
Report To:	Policy and Resources Committee	Date:	4 June 2024
Report By:	Head of Organisational Development, Policy & Communications	Report No:	PR/23/24/RB/MR
Contact Officer:	Morna Rae	Contact No:	01475 711160
Subject:	Human Resources and Health and Safety Policy Updates		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to seek approval of a number of updated and amended policies:

- Whistleblowing (Confidential Reporting),
- Code of Conduct (Employees),
- Grievance, Dignity and Respect at Work,
- Violence Against Women,
- Equality and Diversity,
- Sexual Harassment, and
- Violence, Managing Aggression and Lone Working in the Workplace

1.3 As part of the wider work in developing a policy framework a number of Human Resources and Health and Safety policies were identified for review and update. The Equally Safe at Work accreditation process also required changes to our policies. This work has been undertaken, alongside trade union consultation.

2.0 RECOMMENDATIONS

2.1 The Policy & Resources Committee is recommended to approve the policies.

Morna Rae
Head of Organisational Development, Policy and Communications

3.0 BACKGROUND AND CONTEXT

3.1 The *Review of Council Policy Framework* report to the 26 March 2024 Policy and Resources Committee included a review schedule for Organisational Development, Policy and Communications policies. Those noted for update and presentation to the June 2024 Committee are:

- Whistleblowing (Confidential Reporting),
- Code of Conduct (Employees),
- Grievance, Dignity and Respect at Work,
- Violence Against Women,
- Equality and Diversity,
- Sexual Harassment, and
- Violence, Managing Aggression and Lone Working in the Workplace

3.2 These updated seven policies are provided in the appendices. Appendix 1 provides an overview of the key changes.

Whistleblowing (Confidential Reporting)

3.3 The following changes have been made to the existing policy:

- Change to using the word “detriment” instead of victimisation/harassment which is wider and ties in more closely with the legislation,
- Updates to designations and contact information,
- Explaining the criteria used to decide whether the complaint can remain anonymous, and
- Noting that a written statement may be disclosed to a third party.

Code of Conduct (Employees)

3.4 Updates from the previous policy include:

- Updates to terminology
- Additional section on personal conduct
- Additional section on benefiting from a will or bequest
- More detail added in relation to employee responsibilities to report relevant medical conditions to the DVLA
- New section on social media
- Additional section on sponsorship
- New section on hybrid working

Grievance, Dignity and Respect at Work Policy

3.5 These were previously two separate policies which have now been combined. In addition the changes are:

- Representation at grievances restricted to trade union representative or colleague to match other policies
- Increased list of exclusions regarding what can be dealt with under grievance procedures
- Additional section on competence to cover grievances
- More emphasis on informal processes being used initially where appropriate

Violence Against Women Policy, Sexual Harassment Policy and Equality and Diversity Policy

- 3.6 Equally Safe at Work is a world leading employer accreditation programme that supports local authorities to develop gender sensitive employment practice. Starting in August 2022 and over the next 18 months the Council took part in a range of activities and developed policies and practices towards becoming an Equally Safe at Work accredited employer. The accreditation required that there be a standalone Violence Against Women Policy and Sexual Harassment Policy, which was extracted from the Dignity & Respect Policy. In addition the award required that the Equality and Diversity Policy and Code of Conduct included additional information on:-
- The link between women’s labour market inequality, violence against women, and wider gender inequalities;
 - Sexism;
 - Misogyny;
 - Sexual harassment;
 - Intersectionality.

These changes have been incorporated.

Violence, Managing Aggression and Lone Working in the Workplace Policy

- 3.7 The changes within the substantive policy are minimal with language and designations updated. There are a number of appendices which provide more detailed procedural guidance to employees.

Next Steps

- 3.8 Following Committee approval the policies will be put into the new policy format, in line with the finalisation of the policy template guidance. There will be promotion of the policies to employees, with related training and briefings. They will also form part of the website hosted information on corporate policies.

4.0 PROPOSALS

- 4.1 It is proposed that Committee approve the following updated and amended policies:

- Whistleblowing (Confidential Reporting),
- Code of Conduct (Employees),
- Grievance, Dignity and Respect at Work,
- Violence Against Women,
- Equality and Diversity,
- Sexual Harassment, and
- Violence, Managing Aggression and Lone Working in the Workplace

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X

Strategic (Partnership Plan/Council Plan)	X	
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	X	
Environmental & Sustainability		X
Data Protection		X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

There are risks in the failure to have updated and relevant policies.

5.4 Human Resources

There are no Human Resources implications in terms of posts.

5.5 Strategic

This report supports the delivery of the following outcomes within the Council Plan 2023-2028:

- High quality and innovative services are provided giving value for money
- Our employees are supported and developed

5.6 Equalities, Fairer Scotland Duty & Children/Young People

Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA is required and will be made available on the Council website: https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments
	NO – will be completed as required for specific topics.

Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights

6.0 CONSULTATION

6.1 There has been engagement with trade union colleagues, the Health and Safety Committee, Internal Audit, Workforce Development Group and Trauma Informed Group.

7.0 BACKGROUND PAPERS

7.1 None.

Whistleblowing (Confidential Reporting)		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Updates to designations
5	Introduction	Change to using the word “detriment” instead of victimisation/harassment
7	Safeguards from harassment or victimisation	Change to using the word “detriment” instead of victimisation/harassment
8	How the complaint will be handled	Explaining the criteria used to decide whether the complaint can remain anonymous
8	How the complaint will be handled	Noting that a written statement may be disclosed to a third party.
9	Untrue allegations	Change to using the word “detriment” instead of victimisation/harassment which is wider and ties in more closely with the legislation
9	How to raise a concern	Updates to contact information
10	How the complaint will be handled	Change to using the word “detriment” instead of victimisation/harassment which is wider and ties in more closely with the legislation
Code of Conduct (Employees)		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Updates to designations
12	Driving Medical Conditions	More detail added in relation to employee responsibilities to report relevant medical conditions to the DVLA
15	Relationships – Personal Conduct	Additional section on personal conduct
19	Hybrid Working Etiquette	New section on hybrid working
19	Employees/Colleagues	Increased content on sexism, misogyny
21	Benefitting from a Will or Bequest	Additional section on benefiting from a will or bequest
24	Sponsorship	Additional section on sponsorship
27	Social Media	New section on social media
Grievance, Dignity and Respect at Work Policy		
PAGE	TITLE	PROPOSED CHANGE
5	Bullying, Discrimination, Harassment & Victimisation	Acknowledgement that complaints can be made by any employee regardless of protected characteristics
9	Exclusion	Increased list
9	Competency	Additional section added
10	Right to be represented	Representation at grievances restricted to trade union representative or colleague to match other policies

12	Grievance procedure	More emphasis on informal processes being used initially where appropriate
23	Procedure for dealing with referrals that the Dignity and Respect at Work Policy has been breached by an Elected Member	Reference added to Ethical Standards Commissioner
Violence Against Women Policy		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Separate policy developed drawing from existing policies, with designations and language updated
Equality and Diversity Policy		
PAGE	TITLE	PROPOSED CHANGE
5	Legal Framework	Content added in relation to sexism, misogyny, sexual harassment and intersectionality
Sexual Harassment Policy		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Content extracted from Dignity and Respect policy, designations and language updated
Violence, Managing Aggression and Lone Working in the Workplace		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Designations and language updated

Organisational Development, Human Resources and Performance

Whistleblowing Policy (Confidential Reporting)

Version 3

Produced by:
Policy Development Unit, OD & HR & Performance
Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

2024

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DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
	Service Manager (HR Operations and Health and Safety)	Organisational Development, Policy and Communications

Change History		
Version	Date	Comments
0.1	May 2000	Approved as part of the Employee Code of Conduct which went to Corporate Business Committee
0.2	March 2008	Reflect the change to new layout. No change to content.
0.3	February 2012	Update required as part of Risk Management Toolkit for Audit Scotland.
0.4	April 2024	Policy review carried out. Designations and contact details updated. Reference to media added.

Distribution		
Name/ Title	Date	Comments
Trade Unions	September 2011	
Trade Unions	April 2024	
Internal Audit and Corporate Fraud	April 2024	

Distribution may be made to others on request

Policy Review		
Review Date	Person Responsible	Service
2029	Service Manager (HR Operations and Health and Safety)	Organisational Development, Policy and Communications

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1 INTRODUCTION

It is in the interests of all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This includes the interests of Inverclyde Council, its employees, any person(s) who is/are the subject of such disclosures, and the person making the disclosure.

Confidential Reporting, also known as Whistleblowing, is the disclosure or communication of information about possible malpractice by individuals, services, government bodies, corporations or public and private organisations (including contractors, etc.), either internally or externally to an outside authority. The term malpractice has equal validity in relation to breaches of civil and criminal law.

This policy takes into account the requirements of the Public Interest Disclosure Act 1998. The Act, which introduces specific rights into the Employment Rights Act 1996, provides an employee or worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. However, the Act encourages workers to raise matters internally with their employers initially and disclosures will only be protected if they meet strict legal requirements (See Annex A for further details).

This policy is complementary to and forms part of the Council's ***Code of Conduct for Employees***.

The Council has made it clear to employees through the ***Code of Conduct***, the standards of propriety and good practice expected of them.

This policy is wider in scope than the 'qualifying disclosures' of the Public Interest Disclosure Act, and an employee's concern about malpractice, may in this context include a reasonable belief that one or more of the following has occurred or is likely to occur:

- conduct which is a criminal offence or breach of law
- disclosures related to miscarriage of justice
- dangers relating to Health and Safety, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct (e.g. obligations under Code of Conduct, Standing Orders, financial and procurement regulations).

Employees are often the first to realise that there may be something seriously wrong within their Service or the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, their managers or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Inverclyde Council is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, it expects employees and others with whom it deals, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy compliments the Council's Anti-Fraud, Corruption and Irregularity Policy and makes it clear that any employee can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within their Service/Council rather than ignoring a problem or 'blowing the whistle' outside to the media or external bodies.

This policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, residential care homes.

These procedures are in addition to the Council's **Complaints Procedure** and other statutory reporting procedures operating in certain Services.

Managers are responsible for making service users aware of the existence of these procedures.

2 AIMS AND SCOPE OF THE POLICY

This policy aims to:

- Encourage an employee to feel confident in raising serious concerns and to question and act upon concerns about malpractice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Ensure that an employee receives a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure the employee that they will be protected from possible detriment or dismissal or victimisation if they have a reasonable belief that they have made any disclosure in good faith

There are existing procedures in place to enable an employee to lodge a grievance relating to their own employment. This Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other Council **Grievance Policy & Procedures**. These include:-

- conduct which is an offence or a breach of civil law
- disclosures related to miscarriages of justice
- Health and Safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients; or
- other unethical conduct.

Thus, any serious concerns that an employee has about any aspect of service provision or the conduct of elected members or officers of the Council or others acting on behalf of the Council can be reported under this **Confidential Reporting Policy**. This may be about something that:

- makes an employee feel uncomfortable in terms of known standards, their experience or the standards the employee believes the Council subscribes to; or
- is outwith the scope of the Council's Standing Orders, or other policies or procedural arrangements
- falls below the established standard of practice; or
- amounts to improper conduct

This policy does **not** replace the Council's **Complaints Procedure**.

3 SAFEGUARDS FROM HARASSMENT OR VICTIMISATION

The Public Interest Disclosure Act 1998 provides an employee or worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. Detriment

means someone experiences one or both of the following because they made a disclosure:

- being treated worse than before, or
- having their situation made worse.

The Council is committed to good practice and high standards and wants to be supportive of all its employees.

The Council recognises that a decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee. This does not mean that these procedures will be halted as a result of an employee's disclosures.

4 CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal the identity of an employee if they so desire. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence. Further, at an appropriate time, an employee may need to come forward as a witness.

5 ANONYMOUS ALLEGATIONS

This policy encourages employees to put their names to allegations whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

6 UNTRUE ALLEGATIONS

In the event that no conclusion can be drawn, and the employee making the report acted in good faith and not maliciously or for the purposes of personal gain, the senior officer will advise the employee of the outcome of the investigation, highlighting the

discrepancy between the initial report and the findings. The employee will not suffer any detriment as a result of the allegation made.

Where it is proved that false allegations are made deliberately or maliciously, this will be viewed seriously and the complainant may be liable to appropriate action.

7 HOW TO RAISE A CONCERN

For minor issues already covered by the Council's **Code of Conduct for Employees** (e.g., personal use of Council equipment, abuse of flexi-time), employees should raise concerns with their immediate supervisor.

If an employee wishes to report a matter which falls into one of the categories outlined in Section 2, the employee should contact their Head of Service, Corporate Director, or, the Chief Executive. Where this is not appropriate contact should be made with the Council's Monitoring Officer. The initial contact can be made either in writing or in person.

Alternatively, an employee may utilise the phone number, email address or online form operated by Internal Audit and Corporate Fraud as follows:

01475 712184

Email: corporatefraud@inverclyde.gov.uk

Online: www.inverclyde.gov.uk/reportingfraud

The employee may not wish to make any further contact or divulge their identity following an initial report. However providing personal details can be beneficial for the following reasons:

- If Internal Audit can advise management that the name of the Whistleblower is known, then they are likely to take the report more seriously
- Further information may be needed from the caller to assist with conducting a proper investigation

The earlier the concern is expressed, the easier it is to take action.

