



MAY 2015

STaSS Dignity at Work (Tackling Bullying and Harassment) Policy

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1.0 Policy Statement

- 1.1 STaSS is committed to creating a safe working environment free from bullying and harassment, where all employees are treated with dignity and respect, and where complaints of bullying and harassment are dealt with quickly, positively and confidentially.
- 1.2 All employees should be treated equally, irrespective of gender, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, nationality, ethnic or national origin, disability, age, pregnancy or trade union membership or the fact that a worker is employed on a part-time or fixed-term basis.
- 1.3 STaSS will not tolerate any form of harassment, or victimisation of a person who has raised an allegation, and where appropriate such conduct will be treated as a disciplinary matter.
- 1.4 All matters that require consideration under the terms of this policy will be treated in the strictest confidence. This applies whether at an informal level, or in obtaining relevant information at investigatory or disciplinary stages. Any breach of confidentiality may be investigated under the Disciplinary Policy.
- 1.5 STaSS also recognises that its employees may be subject to harassment from third parties and will take all reasonable steps to protect them.
- 1.6 This policy should be read in conjunction with the STaSS Dignity at Work Toolkit.

2.0 Scope

- 2.1 This policy applies to all employees of STaSS including:
 - The Executive Director (as amended by contractual or statutory terms and conditions applicable to Chief Officers)
 - It also applies to ex-employees who raise a bullying / harassment complaint within four weeks of leaving the employment of STaSS.
- 2.2 This policy may only be used to raise issues of bullying and harassment. Employees with concerns about matters other than bullying and harassment must raise these issues through STaSS's Grievance Policy.
- 2.3 There may be occasions where it is not immediately apparent whether issues raised under the Dignity at Work Policy should be managed under this policy. In some circumstances, it may be more appropriate that the concerns are investigated under the Grievance Policy. In these circumstances, the Executive Director or the chair of Trustees will make a decision on which policy should be applied.

3.0 Purpose

- 3.1 Bullying or harassment of any nature is always unacceptable and is likely to be detrimental to the well being of the individual and the working environment and may result in increased staff turnover, high levels of stress and impaired performance at work. This policy provides a way to

heighten awareness of the need for fair treatment and provides a mechanism for individuals to raise their concerns about bullying or harassment and have these concerns dealt with fairly and consistently.

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3.2 The Policy aims to:

- Prevent all forms of bullying / harassment by employees towards other employees of the STaSS.
- Provide a way for employees who believe (and can substantiate) that they have been bullied or harassed to bring about action to stop the bullying or harassment.
- Reassure employees that any issue will be taken extremely seriously and treated with the utmost confidentiality.
- Help identify when bullying / harassment takes place.
- Provide examples of actions which may be regarded as bullying / harassment.
- Create a climate in the workplace where bullying / harassment are unlikely to occur.

3.3 This policy also applies to work-related activities held outside normal working hours, either on or off STaSS premises, such as social events, leaving celebrations, working lunches, team building activities and training etc.

3.4 In addition, any use of personal social networking sites by employees to bully / harass colleagues or service users will not be tolerated. Complaints relating to incidents of this nature may be raised via this policy. STaSS policy on the personal use of social networking sites by employees can be read for further information on the use of social media.

4.0 Roles and Responsibilities

4.1 Management:

- Has a Responsibility for setting appropriate standards of behaviour and must ensure that the workplace under their control is one where everyone is treated with dignity and respect.
- Must familiarise themselves with the policy and be responsible for ensuring that workers under their supervision are aware of the policy and apply the standards of behaviour expected of them by STaSS and under the law.
- Responsible for ensuring that STaSS's employment policies and procedures are applied in a fair, consistent and non-discriminatory way.
- Responsibility for and will deal with any breach of the policy using the appropriate procedure ensuring that complaints are investigated and dealt with promptly.
- Ensure, through regular contact with the Investigating Officer, that the timescales agreed at the outset of the investigation are adhered to.
- Maintain confidentiality.

