove the disadvantage to allow them to continue working, will be able to raise a grievance for an independent person to review and ensure fair treatment is in place for these employees and that the Council has all support mechanisms in place that can reasonably be offered.</p>
Gender Reassignment	No	There is not directly relevant . This policy and procedure will be implemented consistently in its approach to the management of complaints or concerns regardless of the employee’s gender.
Marriage and civil partnership	No	This protected characteristic is not directly relevant to this procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.
Pregnancy and Maternity	No	There is a separate family friendly and dignity at work policy and procedure in place.
Race	No	There is limited relevance with Grievance and this particular characteristic. This policy and procedure will be implemented consistently in its approach to the management of grievance regardless of the employee’s race.
Religion and Belief	No	<p>There is limited relevance with Grievance and this particular characteristic. This policy and procedure will be implemented consistently in its approach to the management of grievance regardless of the employee’s religion/belief.</p> <p>It can be noted that 1.2% of staff indicated that they affiliate with a minority religion.</p>
Sex	Yes	There may be more of an impact of this procedure from a gender perspective such as individuals working part time for example, as in Scotland 86.9% of men in employment are in full time employment compared to 57.5% of women. Any concerns can be raised through the grievance procedure.
Sexual Orientation	No	This characteristic is as relevant as others in terms of individuals could raise any concerns through the grievance procedure.

**What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?**

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

No grievances under the old scheme have been in relation to protected characteristics.

**Which equality groups and communities might it be helpful to involve in the development of the policy?**

The procedure has been developed in consultation with recognised trade unions, along with elected manager representatives will be involved in the review of the draft policy and procedure at policy group. Discussion will take place at policy group on the content or the policy procedure and suggested amendments/additions will be agreed collectively.

**Next steps**

The council will take steps to ensure that this procedure is understood and applied fairly by managers. Briefing sessions and e-learning will be available to managers. In addition, advice, guidance and support will be provided from Service HR Business Partners on the application of the procedure.

Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups.

## Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence highlights that the introduction of this policy/procedure may have a positive impact on protected groups.</p> <p>There are no evidence findings to suggest that any of the protected characteristics more than others is the reason for grievance being raised.</p> <p>This new procedure however ensures there is a more comprehensive approach to raising a grievance and the council ensuring these are dealt with in a fair and consistent way. The overall commitment to support employees should assist the Council in demonstrating that it has paid due regard to the General Equality Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council's Policy Group. In addition, the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management). It will also be reviewed and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/recommendation is made:</p>		
<b>Tick</b>	<p><b>Option 1: No major change</b> The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
√		
	<p><b>Option 2: Adjust the policy</b> – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	<p><b>Option 3: Continue the policy</b> – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>	
	<p><b>Option 4: Stop and remove the policy</b> – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
Justification for decision		
<p>This assessment finds no indication that the procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the procedure does not discriminate and takes into account the diverse needs and circumstances of individuals. Steps to monitor the equality impact have been agreed, along with practical to promote fair use.</p>		
APPROVAL		
NAME	DESIGNATION	DATE





**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

# Dignity at Work

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**2023**



## **1. INTRODUCTION**

- 1.1 The Council recognises that, both as an employer and service provider, it has a duty to ensure that there is an open and honest working environment where everyone is treated with dignity and respect.
- 1.2 Our procedure aims to highlight the importance the Council takes towards dignity in the workplace and to inform staff of the options available to them if they are subject to bullying and/or harassment as well as ensuring that those responsible for managing and supporting employees are aware of their responsibilities
- 1.3 The procedure also aims to provide a clear framework which will ensure that complaints of unacceptable behaviour are dealt with promptly and fairly.