Although an employee is not expected to prove beyond doubt the truth of an allegation, the employee will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Advice and guidance on how matters of concern may be pursued can be obtained from the Head of Organisational Development, Policy and Communications.

An employee may consider discussing their concerns with a colleague first, on the grounds that they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

Employees may invite their Trade Union representative or an appropriate member from their professional organisation to be present at any meetings or interviews in connection with the concerns they have raised.

8 HOW THE COMPLAINT WILL BE HANDLED

The manager receiving the report will then arrange an initial interview to make an assessment of the issues. The interview will be conducted either by the manager to whom the report was made, or a nominated senior officer, and will be confidential. Where reporting is via Internal Audit and Corporate Fraud, that team will deal directly with the matter, where it is clear that it is not related to fraud or irregularity, the Head of Service will be contacted directly to look into what is more likely to be an operational matter and HR should be involved if there is the potential for the disciplinary process to be invoked.

At this stage the employee will be given an undertaking about confidentiality. In the event that anonymity cannot be guaranteed, the employee will be given assurances about protection from detriment or dismissal as a result of having made this disclosure. Support will be available at all times from Organisational Development, Policy and Communications.

The following criteria will be used to decide whether the complainant can remain anonymous:

- (a) The seriousness and nature of the issues raised
- (b) The likelihood of confirming any allegation from other attributable sources
- (c) The need for evidential statements as part of any investigation
- (d) The credibility of the allegation, and, in all the circumstances, the need to allow a person against whom an allegation is made to test the veracity and substance of it, and
- (e) The likelihood, in all the circumstances, of unwarranted reprisals being directed against a person who makes a disclosure.

The employee may also be asked to make a written statement if this has not already been done. This may be disclosed to a third party. For example:

- where an offence may have been committed and there is considered to be an obligation to report the matter to the Police or Procurator Fiscal, or to co-operate with enquiries instituted by the Police or the Fiscal.
- otherwise where there would be any failure on the part of the Council to comply with any legal obligation on them, or
- to a professional body.

The employee will also be advised of the name of the nominated officer who will conduct the investigation into the information received.

Within 10 working days of the interview, the investigating officer will submit a report to the manager/senior officer who will advise the employee what further action will be taken. If no further action is to be taken, the employee will be notified and given reasons in writing for this decision. A copy of the initial report and recommendations will be given to the Head of Service.

If a more detailed investigation is required, the investigating officer will discuss with the manager/senior officer how this would best be handled. A decision will be made as to whether the subject(s) of the complaint should be advised at this stage.

On conclusion of the further investigation, the findings will again be assessed by the manager/senior officer who will consider what appropriate action should be taken. A copy of the final report and recommendations will be given to the Head of Service. If the Head of Service wishes the matter to be investigated under the disciplinary procedures, Human Resources (HR) must be notified.

Thereafter, the manager/senior officer will contact the employee and advise him/her in writing of the outcome of the investigation. If the matter will be referred to HR for an investigation under the disciplinary procedures then HR should be contacted before the employee is advised of the outcome. Should the employee have concerns at these findings, he/she may submit these to the Chief Executive. Once the Chief Executive has made a determination, if the employee feels that the concerns have not been addressed she/he should refer the matter to the Council's Monitoring Officer.

The employee may request an update from the manager/senior officer at any stage of the investigation.

This policy is intended to provide employees with a way to raise concerns within the Council. If an employee feels it is appropriate to take the matter outwith the Council, then the Council may provide advice and guidance to the employee on their rights, etc., under the Public Interest Disclosure Act 1998. The following are possible contact points:

- the external auditor
- the Trade Unions
- relevant professional bodies or regulatory organisations
- the Police
- the Health & Safety Executive
- the employee's solicitor
- the employee's local elected Member (if the employee lives in the area of the Council), or
- Member of Parliament or Member of Scottish Parliament.

If employees do take the matter outwith the Council, they need to first ensure that they are not disclosing confidential or privileged information. This can be checked with the Head of Organisational Development, Policy and Communications in consultation with the Head of Legal, Democratic, Digital and Customer Services, who will advise on ways to proceed.

Contact with the media is not a protected disclosure for the purposes of employment law. Any employee contacting the media will no longer enjoy the protections within this policy and may be subject to disciplinary action.

9 THE RESPONSIBLE OFFICER

The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Chief Executive will maintain a record of concerns raised and the outcomes (but in a form which does not endanger employee confidentiality) and will report as necessary to the Council.

10 TRADE UNIONS

This policy has been discussed with the relevant Trade Unions and has their support.

11 FURTHER ADVICE

Further advice on the application of the policy can be obtained from the Head of Organisational Development, Policy and Communications.

12 ANNEX A - PUBLIC INTEREST DISCLOSURE ACT 1998

Introduction

The Public Interest Disclosure Act (PIDA), took effect on 2nd July 1999. Its provisions protect persons who disclose certain types of information, to certain individuals in certain circumstances.

Workers

Individuals covered by the Act include employees, casual/sessional workers, freelancers and agency staff. PIDA also extends the meaning of workers to include individuals working under training contracts.

Qualifying Disclosures

A qualifying disclosure is a disclosure which in the reasonable belief of the worker relates to one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed;
- That a person has failed, is failing, or is likely to fail to comply with a particular legal obligation;
- A miscarriage of justice has occurred, is occurring, or is likely to occur;

- The health and safety of any individual has been or is likely to be compromised;
- The environment has been, is being, or is likely to be damaged; or
- Information indicating the occurrence of any of the above has been, is being, or is likely to be deliberately concealed.

Exclusions

Workers who make disclosures will not qualify for protection if either: the person commits an offence by making it, e.g. a breach of the Official Secrets Act, or, it is a disclosure in respect of which legal professional privilege would apply.

Qualifying Procedures

The worker making a protected disclosure must make it in one of the six specified circumstances to remain protected under PIDA. The circumstances can be categorised as:

- disclosure to employer, or person legally responsible or an appropriate individual authorised by the employer to receive disclosures.
- disclosure to a legal advisor.
- disclosure to a government minister, where the worker's employer is appointed by a minister.
- disclosure to a prescribed person.
- disclosure to an individual unconnected with the organisation (external disclosures), e.g., police or media.
- disclosure in exceptionally serious cases (all disclosures must be made "in good faith" with the exception of a disclosure to a legal advisor).

Disclosure to Prescribed Persons

Prescribed persons or bodies prescribed by an order made by the Secretary of State. PIDA currently lists more than 30 regulatory bodies to whom protected disclosures may be made. These include the Data Protection Register, the Environment Agency and the Health and Safety Executive.

External Disclosures

Workers will only be protected if they have previously raised the matter with the employer or prescribed person, or have not done so because they reasonably believe they will be victimised. If there is no prescribed person, there must be a reasonable belief that a complaint to the employer would result in evidence being concealed or destroyed. Alternatively, the worker has already disclosed this information to the employer or prescribed person. The worker must also make the disclosure in good faith, in the reasonable belief that the allegations are substantially true, and must not act for personal

gain. It must also be “reasonable in all the circumstances” of the case to make the disclosure.

The Act stipulates that the following factors should be taken into account when assessing reasonableness:

- ◆ the identity of the person to whom the disclosure is made.
- ◆ the seriousness of the concern.
- ◆ whether the matter is continuing or is likely to occur in the future.
- ◆ whether the disclosure is made in breach of a duty of confidentiality owed by the employer to another person, e.g., to protect client confidentiality

Further details and guidance regarding this Act can be obtained from Human Resources.

Organisational Development, Human Resources and Performance

Employee Code of Conduct

Version 7

Produced by:
Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

2024

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DRAFT

DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
	Service Manager (HR Operations and Health and Safety)	Organisational Development, Policy and Communications

Change History		
Version	Date	Comments
1	25 th May 2000	Corporate Business Committee
2	June 2006	Changes to reflect new Chief Executive.
3	February 2012	General Update
4	December 2018	Update to Data Protection Act for GDPR
5	Sept 2021	Appointment of new CE
6	Dec 2023	Additional information on the link between women's labour market inequality, violence against women, and wider gender inequalities; sexism; misogyny; sexual harassment; intersectionality
7	June 2024	General Update

Distribution		
Name/ Title	Date	Comments
Trade Unions	April 2024	

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Policy Review		
Review Date	Person Responsible	Service
2029	Service Manager (HR Operations and Health and Safety)	Organisational Development, Policy and Communications

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1 INTRODUCTION

The public expects a high standard of conduct from all local government employees. The Council's Code of Conduct is one of the ways we put the Council's values into practice. The Code describes the standard of behaviours expected of all Inverclyde Council employees in their day-to-day duties, and communications with colleagues, managers, Councillors, service users, other organisations, and members of the public. It also provides guidance where your conduct outside of work may impact on the employment relations.

The Previous Code of Conduct was approved by the Council in May 2000, following consultation with the Trade Unions. This version has been updated, in consultation with the unions, to reflect some changes within the Council and legislative and policy changes.

The implementation of The Code of Conduct will help the Council meet its obligations in terms of The Equality Act 2010 and Health and Safety at Work Act 1974

The purpose of this Code is to provide you with advice and guidance about the standards of behaviours expected of employees, your rights, and duties at work to avoid any breach of the Code of Conduct.

Where necessary more detailed advice is provided in the Appendices or where appropriate the Code refers to service specific advice which is available from service managers/ team leaders.

It is important to note that any breach of the Code of Conduct and /or relevant professional codes may lead to disciplinary action.

Where appropriate this Code should be read in conjunction with other relevant documentation such as the CONDITIONS OF SERVICE handbook (Available ICON).

Where you have any questions about the terms of this Code of Conduct you should raise them in the first instance with your line manager or with Organisational Development, Human Resources and Performance on 01475 712740.

2 SCOPE OF THE POLICY

This policy and associated procedures apply to Local Government Employees, Chief Officers and Teachers.

The policy apply to 'employees' (as defined by the Employment Rights Act 1996) within the Council and Other workers (including casual, bank/sessional /supply teachers and agency workers).

Elected Members, external agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

Elected Members are subject to the Councillor's Code of Conduct which is available on the Standards Commission for Scotland website:

<https://www.standardscommissionscotland.org.uk>

The Council will ensure that good equal opportunities practice underpins the operation of this policy and will apply to all employees irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3 POLICY CONTENT

This Code of Conduct has been developed by the council taking account of relevant legislative requirements, the "Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life and endorsed by CoSLA in its Code of Conduct for Local Government Employees in Scotland.

As far as possible, you should also comply with the Code where you are appointed as a representative of the Council to any external board/organisation.

The Code does not affect your rights and your responsibilities under the law or the Council's duty of care to you as an employee. Its purpose is to provide clear and helpful advice to you. Any employee who has any questions around the standards noted in the Code then they should raise the matter with their manager/ supervisor. Alternatively, any employee can contact Organisational Development, Human Resources helpline- 01475 712740 where all approaches by employees will be dealt with confidentially.

Seven Principles of Public Life

Lord Nolan in the Third Report of the Committee on Standards in Public Life outlined the following "Seven Principles of Public Life". CoSLA has refined them to place them in a Local Government context.

1. Selflessness

All employees should take decisions solely in terms of the Council's interest. They should not take decisions in order to gain financial or other material benefits for themselves, their family or friends.

2. Integrity

All employees should not place themselves under any financial or other obligation to an individual or organisation that might influence them in their work with the Council.

3. Objectivity

In carrying out Council business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, if the employee is in a position to determine such matters then choices and decisions must be made solely on merit.

4. Accountability

Employees are accountable for their decisions to the Council, and ultimately to the public.

5. Openness

Employees must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when it is clearly demanded by Council policy or some other justifiable reason.

6. Honesty

Employees have a duty to declare any private interests, which might affect their work with the Council.

7. Leadership

An employee, who is a line manager or supervisor, will promote and support the principles contained in this Code by personal leadership and example.

GENERAL

4 POLITICAL NEUTRALITY

An employee's political neutrality is expected by the public and must be respected by Councillors.

An employee must serve the Council as a whole and all Councillors, regardless of their party or political affiliation. The Chief Executive and senior employees, particularly Chief Officials, have an additional responsibility to help ensure the implementation of the policies of the Council.

An employee must implement the policies of the Council irrespective of personal views held by them.

If an employee is asked by a Councillor to provide assistance on a matter which is clearly party political or which does not have a clear link with the work of the Council then the employee should politely refuse the request and notify his/her line manager.

Some employees will have a close working relationship with Councillors of the majority political group or groups which form the administration of the Council. Employees in this category must follow the Council's procedures about access by political groups to the advice of employees. The procedures are detailed in Appendix 1 of this Code.

5 POLITICALLY RESTRICTED POSTS

Where an employee holds a politically restricted post then he/she must conform to the relevant sections of the Local Government and Housing Act 1989. Details of the restrictions are detailed in Appendix 2.

6 RECRUITMENT AND SELECTION

The Council's Policy and Procedures for Recruitment and Selection detail the steps to be followed by all employees involved in the recruitment and selection process. Copies of the Policy and Procedures are available from managers, supervisors and Organisational Development, Human Resources & Performance and are published on ICON.