4.2 Employees:

- Have a personal responsibility to ensure that their behaviour does not cause offence to others.
- Should not encourage or allow any form of behaviour that contravenes this policy or may be viewed by others as bullying / harassment.
- Should disclose any instances of bullying / harassment that they become aware of (whether or not the incidents are directed at them) to their line manager who will advise on how to deal with the issue.
- Shall comply with this policy and associated procedure and co-operate fully with any investigation or subsequent disciplinary hearing convened in accordance with this and other related policies. Failure to do so may result in disciplinary action.
- Maintain confidentiality.

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4.3 Investigating Officers:

- Are trained and / or experienced in carrying out sensitive investigations.
- Liaise with the line manager to gain a full understanding of the nature and scope of an investigation.
- Conduct a robust and thorough investigation taking evidence from all relevant parties.
- Provide a complete investigation report to the Executive Director or the chair of Trustees within the agreed timeline indicating whether they believe, on the basis of the evidence obtained, that bullying / harassment is or is not likely to have taken place.
- Meet with the Executive Director and HR to discuss the investigation report and address any issues of clarity prior to the Executive Director or the chair of Trustees agreeing the final outcome.
- Are impartial and will have no conflict of interest that might prejudice a fair investigation.
- Maintain confidentiality.

5.0 Principles

5.1 STaSS acknowledges the fact that people do sometimes make genuine errors of judgement. This policy is designed to enable problems, whether a genuine error of judgement or a deliberate act, to be dealt with sensitively and in accordance with the wishes of the person who believes they have been subjected to inappropriate behaviour.

5.2 It is not intended that the Dignity at Work Policy be used to raise a complaint against action by a manager under other STaSS policies such as the Disciplinary, Managing Underperformance and Managing Attendance Policies etc.

However, in some circumstances, there may be indications that the manager has acted in a vexatious or discriminatory manner and, in these cases, the line manager's manager will determine:

- Whether the employee may have a credible complaint.
- Whether or not the Dignity at Work Policy should be invoked.
- Whether it is appropriate to temporarily suspend the relevant process in order to deal with the complaint.

Suspending the relevant process will only take place in exceptional circumstances.

5.3 It is expected that a complaint of bullying / harassment should be raised informally in the first instance; however where the incident is sufficiently serious in nature then the employee should raise the issue with their line manager who will decide whether the formal stage should be invoked. In such cases a written statement outlining the complaint will be required.

5.4 A complaint of bullying / harassment should be raised with the employee's line manager in the first instance, except where the complaint relates to the conduct of the line manager. In such circumstances the complaint should be raised with the next level of management.

5.5 A complaint should normally be raised within three months of the alleged incident/s taking place. There may be some circumstances, such as long term absence, where this is not possible; however, it is important in such a situation that the complaint be made at the earliest opportunity.

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The employee must understand that the longer they leave the issue before raising it, the less credibility will be assigned to the complaint.

- 5.6 Should, following a dignity at work investigation, the Executive Director decides that bullying or harassment did take place, the offending employee may, as a result, be subject to formal action under STaSS Disciplinary Policy.
- 5.7 All complaints of bullying or harassment will be treated seriously and an employee who has a genuine complaint is encouraged to raise it without fear of recrimination. However, any malicious complaints may be considered, as gross misconduct by STaSS and where it is believed that the complaint may be malicious, the matter will be investigated under the Disciplinary Policy.

A malicious complaint is defined as follows:

- The investigation has shown the original complaint to be without foundation and that it has been submitted vexatiously or as a means of frustrating another process
 - The investigation can demonstrate that the complainant in making his/her complaint, knowingly lied to the Investigating Officer
- 5.8 Where a counter complaint, which is deemed to be valid, is made by the alleged bully / harasser, this will be dealt with as part of the same investigation.
- 5.9 The process will be undertaken in a confidential manner and complete confidentiality will be expected from all parties involved. The extent of confidentiality must be agreed, between the complainant and the Investigating Officer, at the outset of the investigation. As a general principle only those who are required to know the details of the case will have access to the information. In certain cases this may include the line manager of the employee accused of bullying / harassment.
- 5.10 Employees have the right to be accompanied by a STaSS work colleague or trade union representative at both the informal and formal stages of this policy.
- 5.11 If the employee or their representative is unable, for good reason, to attend the investigatory meeting on the date proposed, the manager will reschedule the meeting to take place no later than 5 working days after the date set for the original meeting. No further rescheduling will be considered unless the reason for non-attendance is considered exceptional (e.g. hospitalisation)
- 5.12 Sickness of any of the parties to the case should not be allowed to delay the process. Therefore where the employee is well enough to attend a meeting, the investigation should continue even though the employee may not be able to attend work. This is especially important if concluding the issue will help facilitate a return to work. The method for continuing the investigation will depend on each individual case and will be agreed between the line manager and Investigating Officer following advice from HR.
- 5.13 The provisions of the Equality Act 2010 will be applied throughout the implementation of this Policy. Managers and staff should consult the guidance found at [Equality Act](#). This provides protection for several employee characteristics (and also applies to those employees who may be associated / connected to someone with a protected characteristic) covered by equality legislation:
- age – covers all age related issues,
 - disability, including making reasonable adjustments,
 - gender reassignment from the moment transition starts,

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- race, religion or belief,
- sex – things associated with being male or female,
- sexual orientation including feelings, sexuality as well as identity,
- marriage and civil partnership status,
- pregnancy and maternity

5.14 Each stage of the procedure should be carefully documented. The complainant's line manager has a responsibility to ensure notes are taken at the informal meetings or in the case of the formal stages, arrange for a note taker to be present at the investigatory meetings to take notes on behalf of the investigator. Notes should remain confidential and be stored securely.

5.15 If issues of bullying / harassment relate to a trade union representative, the union's senior local convenor and regional officer must be notified. No further action should be taken until they have been informed.

5.16 There may be occasions where STaSS employees are working alongside employees of other authorities, agencies or partners and issues of bullying or harassment arise. In such circumstances, the complaint should be handled jointly by STaSS and the partner organisation, taking account of the respective policy arrangements.

6.0 Definitions of Bullying and Harassment

6.1 Bullying may be characterised as behaviour that any reasonable person may find offensive, intimidating, malicious, or insulting, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

6.2 Examples of bullying might include:

- Ridiculing or demeaning others.
- Unjustifiably excluding colleagues.

These examples are neither exhaustive nor exclusive.

6.3 Harassment, in general terms, is unwanted conduct affecting the dignity of employees in the workplace. It may be physical, verbal or non-verbal. It may be related to any of the characteristics outlined in paragraph 1.2, or any characteristic of the individual; it may be sexual harassment; or less favourable treatment because they submit to, or reject sexual harassment or harassment related to sex or gender reassignment. Harassment may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable by the recipient. Whilst individuals may not always realise that their behaviour constitutes harassment, they must recognise that what is acceptable to one person may not be acceptable to another.

6.4 Examples of harassment might include:

- Unwanted physical contact, including unwanted sexual advances, touching, standing too close, inappropriate comments, continued suggestions for social activity within or outside the workplace particularly after it has been made clear that such suggestions are unwelcome.
- Offensive or intimidating comments.
- Insensitive jokes or pranks.
- Display of offensive materials.

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- Unwanted conduct related to the characteristics outlined in paragraph 1.2 that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Shunning an employee, for example, by deliberately excluding someone from conversation.

These examples are neither exhaustive nor exclusive.

6.5 It is a requirement that employee performance be managed in order for STaSS to meet its strategic objectives and this policy does not seek to diminish a manager's ability to do this. Legitimate, constructive and fair discussions by management with an employee in relation to their work performance are not bullying or harassment. It is also recognised that an occasional raised voice or verbal conflict, whilst an inappropriate way of resolving issues may not in itself constitute bullying or harassment.

6.6 It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management achieves results whilst ensuring that employees are treated with dignity and respect.

7.0 Legal Framework

7.1 Although there is no specific legal protection from acts of bullying an employee could resign and take a claim for constructive dismissal to an Employment Tribunal should STaSS fail to investigate the concerns.

7.2 Harassment is unlawful under the Equality Act 2010 and STaSS, together with any manager or supervisor who fails to take steps to prevent harassment or investigate complaints, may be held liable for their unlawful actions and be required to pay damages to the victim, as will the employee who has committed the act of harassment.