## **2. PURPOSE**

- 2.1 Clackmannanshire Council is committed to creating a safe working environment free from harassment and bullying, where everyone is treated with dignity and respect and where complaints of harassment are dealt with quickly, positively and confidentially even where the harassment is not directed at the complainant.
- 2.2 Every member of staff, and those using our services, should be treated equally, irrespective of their age, disability, ethnic origin, gender reassignment, marriage and civil partnership, race, religion, pregnancy and maternity, sex, sexual orientation or other difference such as social background, working pattern or trade union activity.
- 2.3 The Council aims to develop a culture in which unacceptable behaviour is not tolerated and that all employees feel confident in bringing forward complaints of harassment and bullying without fear of victimisation.
- 2.4 Claims of unacceptable behaviour will be taken seriously and all staff will be supported when raising concerns. Any instances of unacceptable behaviour which fall within the scope of the procedure will be dealt with in line with the Council's disciplinary procedure and may be regarded as gross misconduct which may lead to dismissal.

## **3. SCOPE**

- 2.1 This procedure applies to all employees of the Council. Should a concern relating to an elected member be raised, this should be directed to the Monitoring Officer.

## **4. WHAT IS WORK PLACE HARASSMENT AND BULLYING**

### **Harassment**

- 4.1 In general terms harassment is unwanted, conduct which has the purpose or effect of violating the dignity of the employee or creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee, provided that it could reasonably be considered to have that effect.
- 4.2 What is important is not necessarily the action, but how the recipient feels about what has been done.
- 4.3 It may be related to age, disability, gender reassignment, race, maternity, pregnancy, marital or civil partnership status, religion or belief, sex, sexual orientation or any personal characteristic of the individual, and may be persistent or an isolated incident.

### **Sexual Harassment**

- 4.4 Sexual harassment is unwelcome sexual advances and/or comments, requests for sexual favours or other unwanted behaviour which is of a sexual nature, which results in the individual feeling intimidated, degraded, humiliated, threatened or offended. It includes
  - Non-verbal sexual harassment such as offensive gestures, staring/leering, sexually explicit materials or offensive publications, computer pornography, unsolicited/unwanted gifts.
  - Verbal sexual harassment such as suggestive/explicit language (including by email or on social media), unwanted propositions, sexually explicit or suggestive jokes, "pet" names, personal or invasive comments or questions, cat calls, whistling, patronising or derogatory comments
  - Physical sexual harassment such as deliberate body contact (brushing against another's body, pinching or touching) indecent exposure, groping, fondling, sexual assault.

## **Bullying**

- 4.5 Bullying is persistent offensive, intimidating, humiliating behaviour which attempts to undermine an individual or group of employees.
- 4.6 Bullying or harassment may be by an individual against and individual or involve groups of people. It can occur at any level within the organisation and within any relationship – it is not confined to management or supervision roles.
- 4.7 Example of bullying behaviour and harassment
- Repeatedly shouting or swearing at staff in public or private
  - Spreading malicious rumours or prejudiced myths
  - Insulting someone or using derogatory or abusive language, nicknames or banter
  - Asking intrusive questions, making unwanted insinuations
  - Using unwelcome or offensive imagery, physical gestures, facial expressions  
Ridiculing or demeaning someone
  - Racist, sexist, homophobic, ageist or disablist jokes, banter, insinuations or insults
  - Taunting an employee, picking on them or setting them up to fail
  - Making assumptions about an employee's ability or competence and treating them as inferior
  - Refusing to work with someone, exclusion, isolation, ignoring or shunning someone
  - Unfairly excluding someone associated with the employee or making offensive remarks about them
  - Refusing to treat a person as of their new gender when they transition
  - Intrusive questions about an individual's personal life or sex life
  - Making threats or comments about job security without foundation
  - Unfair work allocation
  - Preventing individuals progression by intentionally blocking promotion or training opportunities
  - Overbearing supervision or other misuse of power or position
  - Unwanted pressure to do or not to do something or use of intimidation or coercion
  - Victimisation as a result of refusing to accept or collude with bullying or harassment whether directed at the employee or others
  - Physical contact such as the invasion of personal space and unnecessary touching
  - Physical abuse, attacks or violence