Canvassing of councillors or employees of the Council, directly or indirectly, in connection with any appointment being made by the Council, shall disqualify the candidate. A councillor or employee of the Council shall not attempt to secure an appointment with the Council nor recommend any person for such an appointment or promotion.

However, this shall not prevent a councillor or employee giving a written reference of a candidate's ability, experience or character where such a reference is requested by the Council. Accordingly, an employee may list a councillor as a referee.

Where an employee or councillor is involved in the short listing or interviewing process and is aware of a relationship with any of the candidates then the Head of Organisational Development, Human Resources & Performance must be informed.

If an employee has any kind of relationship which might affect their ability to be impartial – this needs to be disclosed to their line manager.

7 CORRUPTION AND CONFLICTS OF INTEREST

Our employees have an essential and integral part to play in dealing with fraud and corruption and we will encourage our staff and members to inform us if they suspect a case of fraud.

Any employee discovered to have perpetrated a fraud with the Council or any other public agency may also face action under the Disciplinary Procedures which may lead to dismissal. This includes information that comes to light through the data matching process.

It is important you are aware that it is a serious criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything

or showing favour or disfavour to any person in the course of your work with the Council.

Accordingly it is important that the advice contained in this Code of Conduct is adhered to and that the acceptance of any gift or hospitality can be justified completely.

Similarly, you should ensure that where there might be any conflict of interest between your private and working life you take appropriate steps to ensure the conflict does not arise and that the interest is declared. This is particularly so if you have any friendships or relationship with individuals who may undertake work with the Council either as a contractor or supplier of goods or services.

Conflict of Interest

There may be occasions when an employee's interests - especially financial interests - conflict with the interests of the Council. This interest must be declared to their line manager.

An employee must not use his/her position to further his/her own interests or the interests of others who do not have a legitimate right to benefit under the Council's policies.

If an employee has an interest in a matter, which is being discussed at a meeting of the Council or at one of its committees, subcommittees, or joint committees, he/she must declare the interest to his/her line manager and must not be present at the meeting when the matter is being discussed and decided upon.

If an employee is a member of an organisation or club where membership might result in a conflict of interest in relation to any aspect of his/her work with the Council he/she must declare this membership to his/her line manager. This does not mean that an employee cannot make their professional skills available to other organisations, rather it stresses the importance of declaring these in accordance with the rules on 'Conflict of Interest'.

8 EQUAL OPPORTUNITIES

Employees should expect fair and reasonable treatment at work in line with the provisions of the Council's Equal Opportunities and other relevant policies.

The Council views discrimination, harassment, victimisation and bullying at work as serious matters. Any employee who believes that he/she has been a victim of unfair treatment should raise the matter with his/her line manager, trade union representative or contact the designated officer of Organisational Development, Human Resources and Performance.

Advice on the application of this paragraph is contained within the Council's Policy and Procedures on Discrimination, Victimisation, Harassment and Bullying available from Organisational Development, Human Resources and Performance and published on ICON.

9 PROTECTING CHILDREN & VULNERABLE ADULTS

There is a statutory duty for the Council and its employees to protect children and vulnerable adults.

If any Council employee hears information or directly sees things which makes them worried about a child or adult being ill-treated, exploited, neglected or abused, all employees are responsible to take action by speaking promptly to their line manager or another manager about their concerns.

Employees must not delay in taking action or passing information as it could ensure the safety of a vulnerable child or adult.

10 DISCLOSURE OF MEDICAL CONDITIONS

The Health & Safety at Work etc Act 1974 requires employers to, so far as is reasonably practicable, ensure the health and safety of their employees whilst at work.

The Management of Health and Safety at Work Regulations 1999 requires employers to carry out risk assessments to identify potential risks and take necessary measures to remove or reduce and control risk.

Risk assessments are a universally acknowledged method of challenging existing methods of work, for assessing risks associated with tasks and for ensuring that best practice is achieved.

It is therefore essential that all Services ensure that appropriate risk assessments are in place, in line with this policy, and that actions are implemented to eliminate or reduce risks in the workplace. This is supportive and aims to ensure that we as an employer can ensure we can support your attendance at work and help us in our statutory obligation as a responsible employer.

All data gathered will be in-line with our Data Protection and Confidentiality procedures.

11 MANAGING ATTENDANCE

Managing attendance is treated as a serious issue by the Council and employees are expected to attend work unless there is a genuine reason for absence. The Council has set Council targets for absence which Services and employees are asked to achieve.

You are required to acquaint yourself with the Council's procedures for the notification and certification of absence.

You are required to maintain a satisfactory level of attendance and provide regular and effective service to the Council. If you consistently and regularly fail to provide a satisfactory level of attendance you may be subject to disciplinary action or your employment may be terminated, on notice, on grounds of capability.

If you are experiencing difficulties in relation to managing your attendance, you should discuss this with your line manager or HR advisor to identify any additional support that may be required.

It is a condition of employment that an employee may be required, where it is considered necessary or advisable, to attend an appointment with the Council's Occupational Health provider.

If you have multiple posts – the employee is responsible for ensuring that any sickness absence is linked appropriately to the relevant post and manager. This would be similar to annual leave.

If you have another position with different organisation, you are responsible for ensuring that the other position is declared. Additionally, if the employee has a sickness absence the information in *Other Remunerative Employment* section applies.

12 USE OF COUNCIL EQUIPMENT

An employee must not make use of any Council material, resource or service to which he/she has access by virtue of his/her position for the furtherance of any external employment or personal interests. It is irrelevant whether or not the work is paid.

You are responsible for any property belonging to the Council that is under your control or in your possession and you must take proper care of any such items. Any deliberate or negligent failure to take proper care of Council property will be viewed as Misconduct and may lead to disciplinary action.

You shall promptly, whenever requested by the Council, and in any event upon the termination of your employment or precautionary suspension, deliver to the Council all property (such as keys, swipe cards, laptops, mobile phones, ID badges, uniform etc), all files, lists of clients or customers, correspondence and all other documents, records, papers, computer disks, videos, CDs and all other property which may have been prepared by you or have come into your possession, custody or control in the course of your employment and you shall not be entitled to and shall not retain any copies of them. Title to all such material and copyright in all such material created solely or in part by you shall vest in the Council.

Use of Council Vehicles

The use of Council vehicles is restricted to authorised use on Council business. However, employees can be authorised to take Council vehicles home for operational reasons. Where an employee is authorised to take a council vehicle home the vehicle should only be used to carry out council business.

Using the vehicle for any business other than official Council business is forbidden. During the period when an employee has been authorised to take a vehicle home for use on Council business, the vehicle must not be used for private purposes. Any unauthorised use of the vehicle for private purposes may result in the employee being subject to the disciplinary procedures and will result in charges being applied by the Inland Revenue.

Where an employee takes a vehicle home and no private use is allowed during that period then there will be no tax liability.

Only employees who are in receipt of a standby allowance or are otherwise authorised for operational reasons should be allowed to take a Council vehicle home.

Except where it has been authorised that a Council vehicle can be taken home for use on Council business all vehicles must be parked in designated secure parking areas out with normal working hours.

Any fines or penalties incurred whilst using a vehicle on Council business will be the liability of the employee or worker.

Driving Medical Conditions

All drivers have a legal duty to inform DVLA if they are suffering from a medical condition that makes it unsafe for them to drive. In all circumstances, the employee must report any relevant condition to the DVLA and where appropriate surrender their licence. As part of the driver's employment with Inverclyde Council, they must also inform their manager as soon as is reasonably possible.

13 COMPUTER AND OTHER SYSTEMS

Employees may only operate within the areas of their own service operations and service areas. Access to other areas is restricted to authorised personnel only. Access to the systems of the Council, particularly but not exclusively, the computer systems, is reserved to authorised personnel only.

Unauthorised access to, or any tampering with, any computer system or software or computer installation may be regarded as a disciplinary offence and may be liable to prosecution under the Computer Misuse Act 1990.

Even if no actual damage results, unauthorised penetration or tampering of the system damages its integrity and confidentiality, which are of high value. It should be noted that the classification of such access as misconduct applies even where such access is performed merely as a 'prank' or for fun or to test the defences.

14 IT SECURITY & USE OF COUNCIL INTERNET, INTRANET, EMAIL & TELEPHONES

The Council's IT Security Code must be adhered to. The code outlines what an employee must do to ensure that use of the Council's computer equipment does not result in unnecessary risk to the system or the important data they contain. Copies of the Code are available on-line or from Service Managers.

You are required to familiarise yourself and follow the rules regarding acceptable use of the Council's internet and email system, and use of Council telephones and mobile phones. Any breach of these rules will be regarded as misconduct and may lead to disciplinary action, including your dismissal.

A copy of the Council's Internet and Email Acceptable Use Policy is available on request from Organisational Development, Human Resources & Performance.

If you are provided with a mobile phone, you must use it primarily for work purposes. Any inappropriate or dishonest use of your mobile will be regarded as misconduct and may lead to disciplinary action, including dismissal.

The mobile phone provided to you must be returned to Inverclyde Council on demand and you will be held personally liable for any reckless loss or damage.

You must not bring the Council into disrepute through use of online or social networking activities. Examples include uploading images or videos which show antisocial behaviour or illegal activities; making derogatory statements about the Council or Council staff; or revealing confidential information about the Council or Council staff. This list is not exhaustive.

15 CORPORATE COMMENTS, COMPLIMENTS AND COMPLAINTS FRAMEWORK –“INFORM”

The Council operates a corporate comments, compliments and complaints policy called InForm which sits separate to the Code of Conduct . InForm records and monitors compliments and comments and addresses complaints about Council services and maladministration on behalf of the Council.

A complaint is defined as “an expression of dissatisfaction, however made, about the standard of service, action, or lack of action by the Council, its staff or contractors” Individual complaints against employees are separate to this process and are dealt with through the Code of Conduct / Disciplinary Procedures.

It is usual that any complainants need to provide contact details so the complaint may be processed, however anonymous complaints should still be investigated by the relevant service and, if relevant, processed through the separate Whistleblowing Policy (see below).

16 WHISTLEBLOWING

Inverclyde Council is committed to the highest possible standards of openness, probity and accountability and expects any employee who has serious concerns about any aspect of the Council’s work to come forward to afford the Council the opportunity to address the concerns.

The Whistle blowing Policy in most cases provides a confidential reporting framework through which the employees can express their concerns without fear of victimisation, subsequent discrimination or disadvantage. If an employee discloses confidential information while making a protected disclosure, either to your employer or to a regulator (e.g. the FCA, the Care Quality Commission etc.), there can be no breach of confidence. However, various conditions need to be present in order for a disclosure to be a protected disclosure. If you have raised concerns but not actually met the conditions for a protected disclosure, or if you disclose confidential information in order to show that you’ve been victimised for whistleblowing, e.g. by downloading and submitting in evidence your employer’s private emails or documents, you may be independently liable for breach of Confidence.

An employee, who has serious concerns to raise but is unsure of how to proceed, should contact Organisational Development, Human Resources and Performance to obtain advice. The Whistle blowing Policy, can be obtained from Organisational Development, Human Resources and Performance.

Employees can report a matter which falls into one of the categories outlined in Section 2 of the Whistleblowing Procedure by contacting their Head of Service, Director, or, the Chief Executive. Alternatively, they may wish to contact the Whistleblowing Hotline or email address operated by Internal Audit as follows:

- Tel: 01475 712184
- Email: corporatefraud@inverclyde.gov.uk /online
www.inverclyde.gov.uk/reportingfraud

If employees do take the matter outwith the Council, they need to first ensure that they are not disclosing confidential or privileged information. This can be checked with the Head of Organisational Development, Policy and communications in consultation with the Head of Legal, Democratic, Digital and customer Services, who will advise on ways to proceed.

If an employee reports a crime or fraud to a regulator, they may be able to rely on a common law public interest defence, as outlined in the previous section (even if it turns out that you are not making a protected disclosure).

Contact with the media is not a protected disclosure for the purposes of employment law. Any employee contacting the media will no longer enjoy the protections within this policy and may be subject to disciplinary action.

17 DRESS CODE

Clients and customers are inclined to form an opinion based on first impressions, which, especially if they are negative, are hard to change. Therefore, as an employer, the Council considers it is entitled to exercise discretion in controlling its image. This includes the appearance of employees particularly where their duties bring them into contact with the public or where their manner of dress affects safety or hygiene standards.

Each Service will have specific requirements regarding personal appearance and dress standards.

The Council will be willing to vary or adapt rules to accommodate employees whose cultural or religious needs might prevent them from complying with them.

The standards will be explained to employees to allow an understanding of what is expected of them in their post. Generally however employees are expected to follow the undernoted standards:

1. All employees should attend work in a clean and tidy condition.
2. Clothes worn should be appropriate for the position held by the employee and should not be such that they constitute a hazard or cause embarrassment to colleagues or members of the public.

3. Where corporate wear is provided, this must be worn at all appropriate times, be maintained in a clean and tidy condition and be in a proper state of repair.
4. Where protective and safety clothing is provided, this must be worn and maintained in an appropriate manner.
5. Name badges, where provided, must be displayed at all appropriate times.
6. The Council reserves the right to insist that employees do not wear jewellery or badges, which it believes, may cause offence to clients, customers or other employees or present a health and safety risk. In particular, it should be noted that political symbols must not be worn or displayed.