7.3 There is no limit to the compensation that can be awarded in an Employment Tribunal for acts of harassment.

7.4 Harassment on any grounds is also a criminal offence under the:

- Criminal Justice and Public Order Act 1994.
- Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001.
- Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence).

These Acts mean that employees who are harassed by fellow employees or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

8.0 Process for dealing with Bullying or Harassment

8.1 STaSS recognises that it may be emotionally difficult for an employee to raise an issue of bullying or harassment; however, anyone suffering in this way must be encouraged and supported to take action. STaSS has developed an informal and formal procedure to ensure that such cases are handled as sensitively and swiftly as possible.

9.0 Informal Process

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- 9.1 Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.
- 9.2 An employee who feels that they are being bullied or harassed should, where possible, keep a record of the incident(s), including the date, time, nature of incident, and the names of any witnesses. It is important that the employee then attempts to resolve the problem informally by clearly explaining to the person responsible that their behaviour is not welcome and that it offends them or makes them feel uncomfortable. This should ensure that the matter can be dealt with swiftly and that further potential harassment is prevented.
- 9.3 If the employee feels unable to raise the issue face to face then a letter or e-mail (explaining the incident and the distress which the behaviour is causing the employee) may be sent to the alleged bully or harasser. Alternatively the employee may prefer to raise the issue with their line manager who can communicate the allegations informally on their behalf or help them compose a letter to the alleged bully / harasser.
- 9.4 It is acknowledged that the alleged bully / harasser may be an employee's direct line manager. If this is the case the employee should approach the next level manager. In these circumstances, all references in this policy to "the manager" should be regarded as the next person in the management chain.
- 9.5 Mediation is another option within the Informal Process. However this is only feasible if both parties agree to undertake the process with the intention of finding a solution. If so a meeting should be arranged in line with STaSS Mediation process. All employees involved in a complaint must be fully aware of what the issues are, prior to entering into mediation. If mediation is not pursued at the informal stage then it will remain an option for the parties to pursue upon conclusion of any formal investigation but only if the parties involved display a genuine willingness to engage with the process and demonstrate a readiness to examine their respective positions.
- 9.6 Where a resolution is achieved at the informal stage of the process a copy of the outcome should be given to both parties and a further copy supplied to HR for inclusion in the personal file of each employee. The complainant's line manager must also put in place arrangements for on-going monitoring of the situation.
- 10.0 Formal Process**
- 10.1 If inappropriate conduct continues, or informal attempts to resolve the complaint have failed, or if the complaint is considered sufficiently serious, the formal process should be invoked.
- 10.2 In the first instance the employee should raise the complaint in writing with their line manager (or next most senior manager if the complaint relates to their direct line manager). Full details of the bullying or harassment should be set out including the name/s of the person(s) against whom the complaint is made, dates and times of the incident/s, a description of the incident/s and the names of any witnesses, along with details of any action taken so far to stop the bullying or harassment.
- 10.3 The line manager will acknowledge the formal complaint within 5 working days of receipt. Depending on the nature of the case it may be appropriate for the line manager to appoint an individual to provide support to the employee making the complaint. It may be necessary for the alleged bully / harasser to be provided with support as well. These support roles should not be undertaken by the same person. The line manager must also make both individuals aware of the confidential counselling service available at STaSS.