## **5. PRINCIPLES**

- 5.1 All staff have a duty and responsibility to promote a positive working environment, which incorporates the Council's organisational values, promotes openness, trust and respect, thereby developing a culture where diversity is valued.
- 5.2 All staff must behave in a way that will not cause offence to others, and to acknowledge that views and opinions held by others may differ from their own.
- 5.3 Staff are expected to take appropriate action if they become aware of any act of harassment, bullying, discrimination or victimisation, bringing the incident to the attention of management, Human Resources or a Trade Union representative
- 5.4 When an employee makes a complaint against another employee, the complaint should be specific and not general accusations.
- 5.5 All complaints will be dealt with in a confidential, sensitive and objective manner and all parties involved will be treated with due respect and protected from victimisation and have the right to an impartial investigation.
- 5.6 If a complaint is upheld or upheld in part, appropriate remedial action will be taken.
- 5.7 Following investigation, complaints that are proven to be malicious will be viewed as a potential disciplinary offence and appropriate action may be taken against the complainant in accordance with the disciplinary procedure.
- 5.8 It will be considered a disciplinary offence for any employee to victimise or retaliate against an employee for bringing a complaint of harassment, bullying, discrimination or victimisation.

## **6. ROLES AND RESPONSIBILITIES**

- 6.1 In order to ensure an open and honest working environment where everyone is treated with dignity and respect we all have responsibilities.

### **Managers and Supervisors:**

- 6.2 Have a responsibility for promoting a positive work culture by setting an example of appropriate conduct and behaviour and ensuring employees are aware of the standards of behaviour expected of them implementing this policy. Responding quickly and effectively to any complaint of alleged harassment, bullying, discrimination or victimisation.

### **Employees**

- 6.3 Have a responsibility for ensuring that they do not act in any way that could cause offence to another colleague. Supporting colleagues who may be subjected to harassment, bullying, discrimination or victimisation, including providing information to assist an investigation or being called as a witness.

### **HR and Workforce Development**

- 6.4 Have a responsibility for ensuring employees are aware of the support mechanisms available to them if they have reason to make a complaint, or are the subject of a complaint, of harassment, bullying, discrimination or victimisation.

## **7. CONFIDENTIALITY**

- 7.1 The Council recognises that very sensitive issues may be raised and that employees have a right to confidentiality and, at all stages, information discussed will be held in the strictest confidence by all parties. The Council will deal with any malicious or careless disclosure, by any party, under the Disciplinary Procedure.

## **8. WORKING ARRANGEMENT DURING THE DIGNITY AT WORK PROCESS**

- 8.1 A change of work arrangements or location for anyone involved in the process should only be considered in circumstances where it is considered not possible for parties involved to work together during the process. .
- 8.2 In determining what alternative work arrangements are to be put in place, the manager must take into account the circumstances and particular sensitivities of each case as well as the requirements of the service. Where possible, first consideration should be given to alternative work arrangements for the individual regarding whose alleged behaviour the complaint has been raised.
- 8.3 If alternative work arrangements are put in place for any individual it should be made clear that this action in no way presupposes responsibility for the issue or concern or prejudices the outcome of the process.

8.4 The period of alternative work arrangements should be as brief as possible and reviewed after 3 months if the process has not concluded.

8.5 When an individual is away from their normal place of work, a manager will be nominated as their point of contact during this period.

## **9. HEALTH ISSUES ARISING DURING THE DIGNITY AT WORK PROCESS**

9.1 Where an Employee raises health issues during the process, consideration should be given to referral to Occupational Health for advice and guidance. There is not necessarily a need to delay the process but each case must be assessed individually with regard to the type and seriousness of the health issues.

## **10. REPRESENTATION**

10.1 Employees have a right to be accompanied by a companion at every stage in this process including informal stages.

10.2 The chosen companion may be a trade union representative, a fellow Council worker or an official employed by a trade union. (A trade union official who is not an employed official must have been certified by their union as being competent to accompany a worker)

10.3 It would not be reasonable for workers to insist on being accompanied by anyone whose presence would prejudice the case e.g. a potential witness.