An employee having difficulties in maintaining these standards should discuss the matter in the first instance with his/her immediate line manager or HR Adviser.

18 OTHER REFERENCE DOCUMENTS

There are a number of other documents regarding Professional Registration/Qualification/Conduct, which give information, and advice on matters affecting these specific employees and which should be read in conjunction with our Local authority Code of Conduct. These documents are listed in Appendix 4 and can be obtained from Organisational Development, Human Resources and Performance.

Certain occupational groups have professional codes of practice or conduct which they are required to adhere to for example:

1. The Code of Practice for Social Service Workers is a list of statements that describe the standards of professional conduct and practice required of social service workers as they go about their daily work. Social service workers are responsible for making sure that their conduct does not fall below the standards set out in the code and that no action or omission on their part harms the wellbeing of service users.
2. The GTC Code of Professionalism and Conduct sets out the key principles and values for registered teachers in Scotland. Within GTC Scotland's wider framework of standards, this Code and commentary states the standard of conduct and competence expected of registered teachers.

It is the responsibility of the employee registered with such an organisation to ensure that they comply with the relevant obligations, including maintaining registration.

WORKING WITH OTHERS

19 RELATIONSHIPS – PERSONAL CONDUCT

The Council expects the highest standards of personal conduct from its employees. The way you behave during working hours and any misconduct outside your

working hours reflects on the image of the Council and may have a bearing on your employment with the Council. Employees should display the following behaviours:

- a. Use ordinary everyday courtesy and politeness, including the names that people would prefer.
- b. Treat people as they would like to be treated.
- c. Act with sincerity, integrity, honesty, fairness, impartiality, and diligence.
- d. Work positively on a collaborative and co-operative basis with others.
- e. Give honest feedback based on evidence.
- f. Be open to constructive criticism
- g. Do your job to the best of your ability
- h. Do what is reasonably asked of you even if you disagree
- i. Give people encouragement, help and support when they need and want it.
- j. Trust and be open with your colleagues.
- k. Respect the diversity of cultures, backgrounds, lifestyles, and beliefs that people bring to the workplace.
- l. Listen to, respect and value the diverse ideas, contributions, and opinions of colleagues.
- m. Be sensitive to the needs of others.
- n. Respect the privacy, confidentiality, and personal space of others.
- o. Be aware of the effect your behaviour has on others and only make reasonable and manageable demands.
- p. Appreciate and praise good work
- q. Actively seek to build productive working relationships and partnerships with people across and outside the council.
- r. Aim to deliver a first-class service to customers both internal and external
- s. Challenge inappropriate behaviour in an appropriate manner.

This list is not exhaustive.

Although not exhaustive the following are examples of inappropriate behaviours which will not be tolerated by the Council towards other employees, or towards or from third parties (client/ customers):

- a. Being offensive or insulting or spreading malicious rumours.
- b. Making unwelcome or insulting remarks, jokes, innuendoes, lewd comments or using abusive language.
- c. Ridiculing, humiliating, demeaning, or picking on someone
- d. Copying correspondence, including emails or the use of other forms of communication such as instant messenger or discussion forums/blogs/social media/apps, such as Facebook, to forward information about an individual to others who do not need to know. (Such information may also infringe other Council policies and/ or professional codes and/or breach of criminal legislation);
- e. Displaying materials which may be held to be offensive e.g. posters, banners
- f. Isolation and non-cooperation at work, exclusion from work related or social activities.
- g. Any type of harassment including sexual harassment or victimisation

Under the Council's Health and Safety Policy and the Health and Safety Act 1974 employees should not place themselves, work colleagues or members of the public at risk to their health and safety.

You must not attend work under the influence of either alcohol and or/drugs or other substances, as these may affect your ability to undertake your duties safely and effectively. Should you attend work under the influence of either alcohol or drugs you will be liable for action under the Council's Disciplinary Procedures.

The Council recognise the legitimate use of over the counter and prescribed medication. If these impair performance and where employees have been prescribed substances in relation to a diagnosed medical condition which may affect their behaviour and/or ability to carry out their work, they must inform their line manager. More information can be found in our Substance Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy

You must not consume alcohol and or/misuse drugs or other substances during working hours (including breaks) whether within or outside the workplace.

You may seek support and assistance for any health and wellbeing issue including alcohol and drugs from your manager, HR or trade union. More information can be found here [link the Supporting Alcohol Substance and Gambling Policy](#).

If you are charged/ convicted of any criminal offence (including being released on bail), you must notify your Head of Service immediately. Such charges/convicted may result in action being taken against you under the Council's Disciplinary Procedures.

If your job involves regular contact with children or protected adults, or in the administration of the law or in certain other sensitive areas and professions, the Council reserves the right to require you to undergo a Disclosure Scotland Police check / PVG check at any stage of your employment.

20 COUNCILLORS AND EMPLOYEES

Whilst both Councillors and Council employees are servants of the public, and they depend on one another, their responsibilities are distinct. Councillors are responsible to the electorate and serve only as long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and subcommittees.

Mutual respect between Councillors and employees is essential to good Local Government. However, close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

Employees are entitled to raise with their Elected Members any complaint which they have about the services of the Council. However, an employee must not approach Councillors on employment matters and Councillors via their own Code of Conduct should decline to discuss such issues. Employment issues should be raised with the employee's line manager, Human Resources, or through their Trade Union.

If, however, the complaint concerns any aspect of their work with the Council they must make use of the Council's agreed Grievance Procedure and related procedures.

The Councillor/Employee Relations Protocol (available from OD, Policy and Communications and published on ICON) supplements the guidance and advice already provided in The Councillors' Code of Conduct and in this Code of Conduct for Employees. Compliance with the Protocol is mandatory.

21 THE PUBLIC

When an employee has contact with members of the public - in whatever capacity - users of services, clients, or citizens - he/she should aim to be friendly, courteous, and helpful. Employees must deal equally with each member of the public and must follow the Council's Equal Opportunities Policy and Procedures. They must not disclose confidential information to a member of the public, which is forbidden under the policies of the Council.

Many Council employees have contact with service users, pupils, and/or students on a regular basis as part of their employment. Staff engaged in these roles must ensure that they always communicate in an appropriate, open, accurate, and straightforward way.

These staff are reminded of their Professional Codes of Practice e.g., the Scottish Social Services Codes of Practice (SSSC) and the General Teaching Council for Scotland (GTCS) Code of Professionalism and Conduct (CoPAC).

You must build and foster positive relationships with service users, acting and behaving in a way that develops a culture of trust and respect for self and others. It is important that you recognise and use responsibly the power and authority you have when working with pupils/students/service users. You must aim to remove potential barriers to accessing services and support that may exist for some people, particularly where they may have a history of having experienced trauma.

Close personal familiarity between employees and service users can affect impartiality and must be avoided. Any existing relationship, or one that develops, which may impact on the work you do or may possibly be perceived by others negatively as such must be discussed with your line manager. You must not form inappropriate relationships with service users/pupils/students. You must maintain appropriate professional boundaries and avoid improper contact.

You must be mindful that the internet and social media can quickly blur the professional boundary between yourself and pupils/students/service users. You must be alert to the risk that actions which might on the face of it, seem quite innocent, but can be misunderstood and misconstrued by others. You must avoid inappropriate communication (including social media) with pupils/students/service users.

The actions of staff in how they communicate with pupils/students/service users may result in the employment being called into question, which is why being alert is crucial.

22 CONTRACTORS

Employees must be fair, even-handed, and impartial in dealing with contractors, subcontractors, and suppliers. An employee involved in the tendering process must follow the Council's procedures and rules in relation to tenders and contracts.

An employee who has access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised individual or organisation.

If the employee dealing with the arrangement of the contractor feels that they have a conflict of interest, this should be raised with their Line Manager.

23 EMPLOYEES/COLLEAGUES

Mutual respect between employees is essential to effective working in a safe and inclusive working environment where they do not experience bullying, harassment (including sexual harassment), discrimination, violence/abuse (including violence against women) or victimisation. Racist, homophobic, transphobic, sexist, abusive and misogynistic language and is never acceptable in the workplace.

Employees should interact and work together in a way that provides safety, choice, collaboration, trust and empowerment.

We recognise that colleagues who work together can also be in a personal relationship. Whilst such relationships seldom interfere with work, there is potential for a conflict of interest, breach of confidentiality or fraudulent activity to occur.

Where a family or personal relationship exists or develops between colleagues who work together in the same area, or where one employee is in the line management chain, both individuals must declare their relationship in confidence to their line managers or HR. This is intended for the protection of both parties.

As a result, you should not be involved in appointments or decisions that relate to discipline, grievance, promotion or grading, or payment of additional expenses /overtime where you're related to the individual or have a close personal relationship with them outside work.

'A close personal relationship' in this context could include any colleague who is a close or extended family member or be someone that you're in an intimate relationship or a close friendship with, however this list is not exhaustive.

If information comes to light and the Council considers that you should have made a declaration but chose not to, or that you didn't fully disclose details of any potential conflicts of interest within a relationship, then disciplinary action may be taken.

Victimisation occurs when an employee is treated less favorably because, for example, they have made or supported a referral or raised a grievance, or because they are suspected of doing so.

24 HYBRID WORKING ETIQUETTE

Hybrid working refers to a flexible work arrangement where employees have the option to divide their working hours between remote (typically from home) and onsite locations, such as the office or other designated workspaces. This arrangement allows for a blend of remote and in-person collaboration, while maintaining connectivity with colleagues and the organisation.

In embracing hybrid working, employees are expected to adhere to the following etiquette guidelines:

- a. **Communication:** Maintain clear and regular communication with colleagues and supervisors, utilising appropriate channels such as email, instant messaging, video conferencing, and phone calls as necessary. Respond to communications promptly to ensure efficient workflow and collaboration.
- b. **Availability:** Establish and communicate your availability to team members, usually through sharing your calendar. Respect colleagues' availability and avoid unnecessary disruptions. This can be established through Jabber, email and MS Teams.
- c. **Accountability:** Take ownership of tasks and responsibilities, meeting deadlines and fulfilling commitments regardless of location. Keep supervisors informed of progress and potential challenges, seeking assistance or clarification when needed.
- d. **Professionalism:** Uphold professional standards in all interactions, maintaining decorum and respect in both virtual and in-person settings. Dress appropriately for virtual meetings and maintain a professional demeanour during video conferences.
- e. **Collaboration:** Foster a collaborative environment by actively participating in team meetings, brainstorming sessions, and collaborative projects, regardless of physical location. Leverage technology to facilitate virtual collaboration, sharing ideas and contributing to collective goals. In large online sessions, to prevent background noise – it would be beneficial to ensure that you are on mute, unless you are raising a vocal contribution. Additionally, for communications – especially with your team and leaders – ensure you have your camera on in meetings.
- f. **Security:** Exercise caution when handling sensitive information or accessing organisational systems remotely, adhering to security protocols and safeguarding confidential data. Utilise secure networks and encrypted communication tools to minimise cybersecurity risks.
- g. **Workspace:** Establish a dedicated and ergonomic workspace conducive to productivity and focus, minimising distractions and optimizing comfort. Ensure access to necessary tools and resources to facilitate seamless remote work. This would include a DSE check, which needs to be completed every 2 years.
- h. **Flexibility:** Remain flexible and adaptable in navigating the challenges and opportunities presented by hybrid working, embracing change and exploring innovative solutions to enhance productivity and well-being.
- i. **Feedback:** Provide constructive feedback and suggestions for improvement to enhance the effectiveness of hybrid working arrangements, contributing to ongoing refinement and optimisation of policies and practices.

FINANCIAL

25 GIFTS

An employee must not accept personal gifts but may keep insignificant items of token value, e.g. pens, diaries, or small tokens of gratitude from a member of the public. Section 22.4 of the Financial Regulations indicates the approximate value must not be above £20 as of June 2024. If an employee is in any doubt this should be raised with their line manager.

26 HOSPITALITY

Offers of hospitality must be accepted only if an employee can answer, "Yes" to the questions:

- (1) "Is this justified?"
- (2) "Is the acceptance of hospitality beyond reproach?"

An employee in any doubt must seek the advice of a line manager who will refer to the Council's procedures on the acceptance of hospitality.

An employee should accept offers to attend social or sporting events only where these are clearly part of the life of the community or where the Council would be expected to be represented. When representing the Council at such events, whether within or out with normal working hours, employees must ensure that their behaviour is beyond reproach. Employees should remember that improper behaviour even outside of working hours may result in disciplinary action.

An employee should not accept regular hospitality from the same source.

An employee making a visit to inspect equipment or vehicles or land or property must ensure that the costs of such visits are met by the Council.

Where an employee accepts hospitality, the details of such hospitality must be recorded in the Service Register. When an employee is offered but refuses to accept hospitality, they should also record this in the Service Register.

27 BENEFITTING FROM A WILL OR BEQUEST

Under this Code, anything left to you in the will of a service user is considered to be a gift. These are also known as bequests. In certain circumstances, it may be acceptable for this to happen.