- 10.4 Where the formal process is the first step, i.e. no informal process has been entered into; the line manager must also inform the alleged bully / harasser of the complaint. Generally speaking as much information as possible should be provided to the alleged bully / harasser although this will depend on the sensitivities of each case. It will, therefore, be necessary to determine whether any particular document should be shared in full or in part with some or all of the persons named in the complaint. By signing the Dignity at Work – Bullying and Harassment Complaint Form, employees are indicating their understanding that they are giving permission for appropriate sections of the form to be copied to anyone named on it. Advice on the amount of detail to share in each particular case should be sought from HR.
- 10.5 The line manager must ask the Executive Director or the chair of Trustees to appoint an Investigating Officer to carry out a thorough investigation into the facts of the case and will also arrange for a Note taker to be appointed in support of the Investigating Officer.
- 10.6 Depending on the nature of the complaint, the line manager will need to consider whether the alleged bully / harasser should be temporarily redeployed, asked to work from home or suspended on full pay during the course of the investigation. If any of these options are being considered then advice from HR should be sought prior to such action being taken.
- 10.7 The Investigating Officer will then undertake a formal investigation and will first meet with the employee raising the complaint to gain full details of the allegations and take a written signed statement. The boundaries around confidentiality will be agreed at this point. He/she will then interview the alleged bully or harasser, informing them of the allegations and taking a written signed statement. Both parties have the right to be accompanied by a trade union representative or STaSS work colleague at these interviews and throughout the formal process. Any witnesses to the incidents of bullying / harassment will then be interviewed and signed statements taken. A copy of the policy should be given to all interviewees.
- 10.8 The investigation must be robust and should normally be concluded no later than four weeks from the date of initial acknowledgement of the complaint. The Investigating Officer will keep both parties informed of the progress of the investigation, including any necessary alteration to the above timescale. It is important that the line manager of the employee raising the complaint also keeps in regular contact with the Investigating Officer, as it is the line manager's responsibility to ensure that the investigation is progressed within the prescribed timescales.
- 10.9 Once the investigation has been completed the Investigating Officer will evaluate all the evidence available and prepare a written report to be passed to the Executive Director or chair of Trustees. The written report will summarise the findings of the investigation, indicate whether the Investigating Officer believes, on the basis of the evidence obtained, that bullying / harassment is or is not likely to have taken place. It is, however, the Executive Director or the chair of Trustees responsibility to determine the final outcome and he/she will meet with the Investigating Officer to review the report and the evidence gathered as well as addressing any issues of clarity prior to coming to a final decision on the next steps. The HR Advisor assigned to the case will also be present in an advisory capacity.
- 10.10 It is also the Executive Director or the chair of Trustees responsibility to formally notify both parties of the outcome of the investigation. The outcome letter will be issued by the Executive Director or the chair of Trustees within 5 working days of the decision and copied to HR. A copy will be placed on the personal files of both parties. A copy of the report should be provided to the complainant and alleged bully / harasser. Witness statements should not be provided at this stage. Should the matter proceed to a disciplinary hearing, statements, where appropriate may be presented as part of the management case.
- 10.11 There are a number of possible outcomes:

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- Allegations, fully or partially, substantiated and therefore it is appropriate to take disciplinary action against the alleged bully / harasser.
- Allegations are unsubstantiated therefore no further action.
- Whilst there may be some evidence of inappropriate or insensitive conduct, this not considered serious enough to warrant a formal sanction, but there is scope for resolution through training, counselling and/or mediation.
- Complainant raised a vexatious claim and therefore may be subject to disciplinary proceedings.

10.12 Should a formal disciplinary situation arise as a result of the Dignity at Work investigation, a separate investigation will not be required under the Disciplinary Policy. The original Dignity at Work investigation will form the investigatory stage of the disciplinary process. The Investigating Officer will present the management case at any relevant hearing.

10.13 If the Executive Director has been directly or indirectly involved with the investigatory process they should not be the decision maker in a Disciplinary Hearing associated with the case. They will need to identify an alternative in the form of a member of the Trustee board to hear the disciplinary case.

11.0 **Monitoring**

11.1 Where bullying or harassment has been found to have occurred, and the bully / harasser remains in employment the line manager will ensure that regular monitoring takes place to ensure that the offending behaviour has stopped and that there has been no victimisation or retaliation against the complainant. STaSS will also ensure that the employee who committed the act of bullying or harassment is not victimised in any way.

11.2 In order to assess the effectiveness of the procedure, statistics will be maintained in respect of both informal and formal bullying and harassment complaints. These will be reviewed on a monthly basis by Human Resources. Strict confidentiality will be observed and the monitoring process will comply with the Data Protection Act.