## **11. INFORMAL RESOLUTION**

11.1 Early resolution of issues are key to prevent escalation or proceeding to formal stages.

11.2 Individuals should try to resolve the issue in the first instance by:

11.2.1 **Speaking to the alleged harasser** – individuals may not realise their behaviours are causing offence to others, therefore it may be that by making the individual aware of their behaviour can put an end to the issue and prevent the situation escalating.

- 11.2.2 **Mediation** - conflict resolution between individual employees facilitated by an independent internal trained mediator. It allows the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. It can be used at any stage in the Dignity at Work process. All parties must agree in order for mediation to proceed. If an employee elects to undertake the mediation process, this does not stop them from progressing their complaint more formally if the unacceptable conduct continues.
- 11.2.3 **Harassment Advisers** – based within the Council, can be approached for advice and support in total confidence, see details on Connect.
- 11.2.4 **Line manager / management support** – if the individual feels they can deal with the complaint but does not want to speak to the other individual alone, they can seek support from their line manager. The line manager, if they feel able to, should meet with the individual raising the concern in the first instance and following this, meet with other party separately. Thereafter it may be appropriate to bring the individuals together to hold a facilitated discussion to informally resolve the matter. Following this, recommendations could be put in place i.e. arranging support as above e.g. mediation, training, clearer explanation of roles etc to allow the parties to move forward and work together.
- 11.3 Where a line manager does not feel able to meet with the individual they should contact their service HRBP for advice.
- 11.4 Support will be offered to all parties involved as contained within this procedure
- 11.5 Points of action and agreement made may be noted.
- 11.6 If the situation cannot be resolved informally, or is sufficiently serious, it may be more appropriate to initiate the formal Dignity at Work process which involves the Council's grievance procedure.
- 11.7 An employee may choose to have their complaint heard formally in the first instance although every opportunity will be given to seek informal resolution.
- 11.8 An employee may, at any stage, withdraw their complaint by giving notice of his/her intention to do so. This must be done in writing and in such circumstances the employee will be deemed to have abandoned the complaint. However, in certain circumstances, where there are sufficient grounds for concern, it may be appropriate to advise the employee that the matter originally complained of will still be investigated or monitored for a period of time, as the Council have a duty of care to all individuals.



## **12. FORMAL PROCESS**

- 12.1 Where an employee wishes to raise a formal Dignity at Work Complaint they should follow the formal stages as set out in the Council's Grievance Procedure.
- 12.2 If you work for us, but are not our employee, and you wish to make a formal Dignity at Work complaint, you should submit it in writing to the Senior Manager – HR and Workforce Development.
- 12.3 Your written complaint should be as full as possible, setting out details of:
- The name of the employee your complaint relates to;
  - The nature of the alleged incident;
  - Where and when the alleged incident took place;
  - The names of any relevant witnesses; and
  - Any action taken so far to try to resolve the issue.
- 12.4 Please note that our Grievance Policy only applies to employees and as such an appropriate senior manager will review your complaint and set out a response in writing. There is no requirement to have a hearing and no right of appeal.

## **13. CRIMINAL ALLEGATIONS**

- 13.1 If a member of staff has been a victim of physical violence or any other crime, they should contact the police immediately.
- 13.2 If a complaint under this policy is also the subject of a criminal investigation or proceedings, we will not usually put the processes on hold pending the outcome of those.
- 13.3 If they staff member is unable, or has been advised not to, attend a meeting or say anything about a pending criminal matter, we may make a decision based on the available evidence.

## **14. INCIDENTS RELATING TO THE SAME DIGNITY AT WORK**

- 14.1 Where a dignity at work has been raised and either:-
- Withdrawn or resolved
  - Not resolved to the satisfaction of the employee even at the completion of the process.
- 14.2 The employee cannot start the process again in relation to the same dignity at work unless significant evidence can be provided to support this.

## 15. EMPLOYEE SUPPORT

- 15.1 There are a number of options available to employees in terms of support during the dignity at work process including a 24 hour Confidential Counselling support via PAM Assist (Employee Assistance Programme), Occupational Health Referral, signposting to Mental Health helplines, Mediation Service, and Stress Control workshops etc.
- 15.2 For further information on these support measures, please refer to Connect or contact your Service HR Business Partner for more information.
- 15.3 It should be noted that Trades Union representatives, , Line Managers and Human Resources representatives can also offer support and advice to both parties, both during and after the process.