If you're named as a beneficiary in the will of a service user, you must declare this to your manager, in writing, as soon as you become aware of this.

Failure to declare this information immediately may lead to disciplinary action. If you're aware that there may be a possibility that you'll be named as a beneficiary in a will in the future, you must disclose this information to your manager.

Each case will be investigated for evidence of coercion or behaviour designed to obtain favourable treatment. A decision on each case will be made by the appropriate Chief Officer and your manager will advise you of the outcome of these investigations.

If there's evidence of coercion or behaviour designed to obtain favourable treatment on your part, this will lead to disciplinary action up to and including dismissal.

If, prior to a decision being made, you choose to accept the bequest, this may lead to disciplinary action up to and including dismissal.

Where approval is given for you to accept a bequest, all bequests received should be recorded in the departmental register of gifts and hospitality.

28 OTHER RENUMERATIVE EMPLOYMENT

Outside Council Working Hours

All employees who undertake additional work outside the Council's employment must notify their manager in writing for approval in order to comply with the Working Time Regulations 1998. Reference should be made to part 15.4 Conditions of Service for Local Government Employees.

Managers will consider whether requests will interfere or impair the employee's ability to carry out efficiently his/her work with the Council; whether or not outside work could compromise his/her work with the Council or could cause a conflict of interest etc. Requests approved by Managers will be confirmed in writing and a copy forwarded to Organisational Development, Human Resources and Performance to be held on file

If an employee is absent from their role with Inverclyde Council and are claiming sick pay, they may be able to continue in their multi post role or work with another employer dependent on circumstances. The employee cannot work in their other multi-post position or for their other employer in the hours they would have been working in the role they are currently not fit to carry out, the job should not be similar or rely on a similar skill set unless in exceptional circumstances where advice should be sought from HR. Any breach of this may result in disciplinary procedures being instigated.

Within Council Working Hours

An employee may accept invitations to undertake lectures appropriate to his/her work or professional qualifications. In addition, employees may engage with external bodies that pay a fee for their attendance, e.g. employment tribunals.

Where such work is undertaken outwith normal working hours then any fee received may be retained by the employee but where a fee is paid for any such work during normal working hours then this fee must be paid to the Council, or the employee must seek approval for unpaid leave or annual leave if the fee is to be retained.

Where this work is undertaken within normal working hours the employee must first seek authorisation and is responsible for ensuring that any fees are paid to the Council.

You must not make or contribute to any publication, broadcast, speech or lecture where you would use official Council information without the written approval of the Chief Executive.

29 EMPLOYEES PAYMENT OF COUNCIL TAX, ETC.

The Council has a statutory duty to comply with the National Fraud Initiative (NFI) and ensure public funds are managed properly. Accordingly, the Council will use information held on employees to ensure all sums due to the Council are paid timeously, e.g. by identifying persons who are non-payers of Council Tax.

The information may also be used to prevent and detect fraud. It is also possible that this information may be shared with other Local Authorities or public bodies, which handle public funds. The use of data for NFI purposes will be strictly controlled to ensure compliance with data protection and human rights legislation. Refer to the Council's Data Matching Policy process.

Employees have a duty to make any payment due to the Council in good time.

Regular checks will be made by the Council to ensure that employees are not in arrears with payments such as Council Tax or for any work undertaken by a Council service, in accordance with the Council's Data Matching Policy and Data protection legislation.

Where an individual is experiencing difficulties in making payment, they should contact the Revenues & Benefit Manager or Debt Recovery Team. Welfare Advice is also available from Organisational Development, Human Resources and Performance.

Inverclyde Council will make any deductions of money owed by the employee, as appropriate.

30 EMPLOYEES ENGAGED IN HOUSING BENEFITS

An employee who in the course of their employment is involved with housing benefits and outwith their employment lets or sublets dwelling houses within the Inverclyde area, must report this to the Chief Financial Officer.

31 CORPORATE PROCUREMENT

Policy/Organisational Approach

It is important that the Council demonstrates Best Value in procuring goods, services and works. In addition, there is a range of European, national and local policies, supporting guidelines and regulations which are designed to ensure that all procurement activity is undertaken in a professional and transparent manner. All procurement activity and supporting decisions must comply with the law, and not put the Council at risk in terms of a challenge.

In order to manage this risk, the Council has moved towards a designated procurement officer model. This requires all procurement activity to be managed and directed by Officers who are "licensed" to conduct procurement activity within services/directorates. This applies to tenders/contracts above the quotation thresholds detailed within the Contract Standing Orders. Employees should not enter into work associated with tendering/contracting above these thresholds if they are not designated procurement officers or have been given the permission of the designated procurement officer for their service/ directorate to do so. Further information on

European, national and local policies can be obtained from the Corporate Procurement Team, within Finance Services.

Standing Orders/Financial Regulations

Compliance with Standing Orders/Financial Regulations is essential. Procurement and in particular, tendering/contracting is governed by the Council's Standing Orders/Financial Regulations. The Council's Standing Orders and Financial Regulations must be observed and adhered to at all times.

The Employee Code of Conduct requires all employees who are involved in procuring goods, services and works to be fully conversant and familiar with Standing Orders and Financial Regulations relating to contracts, particularly the monetary limits/values.

Procurement guidance in relation to Standing Orders and Financial Regulations is available through the Corporate Procurement Team, within Finance.

Corporate Procurement Cards

The Council is committed to encouraging the use of corporate procurement cards, particularly in relation to low cost/high volume goods. The use of Corporate Procurement Cards is governed by clear policies and operational practices. Employees in receipt and using a corporate procurement card need to ensure they are fully conversant with the policies and practices prior to use. Further information on the use of the card is available from the Corporate Procurement Team, within Finance.

Compliance Framework

In order to ensure the Council's approach to procurement is delivered, a Governance Procedure should be followed. This will regularly test service and employee behaviour in relation to agreed policy and operational practices.

If a service or employee is found to be acting out with the Council's agreed policies and practices with regard to procurement, the Council's Disciplinary Policy and Procedures will be instigated, and disciplinary action, including possible dismissal, may be taken.

32 SPONSORSHIP

Employees should speak to a senior manager for advice on any potential sponsorship arrangements between the Council and an outside organisation or individual.

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee, or any partner or relative, must benefit from such sponsorship without there being full disclosures of any such interest in accordance this code. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that

there is no conflict of interest involved. Where they are seeking to sponsor a Council activity, the policy on Gifts and Hospitality must be particularly borne in mind; if you are involved in the Council's wish to sponsor an event, employees must consider declaring an interest.

INFORMATION AND DATA

33 OPENNESS AND DISCLOSURE OF INFORMATION

The Council has endorsed CoSLA's Code of Practice on Openness in Local Government. There are, however exceptions to the principle of openness where confidentiality comes into play. For example, it may be necessary to keep, as confidential, information about either an individual or an organisation which might compromise the right of personal or commercial confidentiality.

Aspects of confidentiality specific to an employee's service will be contained in service policy and procedure documents and the employee should ensure he/she is aware of the content of such documents.

Every employee, whether permanent or temporary, and including sessional workers, are required to respect the confidentiality of information, which comes into his/her possession in the course of his/her work, and this is the case both in and out of the workplace. This general duty of confidentiality regards information relating to service users, other employees and certain other Council matters, e.g. tendering and contracts. Where an employee has any doubt about releasing information to a third party, the matter must be referred to a manager for guidance. Breach of this principle will be viewed as an extremely serious matter.

The Freedom of Information (Scotland) Act 2002 provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it. Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. The Inverclyde Council publication scheme sets out the types of information that Inverclyde Council routinely makes available.

34 DATA PROTECTION ACT 2018 AND THE GENERAL DATA PROTECTION REGULATION 2016/679

The Council and all employees are required to comply with the above legislation. Full details of an employee's rights and responsibilities under the Acts are outlined in the Employee relationship between the Council and employee Privacy Notice which is available on the Council's website <https://www.inverclyde.gov.uk/privacy> or from Service Managers.

Employees are allowed to have access to all information relating to them, which is held on computer. The Data Protection Act 2018 and the General Data Protection Regulation 2016/679 requires the Council to respond to requests for access without undue delay and at the latest within one month of receipt of the request.

In complex cases you will be advised if this requires to be extended. You may be charged a fee for administrative costs where the request is manifestly unfounded or excessive. In the interest of openness and fairness, the Council will permit employees to have sight of personal files held manually provided they give 20 days' notice.

The employee will be accompanied by a representative of Organisational Development, Human Resources and Performance or Legal & Democratic Services when the inspection takes place.

35 CONFIDENTIALITY OF INFORMATION

You are required to respect the confidentiality of information which comes into your possession in the course of your work, both in and out of the workplace. This general duty of confidentiality with regard to information relates to service users, other employees and certain other Council matters e.g. tendering and contracts.

Any breach of these rules will be viewed as misconduct and may lead to disciplinary action, including your dismissal.

36 MANAGING INFORMATION

Employees must manage any information relating to the Council with utmost care. Distinction must be made between critical and non-critical information at the outset and proper procedures must be adhered to for any critical information.

Relevant stakeholders such as but not limited to ICT, Internal Audit, Legal & Democratic Services must be consulted where there are any doubts around handling of information. Every employee should regularly monitor the level of risk for the Council in terms of information they manage.

Employees must ensure that critical information and systems should have identified owners and that good Information Governance practice is being applied to them. Employees should know how to operate the Council's systems most effectively and to manage their information governance responsibilities correctly.

MEDIA

37 THE MEDIA

It is important that employees of the Council are provided with the specialist support required when dealing with all aspects of the media. Therefore, employees must not deal directly with the press or the media apart from those required to do so in the course of their work (this will predominantly be appointed members of the Corporate Communications Team).

All inquiries for information or comment on issues affecting the work of the Council must be referred to the Press Office within the Corporate Communications Team. All publications or interviews given on aspects of Council policy or activity must be properly authorised by the Corporate Communications Team.

Where an accredited Trade Union official has contact with the media in relation to an employment issue, they must be clear that they are communicating as a Trade Union representative and not as an employee. In the communication with the media, any comments the individual makes should be done using appropriate language/ tone which remains respectful towards the Council.

38 SOCIAL MEDIA

How employees and councillors communicate with people on social media sites reflects on the individual and on Inverclyde Council as an organisation. If employees choose to disclose their employment with Inverclyde Council on social media platforms, they are expected to follow the overall principles of this media and social media guidance when posting and sharing content.

Various social media sites will have their own rules and guidance, but if there is anything that could potentially be seen as breaking these rules and damaging the reputation of the council, corporate communications reserve the right to ask that it be removed or that the site be closed down. To avoid this from occurring remember when using social media:

- i. Be responsible, clear and relevant. You are responsible for the content you publish on any social media platform; everything you post is a reflection of yourself and Inverclyde Council.
- ii. No spamming. Do not post the same message, or very similar messages more than once.
- iii. Publishing online is permanent - Be mindful that what you publish will be in the public domain for a long time and can appear in search engine results/ user screen grabs even after you delete it.
- iv. Respect copyright especially in the use of images or music.
- v. External links and sources should be relevant and safe and must not compromise the integrity of the Council.
- vi. Respect your audience. Never behave in a manner which would not be acceptable in the workplace or a face-to-face meeting e.g. swearing, personal insults or discrimination.
- vii. No defamatory comments. All employees must not make false statements to harm the reputation of an individual, organisation or community. This could in turn damage the Council's reputation.
- viii. Do not advertise products or services.
- ix. Do not promote any political parties, candidates, or groups. This is of particular relevance to officers in politically restricted posts, but all other employees must ensure the balance is reached with expressing your personal views and whether this can be misinterpreted and compromise your position as a council employee.

Employees using social media for work purposes, particularly those with any form of enforcement or investigatory role must be aware of what covert surveillance is – this is monitoring someone who is unaware of this to obtain information, usually for a specific investigation, even when this is easy to find or ‘open source’.

Covert surveillance must always be authorised by an Authorising Officer. Further guidance on use of internet or social media for covert purposes can be obtained from both the Council’s Surveillance Policy and Guidelines and the Council’s Guidance on the Use of Social Media. Any employee who thinks that they could be using social media for covert surveillance must first check with their Line Manager or the Authorising Officer for their Service. A list of Authorising Officers or further advice on covert surveillance can be obtained from the Managing Solicitor, (Information Governance).

Where use of social media has been found to be unacceptable, either on the Council network or on the employee’s own personal device/ home computer, disciplinary action may be taken. Inappropriate online behaviour can also result in criminal action or in some instances civil action brought by others. Employees should also be aware that in circumstances where their behaviour is unlawful i.e. involving a hate crime incident such as sectarianism, racism or homophobia, the Council will report this to the Police

DRAFT

Organisational Development, Human Resources and Performance

Grievance & Dignity and Respect at Work Policy

Produced by:
Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

2024

INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER

**THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT, BRAILLE, ON
AUDIOTAPE, OR CD.**

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DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
	Service Manager (HR Operations and Health and Safety)	Organisational Development, Policy and Communications

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1 INTRODUCTION

The Previous Grievance Policy was approved at the Policy & Resources Committee in 2008 for Local government Employees and its scope was extended and agreed for Teaching & Associated Staff at Formal LNCT on Monday 17 December 2018.