12.0 **Appeal**

12.1 If the complainant is not satisfied with the outcome of the bullying / harassment investigation they have a right of appeal against the decision which should be submitted to the Executive Director or the Trustee (who made the original decision) within 5 working days of receipt of the decision letter. The Executive Director who made the original decision will appoint a different Trustee to Chair the Appeal Hearing.

12.2 **The complainant can appeal on the following grounds only:**

- That the Dignity at Work process has been applied defectively or unfairly
- That information related to the original Dignity at Work Investigation has come to light that was not previously available. This information must be:
 - new and different in substance to the information that was available to the original investigation
 - able to provide a different “line” of discussion





- likely to make a difference to the outcome of the original investigation

and, as a result, the outcome of the investigation was inappropriate.

12.3 Arrangements for hearing of the appeal will be made by the Chair of the Appeal Hearing within 10 working days of receipt of the written appeal and the employee will be given details of the arrangements at least 5 working days in advance of the hearing. The alleged bully / harasser will be advised that the complainant has submitted an appeal and will also be given at least 5 working days notice of the hearing.

12.4 The complainant will be given the opportunity to state their case and the alleged bully / harasser may also be questioned, if further clarification is needed, by the Chair of the Appeal (the complainant and alleged bully / harasser will not be in the room at the same time). Both parties may be accompanied at the appeal hearing by a STaSS work colleague, or a trade union representative. A representative from Human Resources will be present at all Appeals in an advisory capacity and a note taker will also be in attendance.

12.5 The Chair of the appeal hearing will:

- Consider the conclusions and decision of the original Dignity at Work investigation, any new evidence provided by the complainant and any further facts that have come to light as part of this appeal process.
- Make a decision, based on the above information, whether or not to uphold the original Dignity at Work decision.

12.6 The Appeal Hearing decision is final and will be communicated in writing by the Chair within 5 working days of the hearing. The alleged bully / harasser will also be informed of the outcome within 5 working days of the hearing. Copies of the letters will be forwarded to HR and be placed on the personal files of the employees concerned.

13.0 Harassment by Third Parties

13.1 An employee who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put his or her personal safety at risk. However if they feel sufficiently able the employee may attempt to resolve the matter himself or herself. If not they should immediately report it to their line manager.

13.2 The complaint will be investigated and in some cases the bully or harasser may be asked to leave STaSS premises and not return.

13.3 If an employee manages to informally resolve a third party bullying / harassment incident they should report this to their line manager. The report will be used for the purpose of monitoring the effectiveness of STaSS Dignity at Work Policy.

14.0 Ex-Employees

14.1 Whenever possible a bullying and harassment complaint should be dealt with before an employee leaves the STaSS. However, if an employee has already left employment and raises a complaint within four weeks of leaving, and the Dignity at Work process has not commenced, there is an option of using a modified process, whereby both parties agree to follow the modified Dignity at Work process as follows:

- Step 1 - Statement of Complaint





The employee must set out in writing:

1. The details of the complaint and
2. The basis for it

The employee must send the statement to their former line manager. If the complaint concerns the employee's former line manager, the employee should raise their complaint with the next level of management.

- Step 2 – Response

The manager will acknowledge receipt of the complaint in writing normally within two working days of receiving it and will ask the ex-employee whether or not he/she wishes the complaint to be dealt with under the standard or the modified Dignity at Work process.

The ex-employee must confirm in writing within five working days that they agree that the complaint should be managed under the modified process. The former line manager will then investigate and respond in writing with the decision normally within 4 weeks of receiving the complaint.

14.2 If, however, the ex-employee opts to have the complaint managed under the standard process, the standard Dignity at Work Policy will apply.

15.0 Representation

15.1 As confirmed throughout the policy, employees have the right to be represented at formal meetings / hearings and appeals by a trade union representative or a STaSS colleague. The accompanying person can address the meeting/hearing, but not answer questions on behalf of the employee unless this is agreed by the chair of the meeting/hearing.