## 16. PROCESSING OF PERSONAL DATA

- 16.1 The decision and any subsequent measures, where they are relevant to the individual shall be recorded on the individual's Idox file.
- 16.2 The Council processes personal data collected as part of the Dignity at Work Procedure in accordance with its data protection policy/privacy notices. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.
- 16.3 The particular timescales are stated below and are determined by the nature of the measures that require to be put in place. In general the level of intervention reflects the nature or complexity of the issue. More complex or serious the issues require a higher level of intervention and accordingly a greater timescale for implementation and monitoring.
- 16.4 Accordingly the outcome of any investigations and a note of any measures applied will be recorded as follows:-
  - 16.4.1 **Low level intervention**:- this shall be noted on the individual's file for a period of 6 months. Interventions could include, but are not limited to, training, shadowing, mediation.
  - 16.4.2 **High level intervention**: this shall be recorded on the individual's file for a period of 12 months or for a period of three months following completion of the action (whichever is the greater). Interventions could include a Performance Improvement Plan (PIP) through the Capability Procedure, a more intensive training course for example, or Disciplinary action.

**17. MONITORING AND REVIEW**

- 17.1 Strategic Directors/Senior Managers are responsible for monitoring the progress of Dignity at work cases within their service area, on an ongoing basis, to ensure that the timescales contained in this policy are adhered to.
- 17.2 Both HR and Trade Union Representatives shall monitor the effectiveness of the procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

**18. EQUALITY IMPACT ASSESSMENT**

Policy Name	Dignity at Work
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input checked="" type="checkbox"/> No* <input type="checkbox"/>
* In no please provide rationale	
Date Full EQIA complete	
Date Approved	
Review Date	

DRAFT

## **Equality and Fairer Scotland Impact Assessment - Screening**

<b>Title of Policy:</b>	Dignity at Work Procedure
<b>Service:</b>	Partnership & Performance
<b>Team:</b>	HR

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

**IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment**

**IF NO - Explain why an Equality & Fairer Scotland Assessment is not required**

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### **APPROVAL**

<b>NAME</b>	<b>DESIGNATION</b>	<b>DATE</b>

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

## **Equality and Fairer Scotland Impact Assessment - Scoping**

<b>Purpose of the proposed policy or changes to established policy</b>
<p>To update the current procedure for Dignity at Work to ensure that everyone is aware of the standards of behaviour expected from them in terms of Dignity at Work. The new procedure aims to clarify employees responsibilities, while providing a clear framework which will ensure that complaints of unacceptable behaviour are dealt with promptly and fairly.</p> <p>The procedure aims to assist in developing and maintaining a working environment in which harassment, discrimination, bullying and victimisation are unacceptable.</p>
<b>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</b>
<b>General Equality Duty -</b>
<p>➤ <b>Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</b></p>
<p>The provision of the new Dignity at Work procedure should assist with the elimination of discrimination for protected characteristics as individuals who have a protected characteristic have a mechanism to support them should they feel are being discriminated, victimised or harassed.</p>
<p>➤ <b>Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</b></p>
<p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to protected characteristics.</p> <p>The procedure sets out a clear process to ensure that individuals can raise concerns should they feel disadvantaged. It ensures all employees whether within a protected groups or not have a mechanism to raise concerns although it is recognised that such a policy could minimise disadvantage for staff members in a protected group.</p>
<p>➤ <b>Fostering good relations between people who share a protected characteristic and those who do not.</b></p>
<p>This element of the Duty is more relevant to the Council's role as service provider, and there is relatively limited direct relevance to this particular procedure.</p>
<b>Fairer Scotland Duty -</b>

➤ **Reducing inequalities of outcome caused by socioeconomic disadvantage**

This procedure could assist with the retention of staff given that they can see that the organisation ensure employees are treated in a fair and consistent way and can raise concerns regarding being treated with dignity and respect.