The Previous Dignity & respect at Work Policy was approved in March 2017.

The two Policies have been combined in this updated version but will continue to have separate operational procedures.

2 STRATEGIC CONTEXT

The most effective way of maintaining a positive and supportive environment for promoting fairness at work and that employees treat one another with dignity & respect requires regular, effective and transparent communication between managers, employees and elected members. This will ensure that, as part of day to day operations and supervision, employees and managers are aware of the standards of behaviour expected. It works towards creating a working environment that is free from bullying, discrimination, harassment and victimisation.

It is in everyone's interests for complaints/concerns to be addressed and progressed. Open, transparent and early communication will allow these matters to be concluded as swiftly as possible.

This policy and associated procedure supports Inverclyde Council's Equality & Diversity Policy and reinforces the Council's commitment as an equal opportunities employer and the Council's Violence in the Workplace Policy.

The Equality Act 2010, places a specific responsibility on the Council to protect employees in circumstances where bullying, discrimination, harassment or victimisation occurs. The Council is committed to meeting the requirements of the Equality Act 2010 which simplifies, streamlines and strengthens existing equality legislation and protects employees from discrimination on the basis of the following 9 'protected characteristics': Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race (including ethnic or national origins, colour and nationality); Religion and belief; Sex; Sexual orientation.

This policy complies with the provisions outlined in the ACAS Code of Practice on Disciplinary and Grievance Procedures.

3 AIMS OF POLICY

Grievances

This Grievance Policy and Procedure is intended to enable employees to seek redress for complaints relating to their employment where normal

management/employee communication has failed to resolve matters. The procedure aims to resolve complaints at as early a stage as possible.

An individual can raise a grievance. A collective grievance occurs when a group of employees have a shared grievance related to their employment situation.

Examples of issues that may cause grievances include:

- a) Interpretation of Terms and Conditions of employment.
- b) Application of Council's Policy and Procedures.
- c) Matters of Health and Safety.
- d) Organisational change.
- e) New working processes
- f) Working environment

These examples are for the purposes of illustration and are not intended to be exhaustive.

Grievances will be processed in accordance with the Grievance Procedure.

Bullying, Discrimination, Harassment & Victimisation

Where the complaint is about working relationships, the Policy and Procedure provides arrangements whereby all bullying, discrimination, harassment & victimisation referrals can be investigated in a manner which recognises the sensitivity of the issues raised and the rights of everyone involved. In exceptional circumstances the anonymity of claimant or witnesses may be preserved.

The terms bullying and harassment are used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment

Harassment as defined in the Equality Act 2010 is: unwanted conduct related to a relevant protected characteristic, (age, disability, gender reassignment, race, religion or belief, marriage and civil partnership and pregnancy and maternity, sex and sexual orientation) which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

In addition, the claimant need not possess the relevant characteristic themselves and can complain because they are wrongly perceived to have one, are treated as if they do or because of their association with a person who has a protected characteristic. However in the context of a workplace policy, a complaint of harassment or unwanted conduct can be made even where there is no protected characteristic aspect to the complaint.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against any other employee regardless of their position within the Council (see Scope at Section 2 above). It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the employee or group.

Bullying and harassment are not necessarily face to face e.g. they may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled, being administered unfairly.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Discrimination

Discrimination is the singling out of a particular person or group of people for special favour or disfavour, based on stereotypical assumptions about characteristics or interests within certain groups of people.

Victimisation

Victimisation occurs when an employee is treated less favourably because for example they have made or supported a referral or raised a grievance, or because they are suspected of doing so.

Dignity and Respect

The Policy aims to ensure that all employees are aware of what dignity and respect at work means and to recognise the types of behaviour which are not acceptable. Everyone has a duty to see that dignity and respect are promoted in their dealings with all their colleagues, irrespective of whether those colleagues are managers, peers or staff they manage. The value that is most clearly linked to the promotion of dignity is "respect". This means staff should display the following behaviours when dealing with one another.

The list is not exhaustive:

- a) use ordinary everyday courtesy and politeness, including using the names that people prefer;
- b) treat people as they would like to be treated;
- c) act with sincerity, integrity, honesty, fairness, impartiality and diligence;
- d) work positively on a collaborative and co-operative basis with others;
- e) give honest feedback based on evidence;
- f) be open to constructive criticism;
- g) do your job to the best of your ability;
- h) do what is reasonably asked of you even if you disagree;

- i) give people encouragement, help and support when they need and want it;
- j) trust and be open with your colleagues;
- k) respect the diversity of cultures, backgrounds, lifestyles and beliefs that people bring to the workplace;
- l) listen to, respect and value the diverse ideas, contributions and opinions of colleagues;
- m) be sensitive to the needs of others;
- n) respect the privacy, confidentiality and personal space of others
- o) be aware of the effect your behaviour has on others and only make reasonable and manageable demands;
- p) appreciate and praise good work;
- q) actively seek to build productive working relationships and partnerships with people across and outside the Council;
- r) challenge inappropriate or unacceptable behaviour in an appropriate manner;
- s) aim to deliver a first class service to customers both internal and external.

Bullying, harassment, discrimination and victimisation behaviours can be verbal, non-verbal and/or physical assault. Although not exhaustive, the following are examples of inappropriate behaviours relating to the 'protected characteristics' and which will not be tolerated by the Council towards other employees, or towards or from third parties (clients/customers):

1. being offensive or insulting, or spreading malicious rumours;
2. making unwelcome remarks, jokes, innuendoes, lewd comments or using abusive language;
3. ridiculing, humiliating, demeaning or picking on someone;
4. copying correspondence, including emails or the use of other forms of communication such as instant messenger or discussion forums/blogs/social media/apps, such as Facebook, to forward information about an individual to others who do not need to know (note – such information may also infringe other Council policies and/or professional codes and/or breach of criminal legislation);
5. displaying materials which are held to be offensive e.g. posters, pictures, banners
6. isolation and non-cooperation at work, exclusion from work related or social activities;
7. unfair treatment and/or victimisation, for example, not being given the same opportunities for promotion and/or development as other colleagues;
8. the use of gendered swear words;
9. failing to use an employees post transition name
10. insults/abusive jokes related to employee undergoing gender re-assignment
11. sexual harassment
12. making derisory comments against individual beliefs for example, towards someone's religion and culture;

13. demeaning an individual as having lesser intellect or ability because of their advancing years or 'putting down' employees because of their youth;
14. encouraging incitement and conflict;
15. name calling and stereotyping;
16. threatened disclosure of private and personal information.

Examples of sexual harassment include:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life, and discussing your own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwanted and inappropriate physical contact, such as sexual advances;unwelcome touching, hugging, massaging or kissing
- criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.

An individual can experience unwanted conduct from someone of the same or different sex.

Bullying, Discrimination & Harassment Concerns will be processed in accordance with the Dignity & Respect at Work Procedure.

4 SCOPE

This policy and associated procedures apply to Local Government Employees, Chief Officers and Teachers. A separate grievance policy and procedure exists for the Chief Executive.

The policy apply to 'employees' (as defined by the Employment Rights Act 1996) within the Council. Other workers (including casual, bank/sessional /supply teachers and agency workers) who raise issues which would otherwise be appropriate to be considered under this Policy will be entitled to a formal meeting to discuss their grievance and appeal against the recorded outcome.

Elected Members, external agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

Complaints about Council employees from external agencies, customers or contractors should be made in accordance with the Corporate Complaints Procedure.

The Council will ensure that good equal opportunities practice underpins the operation of this policy and will apply to all employees irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The policy applies in the workplace and applies to conduct outside the workplace in accordance with the Employee Code of Conduct.

Exclusions

The following examples fall outwith the grievance procedure:

- a) This policy will not be used in place of another Inverclyde Council policy with separate complaint and appeal procedures, e.g.: Disciplinary Policy and Procedure; Job Evaluation Policy; Flexible Working Policy
- b) Matters connected with Issues which are the subject of collective negotiation or consultation with the employer and the trade union such as decisions reached following a Trade Union Ballot to their members.
- c) Matters covered by national and local agreements, payment of salary (relating to the administration of same), complaints concerning the operation and application of the Strathclyde Pension Fund and where the resolution sought is out with delegated authority
- d) Complaints concerning the application of income tax or national insurance. These should be raised directly with the Payroll Team or HM Revenue & Customs.
- e) complaints about allegations of misconduct by another employee unless the complaint is not being investigated under the disciplinary procedure.
- f) Where the complaint is related to a specific issue where disciplinary action is being or has been taken against an employee; these should be dealt with as an appeal under the disciplinary procedure, unless there is reasonable suspicion of discrimination or victimisation in which case an alternative manager may be assigned or a separate grievance arranged
- g) Former Employees -This procedure will not apply to former employees unless the grievance was raised prior to the employee leaving the Council.

Grievances not concluded at the time of employment will be concluded with a paper review of the position and a written response given to the former employee within 28 calendar days of the employee's termination date.

Should a former employee raise a grievance within 28 calendar days of the employment ending, the matter will be investigated and a response will be given in writing.. There is no requirement to have a hearing and the individual has no right of appeal.

5 COMPETENCY

The undernoted issues will be considered and decided upon by Chief Executive/Corporate Director/Head of Service/Service Manager/Head Teacher (level will depend on the level of alleged perpetrator and the Head of Organisational

Development, HR & Communications (or nominee) and will involve consultation with the appropriate trade union(s):

- An employee cannot take out a Bullying, Discrimination, Harassment & Victimisation referral under this policy against a Manager or Council Official who is applying council policy unless there is reasonable belief and/or evidence of incorrect application, or some form of discrimination. Similarly, where a claimant fails to follow the procedure or refuses to detail allegations when required to do so, this may result in the claim being declared invalid.
- Time scales - other than incidents the nature of which are continuous, grievances raised in relation to an incident which happened more than 3 months previously, or within a maximum of 3 months from the time that employees are or should have been reasonably aware of the change, action, omission or incident, which is the subject of the grievance, having taken place, will not be considered competent. In relation to bullying, harassment and victimisation claims, referrals should be raised within 3 months of an incident or if a series of linked incidents within 3 months of the last incident. Complaints submitted outwith this timescale will be inadmissible unless there are extenuating circumstances..
- Malicious/Vexatious Complaints is where the complaint is considered to be trivial, frivolous, vexatious or repetitive. Where there is an attempt to use the grievance/D&R procedure for potentially false or malicious accusation, this may be treated as misconduct and may lead to Instigation of Council's Disciplinary Procedures disciplinary action.

A malicious or vexatious complaint is where the claimant has willfully misused the policy, for example:

- a) where the claimant raises concern about an issue or another's alleged behaviour knowing that there is no substance to the complaint;
- b) where they know the issue/ behaviour did not happen in the way they described;
- c) the complaint is made to cause trouble, anxiety or stress for the person being complained about; or to be obstructive
- d) the referral is made in retaliation for a referral that may be brought previously against the claimant, whether under this policy or any other of the Council's policies/procedures and whether that referral was upheld or not upheld.

Where an allegation is not upheld, it does not mean that the referral was malicious. The individual making the referral may still feel that they have been subjected to bullying, harassment, discrimination or victimisation, but the Investigating Officer has not been able to find the necessary evidence to substantiate the allegations.

6 RIGHT TO BE REPRESENTED/ACCOMPANIED AT THE GRIEVANCE/ DIGNITY & RESPECT MEETING

Employees have a statutory right to be accompanied at the grievance hearing or any stage of the Dignity & Respect process by a companion, who may be:

- a fellow worker
- a trade union representative who has been certified by their trade union as being competent to accompany a worker
- an official employed by a trade union

Due to the informal nature and format of the mediation process no representation, unless there are exceptional circumstances, by a Trade Union representative/work colleague is involved in mediation meetings or the less formal facilitated meetings. If the employee's chosen representative is not available at the time proposed for the hearing by the employer, the employer should postpone the hearing to an alternative time proposed by the employee provided that the alternative time is within a reasonable period after the date originally proposed. ACAS Guidelines suggest no more than 5 working days.

The manager can object to the chosen representative if a conflict of interest arises e.g. if it is a family member. In such circumstances, both parties will be encouraged to resolve the issue with the potential for an alternative representative to be identified. Only if this does not provide a resolution will the Chair of the hearing be able to determine whether the chosen representative can participate.

The representative will be allowed to address the meeting, to put forward and sum up the employee's case, and to confer with the employee during the meeting. The representative, however, cannot answer questions on behalf of the employee, although they may add to or clarify responses.

6 STATUS QUO

The use of status quo provides standstill arrangements to allow work to continue while attempts are made to resolve the grievance. Where practicable, the status quo should remain in place until the grievance process has concluded. Any decision to set aside the status quo should be made at Senior Management Level e.g. Head of Service and should be for a significant reason for example:

The status quo may be set aside where:

- a continuation of the status quo will result in a breach of statutory or other mandatory regulations, or have serious impact on operational effectiveness
- an agreement is reached by all parties to do so
- the grievance is about a change or action already agreed by management and trade unions

7 WITHDRAWING SERVICES

In cases of serious harassment, where for example, there has been a threat of violence or assault or a campaign of unacceptable behaviour from service user(s), a group, a parent or a member of the public, the Manager/Head Teacher must consider taking immediate action to prevent the employee from experiencing any further abuse.