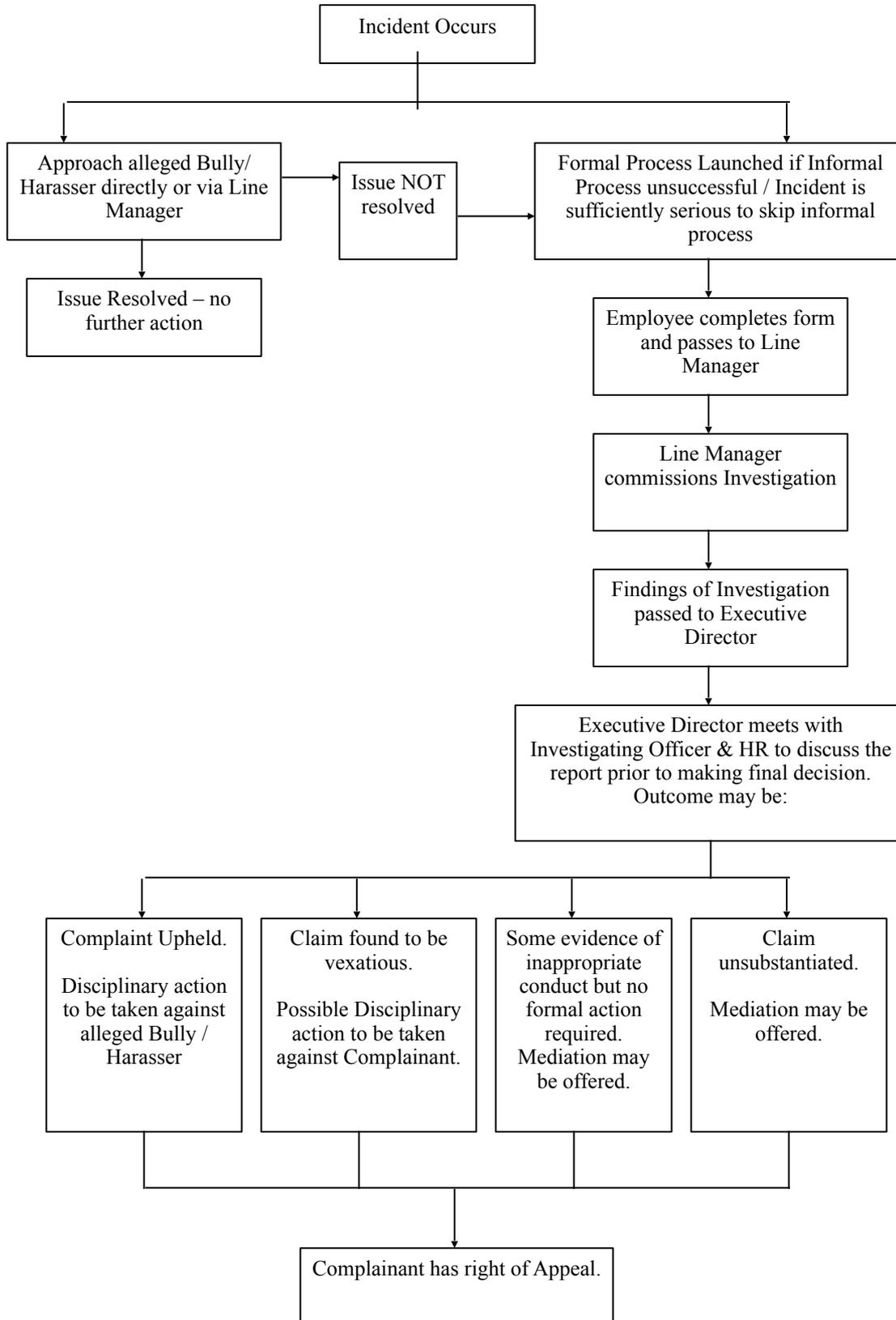
16.0 Interpretation

16.1 Any questions as to the interpretation of this policy should be referred to the Executive Director.

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Appendix 1 – Dignity at Work – Process Flow



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Policy Review

The Director and Board of Trustees are responsible for reviewing this policy annually and ensuring that it is compliant with current legislation and good practice.

REVIEWED MAY 2015, NEXT SCHEDULED REVIEW MAY 2016

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This policy was explained to me and I have also read and understood its content. I promise to abide by it during my engagement with STaSS.

Signed _____

Print Name _____

Date _____

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