It should be noted that poverty rates are higher for households with a disabled adult, and the employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability.

Levels of socioeconomic disadvantage are also more frequent for other protected groups including lone parents who are predominantly female, and Black, Asian and Minority Ethnic (BAME) groups.

<b>To which of the equality groups is the policy relevant?</b>		
<b>Protected Characteristic</b>	<b>Yes/No*</b>	<b>Explanation</b>
Age	Yes	A dignity at work can be raised for many reasons but should employees feel that they are not being treated appropriately due to their age, then they can raise concerns through the dignity at work procedure.
Disability	Yes	Staff data shows a relatively high “Compare Not to Say” response in relation to disclosure of a disability (39.5%). At a national level, it is estimated that 1 in 10 people who are economically active have a disability or long term health condition.  It is hoped that the policy would encourage disclosure of staff to advise whether or not they have a disability as the policy shows how proactive the Council are in tackling issues.
Gender Reassignment	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the dignity at work procedure.
Marriage and civil partnership	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the dignity at work procedure.
Pregnancy and Maternity	Yes	Employees as with other protected characteristics can raise any concerns they have in relation to pregnancy/maternity through the dignity at work procedure should they not feel they are being treated with dignity and respect.
Race	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the dignity at work procedure. It can be noted that 4% of staff have indicated that they are BAME.
Religion and Belief	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the dignity at work procedure. It can be noted that 1.2% of staff indicated that they affiliate with a minority religion.
Sex	Yes	This characteristic is as relevant as others but other elements could impact from a gender perspective such as individuals working part-time for example, as in Scotland 86.9% of men in employment are in full time employment compared to 57.5% of women. Any concerns can be raised through the dignity at work procedure.
Sexual Orientation	Yes	This characteristic is as relevant as the others in terms of individuals could raise any concerns through the dignity at work procedure.

\* Delete as required



**What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?**

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

**Which equality groups and communities might it be helpful to involve in the development of the policy?**

The procedure has been developed in consultation with recognised trade unions, along with elected manager representatives will be involved in the review of the draft policy and procedure at policy group. Discussion will take place at policy group on the content of the policy procedure and suggested amendments/additions will be agreed collectively.

**Next steps**

The council will take steps to ensure that this procedure is understood and applied fairly by managers. Briefing sessions and e-learning will be available to managers. In addition, advice, guidance and support will be provided from Service HR Business Partners on the application of the procedure.

Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups.

## Equality and Fairer Scotland Impact Assessment - Decision

<b>Evidence findings</b>		
<p>The evidence highlights that the introduction of this policy/procedure may have a positive impact on protected groups</p> <p>There are no evidence findings to suggest that any of the protected characteristics more than others is the reason for Dignity at Works being raised.</p> <p>This new procedure however ensures there is a more comprehensive approach to raising dignity at work concerns and the council ensuring these are dealt with in a fair and consistent way. The overall commitment to support employees should assist the Council in demonstrating that it has paid due regard to the General Equality Duty</p>		
<b>Details of engagement undertaken and feedback received</b>		
<p>This Procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council's Policy Group. In addition the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management) It will also been reviewed, and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.</p>		
<b>Decision/recommendation</b>		
<p>Having considered the potential or actual impacts of this policy, the following decision/recommendation is made:</p>		
<b>Tick</b>	<b>Option 1: No major change</b>	
✓	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	<p><b>Option 2: Adjust the policy</b> – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	<p><b>Option 3: Continue the policy</b> – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>	
	<p><b>Option 4: Stop and remove the policy</b> – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
<b>Justification for decision</b>		
<p>This assessment finds no indication that the procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the procedure does not discriminate and takes into account the diverse needs and circumstances of individuals. Steps to monitor the equality impact have been agreed, along with practical to promote fair use.</p>		
<b>APPROVAL</b>		
<b>NAME</b>	<b>DESIGNATION</b>	<b>DATE</b>