This may involve the withdrawal of services or refusing access to the premises where this is possible or other actions short of the withdrawal of services e.g. reallocation of work or relocation with the individual's agreement. This may also involve contacting the Police.

'Violence at Work' posters are located throughout the Council, including within Education establishments, HSCP offices and the Customer Contact Centre. These posters communicate that Inverclyde Council will not tolerate abuse of their

employees. Any person abusing an employee of the Council, either verbally or physically, may be subject to legal action and as above, a withdrawal of services.

8 LEGAL ASSISTANCE

The Council can assist employees to take positive action to afford protection from abusive behaviour. Examples of the options available to staff include:

- a) a “cease and desist” letter from Inverclyde Council Legal Services to those involved in
- b) imposing a ban on contact between the perpetrator and the affected employee(s);
- c) the Council providing advice and assistance to those seeking to raise interdict proceedings, and in certain limited circumstances may meet the legal costs involved;
- d) providing advice about court processes.

9 GRIEVANCE PROCEDURE

Informal

Any employee who is aggrieved on any matter should discuss the issue initially with his/her line manager. Where the matter concerns the line manager, the problem should be referred to the next level of management.

Every effort should be made to resolve the matter through informal discussion or through informal representation by a trade union official or work colleague. Points of action and agreement made may be noted.

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 10 working days, the employee can initiate the formal stage of the Grievance Procedure.

It is recognised that the grievance may not be resolved at that informal level in which case the employee who wishes to pursue the grievance must follow the Formal procedure.

Formal

Where clarification is required as to the substance of the grievance or whether the resolution sought is within the delegated authority of the Service or Appeals Committee advice should be obtained from HR or the Council’s Monitoring Officer before proceeding.

A grievance can be rejected if an employee who raised the grievance fails to attend scheduled meetings without a reasonable explanation.

Collective grievances

The process to be followed for collective grievances is as detailed for individual grievances, with the exception that all correspondence will be sent to the nominated employee representing the group and their representative. If there is no nominated employee(s) then all correspondence will be sent to the representative only. At each

stage of the process, the group will be represented by a maximum of three people, including the trade union representative or fellow worker..

Facilitation/Mediation

In some cases, independent assistance such as a facilitator or mediator, from within or outwith the Council, can help resolve issues, especially those involving working relationships.

Stage 1: Formal Hearing

Formal Procedure

The Procedure builds in time limits to ensure matters are dealt with as speedily as possible and it is a management responsibility to adhere to these time limits. However, the time limits may be extended by mutual agreement to ensure full and proper investigation of the circumstances of an issue, or where such an extension may produce a resolution.

Following discussions with the immediate line manager, if the outcome remains unresolved, the employee may proceed to the Formal Procedure as set out below.

The Formal Procedure requires a grievance to be put in writing using Formal Written Statement of Grievance Proforma.

It is intended that each stage in the formal procedure will be followed in turn, but there may be cases where use of a later stage will be appropriate. For example, where there is a grievance against the immediate supervisor, or where after initial consideration, both parties recognise that the authority to resolve the grievance is at a higher level and agree to refer the grievance accordingly.

Written Complaint

The employee should raise the matter in writing to a more senior manager within the Service. The Formal Written Statement of Grievance proforma should be used. The grievance should set out in writing, as a minimum, the exact nature of the grievance and the resolution sought by the aggrieved party.

The person to whom the Formal Written Statement of Grievance has been addressed will convene a formal grievance hearing within 10 working days from receipt of the letter. The Stage 1 meeting does not necessarily require all involved parties to be met with in joint meeting – Chair could meet separately or request written information from third party dependant upon circumstances.

Acknowledgment of Formal Written Statement and Stage 1 Invite should be sent to the aggrieved employee and their representative.

Content of Grievance

Employees should clearly set out the nature of the grievance. When stating their grievance, employees should stick to the facts and avoid language which may be considered insulting or abusive. They should be aware that the content of the grievance will be shared with all parties to the grievance to allow them to respond. Where appropriate, the aggrieved employee should set out the names of any witnesses.

Resolution

When lodging a grievance the employee should state clearly what steps they wish to be taken to resolve their grievance. Resolutions sought must be reasonable and in line with Inverclyde Terms and Conditions of Service and Policies and Procedures. Management involved in making a decision following a grievance including setting out resolutions/ recommendations may only do so in accordance with these Terms and Conditions, Policies and Procedures and the Equality Act 2010, or within the scheme of delegation

HR Operations

HR will not normally attend a Stage 1 Grievance unless the matter is particularly complex or has corporate implications.

Witnesses

Both parties have the right to call relevant witnesses to the hearing and it is the responsibility of each party to arrange for the witnesses to be invited. The chair should be notified of the names of the requested witnesses as soon as possible.

Conduct of Hearing/Duration/Format

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. The Chair will also be responsible for deciding on the relevance of witnesses and the length of time to be allocated for the grievance. The amount of time for each side to present their case and in respect of appeals, call witnesses etc. will be dependent upon the complexity of the issue. Parties must be given a reasonable time to present their view of events; however the timing will be at the discretion of the Chair, if it is felt that proceedings are excessive.

Minutes

It is the responsibility of the employee or their representative to take minutes of the meetings if they so choose.

In Grievances the Outcome letter will be a thorough reflection of the content of the meeting. No further minutes, notes or reports will be produced unless deemed necessary by Chair.

Recording of Meetings

No recordings of meeting or appeal hearing will be allowed– covert recordings will not be accepted as evidence from either party. CCTV footage can be used in accordance with ACAS and GDPR guidance

Adjournments

If the Chair requires further information to make a decision he/she should consider adjourning the hearing and consider further investigation within reasonable timescales. Either party can request reasonable adjournment.

Miscellaneous

Employee illness, etc will not normally prevent the progression or completion of action under this or other policies

Where a complaint is being progressed and employee illness or further complaints arise, this will not normally prevent progression of this action. It may be appropriate for these matters to run concurrently or together under one process.

This policy will allow flexibility by way of reasonable adjustments for employees with a disability. Examples include allowing more time at grievance hearings or any

adjustments to the arrangements for the hearing which may be reasonably required. Offering this and other reasonable adjustments will ensure that access to the procedure is fair and equitable. The HR Case Management Team should be contacted for further advice.

Failure to Attend

If an employee is unable to attend a scheduled Hearing/Appeal, the chairperson must be informed in advance. If the employee fails to attend without reasonable explanation or, if they fail to attend a rescheduled Hearing/Appeal, this will result in the Hearing/Appeal proceeding in their absence. Where a representative or work colleague is not available for an arranged Hearing/Appeal, the employee must make alternative arrangements for another trade union representative or work colleague and take all reasonable steps to ensure the Hearing/Appeal can proceed without unreasonable delay. Where appropriate, an alternative manager may be nominated to chair a Hearing to enable it to progress at the earliest opportunity. If an alternative date is offered it will be within 5 days of the original hearing date unless the chair agrees there are exceptional circumstances to extend this time period.

Outcome

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.

Appeal Hearings

Appeal Hearings will be conducted under standard appeal process – see the related Appendix.

Stage 2: Appeal to Director/Head of Service (or nominee)

Where the employee is dissatisfied with the decision at Stage 1 there shall be a right for the matter to be heard by his/her Director. Head of Service (or his/her nominee) as appropriate.

Where the Head of Service heard the grievance in Stage 1, the employee shall have the right for the matter to be heard by his/her Director of Service (or his/her nominee).

If they wish to appeal, the employee or his/her trade union representative must submit a statement of appeal, in writing, (using Formal Written Statement of Appeal Proforma) to the employee's Director/Head of Service (or his/her nominee). The statement of appeal must explain the reasons for continuing dissatisfaction and must be submitted within 10 working days of receipt of the decision at Stage 1.

The Director/ Head of Service (or his/her nominee), on receipt of the statement of appeal, will convene a formal grievance hearing within 10 working days.

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. 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.

If the Chair requires further information to make a decision he/she should investigate further within reasonable timescales.

The Director / Head of Service (or his/her nominee) shall advise the aggrieved employee of his/her decision in writing within 5 working days of the date of the hearing. The outcome letter should also be sent to the person the complaint was made against (if applicable), or manager who chaired Stage 1.

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.

Stage 2 B (where applicable)

Grievances with wider organisational consequences - Where the grievance relates to an issue where the outcome might affect more than one individual and the issue has not been resolved at Stage 2, and when an appeal has been submitted for consideration by the Human Resources Appeals Board, it may be referred to the Head of OD, Policy & Communications who having considered the submission may convene a meeting of all or either of the parties with a view to resolving the matter. They will be responsible for determining whether the grievance raised has wider organisational consequences beyond the aggrieved party. Examples of issues with wider organisational consequences include:

- a) the application of terms and conditions of service
- b) the implementation of a Council-wide policy
- c) matters which could become litigious, or the focus of an industrial dispute

Stage 3

If the employee remains dissatisfied with the response, the matter may be referred to the Human Resources Appeals Board. This request shall be submitted using Formal Written Statement of Grievance Proforma and should be submitted to the Head of Organisational Development and Human Resources within ten working days of the employee receiving written notification of the outcome of the Stage 2 hearing.

The Head of Organisational Development and Human Resources, will arrange for the Human Resources Appeals Board to consider the grievance within 8 working weeks of receipt of the request, or as soon as possible thereafter. The appeal will be heard in accordance with arrangements contained in Appendix 1.

The decision of the Human Resources Appeals Board will be notified to the employee within five working days of the Board meeting.

There is no further internal right of appeal against a decision of the Human Resources Appeals Board and at this stage the grievance procedure is concluded.

An employee has the right, where eligible, to submit a matter to an Employment Tribunal in respect of a matter over which the Employment Tribunal has jurisdiction.

The following table provides and describes the basic stages and time limits within the Formal process.

Stage	Heard By	Suggested Time Limit
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1	Nominated Senior Officer	Employee has to submit formal grievance within 10 days of verbal/ written response to informal grievance, or if no response has been received within 10 days 10 working days for formal hearing to take place 5 working days to issue written response
2	Director /Head of Service or Nominee (HR Adviser in attendance)	Employee has 10 working days to submit appeal Appeal hearing to be heard within 10 working days of receipt of appeal 5 working days to issue written response
2B (where applicable)	Head of OD, Policy & Communications	Prior to provisional HR Appeal Board Date
3	HR Appeals Board	Appeal hearing normally heard within 8 weeks of Stage 2 appeal receipt (subject to committee timetable) 5 working days to issue written response

10 DIGNITY & RESPECT PROCEDURE

Bullying, Discrimination & Harassment have no place in Inverclyde Council. Staff must feel valued, supported and empowered to carry out their work. Therefore, we must address levels of bullying and create compassionate and inclusive cultures which have implications for staff health and wellbeing and staff engagement.

The formal disciplinary level intervention is usually required when an employee does not improve their conduct or behaviour following previous informal coaching and guided interventions, or if a single serious incident amounts to misconduct and therefore requires escalation to the formal disciplinary level.

Dealing with Bullying, Harassment, Discrimination or Victimisation Concerns- Escalating Approach

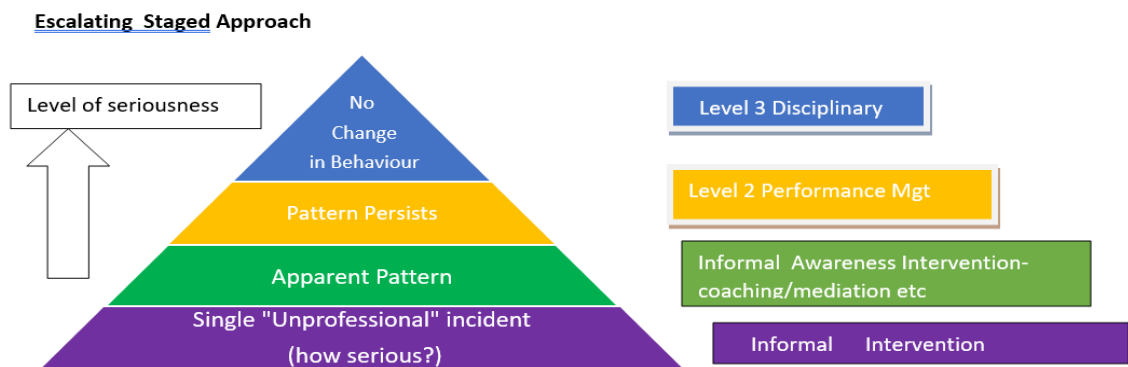
To address negative workplace behaviours that range from incivility through to bullying, organisations need to look at different approaches for different levels of behaviour. There is a requirement to focus on those low-level behaviours of incivility and disrespect and address these at an early and informal level to identify what is causing the behaviour and to put in place measures to help adjust behaviour e.g self-reflection, counselling, training.

It's important to give timely and supportive feedback to individuals whose behaviour/conduct has had or is having a negative impact. Shifting the focus onto these behaviours enables clearer conversations about unreasonable and negative workplace behaviour with the aim of establishing expected behaviour standards;

addressing this source of workplace conflict and creating a culture of civility and respect.

There may, of course, be cases of bullying where a formal process is required, these may be long standing cases or one off serious incidents. Early resolution is important at the formal stage just as it is for the informal.

Our Procedure will deal informally with behaviour as it first arises, with escalation routes if the behaviour persists or the informal approach is ineffective. When an incident arises, discretion will be used when deciding the most appropriate level of action. This differentiates between those incidents and one-off incidents serious enough to go straight to instigation of disciplinary process.



Employees can use the self help part of the informal process detailed below but may also want to contact HR and/ or their trade union or Manager for advice on the D&R process.

Should the employee consider the matter serious, part of a pattern of behaviour, or have previously attempted to resolve a concern informally they should complete a D&R referral form and send it to HR .

Any decision to move to the Formal Stages of the Process will form part of the competency process and will be considered by the Competency Panel – A designated Senior Manager/HR Rep in consultation with an independent Trade Union Representative.

Informal Stage

To address unprofessional/disruptive behaviours at an early, informal level. The aim of the informal ‘cup of coffee’ conversation is an early discussion about a single concern or observation that lets the employee concerned know that a negative/undesirable/unprofessional behaviour was observed. It promotes accountability for a single observation of what seems to be unexpected/unprofessional conduct or behaviour.

For creating compassionate cultures in the workplace, the informal early conversation provides a respectful and supportive environment for the individual to reflect on their

behaviour and try to identify its cause, e.g. work pressure, hierarchical incivility, previous personal experiences etc.

The aim is to help the individual to reflect on their behaviour and impact, and to think about an alternative approach and coping strategy for the primary causes behind their behaviour.

Self help

a) If the claimant feels comfortable enough, they can seek to resolve the matter through speaking to the alleged perpetrator. The aim here is to stop the behaviour that is causing the problem and agree more acceptable ways of behaving. An approach at this early stage can be very successful in resolving the problem quickly, particularly if the behaviour is unintentional or the individual is unaware that their behaviour is causing offence and distress.

If the claimant feels able to, they should:

- invite the individual whose behaviour is inappropriate to an appropriate and private place to talk;
- make it clear that the discussion is to be treated in strict confidence by both sides;
- describe the behaviour and explain, calmly and politely, why the behaviour offends them, how it makes them feel and that they would like it to stop;
- seek an agreement from the individual that the behaviour will stop.

If the claimant feels unable to make this approach on their own they may ask someone to accompany them or to make the approach on their behalf. This could be a trusted colleague, a trade union representative, a member of the Human Resources team, their line manager or another manager. Any third party involved may wish to take an informal note of the meeting.

Mediation

Mediation is a useful part of the informal procedure and can normally be used before resorting to the formal stage unless the Council believes that it would not be helpful in resolving the situation. Both parties must be agreeable to the offer before Mediation would commence. The process works by a trained, impartial mediator facilitating discussions between the parties and encouraging them to reach a mutually acceptable agreement that will resolve their issues.

Both parties have an obligation to make every effort to try to resolve the issues at this informal stage. This means that they must approach mediation with a positive attitude and participate fully and constructively in the process.

Requests for Mediation should be made to Human Resources.

If mediation is successful in dealing with the issues, the situation will be monitored by the manager (or the line manager's manager if the referral is against the line manager) to ensure there is no recurrence of the problem and that the claimant does not suffer victimisation for having raised concerns.

Facilitated Meetings

Amore informal approach to mediating can also be arranged via HR – and again need to be agreeable to both parties.

Representation is not allowed at Mediated or Facilitated Meetings, other than in exceptional circumstances.

Formal Stage

Where the employee considers the informal route has not been successful in addressing their concerns or the matter is complex and not appropriate to be addressed informally, they may request to have their concerns considered under the Formal Stage.

The employee is required to detail their referral in writing to HR , setting out the grounds of the referral.

Referral Assessment

The referral form will be acknowledged within 5 days. Depending on the level of the alleged perpetrator an appropriate HR Representative and Manager, i.e. team leader level or above (“agreed manager”) will be appointed to commence an assessment of the competency of the complain, the level of the complaint and where applicable commence the investigation stage.

Competency/Assessment

The agreed manager shall arrange a meeting with the employee (now referred to as “the claimant”) within 10 working days to discuss the process, clarify their concerns, explore the level of the complaint and where required, assess competency.

The HR Manager or nominee will be in attendance and an appropriate independent Trade Union will be consulted. This will take place in all cases. The Trade Union representative will be given the referral documentation in advance of this meeting and given the opportunity to add to the list of questions to be asked by the manager/HR at the meeting.

At this stage the alleged perpetrator, other than in exceptional circumstances, will be advised that a referral has been received about them and details of the referral outlined to them. Information may be redacted as necessary, i.e. to satisfy current data protection regulations.

If the agreed manager and HR Manager or nominee and independent TU rep believe that the referral warrants being dealt with under the formal procedure the claimant shall be advised accordingly and advised whether this shall be at level 1 of the formal process or whether an investigation should be commenced to establish whether Level 2 performance management process or Level 3 disciplinary hearing should be instigated.

If the agreed manager and HR Manager or nominee considers that no investigation is necessary because it is not competent, or it should be dealt with informally, the claimant shall be advised accordingly, and given the justification for this decision. In

such situation, the claimant, if not satisfied with this decision can appeal as set out below.

The agreed manager and the HR Manager or nominee may agree a resolution with the claimant and take the necessary appropriate action. It should be noted, however, that no formal disciplinary action against an alleged perpetrator shall be taken without an investigation.

Investigation Stage

Where the decision is to have an investigation, the agreed manager and HR Manager or nominee should carry this out. It should be agreed at the outset to whom the report should be submitted i.e. appropriate Corporate Director/Head of Service/Service Manager/Head Teacher etc.

The investigation which is to ascertain whether or not there is any foundation to the referral must be carried out timeously having due regard for proper and thorough investigation. Normally, a period of not more than 20 working days should be taken. Where the investigation takes longer, the employee who has raised the referral and the alleged perpetrator should be kept informed of the likely end date of the investigation. Where appropriate an independent internal trade union colleague (one which is not representing either the complainant or the alleged aggressor) can be appointed to be consulted in respect of investigations into the claims.

A copy of the finalised report along with witness statements will be issued to both parties at the conclusion of any investigation. There may be exceptional circumstances where statements will require to be edited or anonymised. This would be done in accordance with ACAS guidance on best practice in this area.

The findings of the investigation shall be submitted by the Investigating Officer to the appropriate Corporate Director/Head of Service/Service Manager/Head Teacher and the HR Manager or nominee to consider the appropriate action e.g upheld and instigate performance management or disciplinary hearing, or not upheld or upheld in part.

Where deemed appropriate, Corporate Director/Head of Service/Service Manager/Head Teacher and the HR Manager or nominee will also arrange a further meeting with the claimant and advise him/her of the action to be taken and confirm in writing that the referral has either been upheld or not been upheld or upheld in part.

Where the claimant is dissatisfied with the outcome of the investigation or is dissatisfied with the decision of the agreed manager and HR Manager not to have an investigation, he/she may refer the matter to the Appeal Stage

The alleged perpetrator must also be advised that they can appeal against the decision however where the management's action involves the instigation of disciplinary procedures against the alleged perpetrator, he/she shall be dealt with under the Council's Disciplinary Procedure which has an Appeals Stage (See Council's Disciplinary Policies and Procedures on ICON).

Is There Need to Separate Parties?

In cases which appear to involve serious alleged misconduct there may be a requirement to separate the parties involved. This could be through an interim transfer to another suitable location or a paid suspension as a last resort. The individual circumstances of the case and the practicalities of the situation would be taken into account in determining who is moved/suspended. Where practicable the claimant should not be moved unless they request this (management would be required to show significant operational justification) .

If there has been physical contact, significant/serious abuse or threats of violence the manager should meet with the claimant within 24 hours to determine the level of risk and any immediate action required to prevent any further exposure to the alleged perpetrator.

N.B Where the alleged perpetrator has line management responsibility for the claimant, the agreed manager and HR Manager or nominee must consider whether it is appropriate for the alleged perpetrator to continue with formal management meetings involving the claimant (e.g. Maximising Attendance) whilst the investigation and any subsequent activity is still in progress. This will depend on the seriousness of the allegations. This is to ensure that actions taken against the claimant are conducted in an unbiased and transparent manner.

Bullying, Harassment, Discrimination or Victimisation outside the workplace or out with normal working hours

It is important to note that an employee's conduct outside of the workplace, (or out with normal working hours) may also lead to them being considered under the Council's Disciplinary Policy and Procedures e.g. conduct at an awards ceremony or presentation, or making inappropriate comments on social networking sites about other council employees or protected characteristics etc.

The Council's Code of Conduct is key in this respect and all employees and managers should familiarise themselves with their obligations.

All employees are expected to maintain appropriate standards of behaviour which are consistent with this policy at all such events where they may be representing the Council, or where their behaviour may bring the Council into disrepute.

In some instances, the alleged perpetrator may not be an employee of the Council. In such cases, appropriate action will be taken to protect the Council's employee consistent with the Council's duty to provide a safe working environment and a service to the community. Employees who consider that they have suffered unwanted and/or offensive behaviour during the course of their Council duties by a member of the public should report the matter to their manager immediately.

Procedure for dealing with referrals that the Dignity and Respect at Work Policy has been breached by an Elected Member

Section 3 of the Code of Conduct for Councilors states that Councilors must respect all Council employees and the role they play, and treat them with courtesy at all times. It is expected that employees will show the same consideration in return.

In some instances the alleged perpetrator may be an Elected Member. In such cases the employee may raise a referral and this would be managed through the Code of Conduct for Elected Members. Complaints can also be made to the Ethical Standards Commissioner

Appeals - Claimant

Where the claimant is dissatisfied with the outcome of the investigation or is dissatisfied with the decision of the agreed manager and HR Manager not to have an investigation, he/she may refer the matter to the Appeal Stage when the appeal shall be heard by an Appeals Panel. This Panel will comprise of the Head of Organisational Development, Policy & Communications (or senior nominee) and a Corporate Director (or nominee not below Service Manager level) not previously involved in the case. Where the claimant is employed within Human Resources, the Solicitor to the Council will replace the Head of Organisational Development, Policy & Communications.

The claimant shall submit the appeal in writing, where possible using the Council's Dignity & Respect at Work Appeals form (<http://icon/hr/useful-forms/>) setting out their grounds of appeal. The claimant shall then send the appeal to the Head of Organisational Development, Policy & Communications within ten working days. Where appropriate, the claimant may also send a copy of the form/letter to his/her representative. Where appropriate an independent internal trade union colleague (one which is not representing either the complainant or the alleged aggressor) can be appointed and fully consulted in assessing the competency of an appeal.

The Head of Organisational Development, Policy & Communications shall arrange for the claimant to be advised of the arrangements for the Appeal Hearing and to his or her entitlement to be accompanied at that Hearing by a representative. The claimant must take all reasonable steps to attend the Hearing. The Appeal shall take place at the earliest possible date but not later than twenty working days following receipt of the appeal.

The claimant and his or her representative, if appropriate, together with the employee's Corporate Director/Head of Service/Service Manager/Head Teacher and any other appropriate manager who has been involved shall attend the Appeal to present their case for consideration.

The Appeals Panel shall consider the appeal as presented by the claimant, representative and the management. Where appropriate the Panel may use internal or independent mediation or conciliation. External mediators or Conciliation must be approved by Head of Organisational Development, Policy & Communications. The Panel shall rule upon the grievance or where required, determine on a course of action. The decision of the Appeals Panel shall be binding on all parties.

The Head of Organisational Development, Policy & Communications shall advise the claimant of the Appeal Panel's decision within 10 working days. A copy of the letter shall also be sent to the employee's representative and Corporate Director/Head of Service/HR Manager. This concludes the internal procedures.

Appeal - Alleged bully/harasser

If following an outcome of an investigation, the alleged bully/harasser has reason to believe that the matter has not been handled fairly or properly, they can request an appeal (as above) with the exception of where disciplinary action is recommended. In such circumstances any appeal would be through the disciplinary appeal process.

Duration/Format of Formal Meetings

The referral meeting does not have to involve all parties – the agreed manager - can obtain responses from alleged perpetrator or third party separately and then respond to the claimant.

Appeal Hearings

Appeal hearings will be conducted under standard appeal process – see Appendix

The amount of time for each side to present their case and in respect of appeals, call witnesses etc. will be dependent upon the complexity of the issue. Parties must be given a reasonable time to present their view of events; however the timing will be at the discretion of the Chair, if it is felt that proceedings are excessive.

It is the responsibility of the employee or their representative to take minutes of the meetings if they so choose. The investigatory facts report and/or the Referral Outcome letter represent the only formal detailed documentation. No further minutes, notes or reports will be provided.

Recording of Meetings

No recordings of meeting or appeal hearings will be allowed– covert recordings will not be accepted as evidence from either party.

CCTV Footage can be used in accordance with ACAS guidance and GDPR

Witnesses

It is the responsibility of each party to ask for witnesses to be interviewed as part of an investigation, although investigating officers will have the final decision on whether it is appropriate to interview a witness depending on their relevance to the investigation. It is also up to each party to request that witnesses attend the appeal hearing.

The investigation team will explain to the witness the reason for the interview. The witness will be asked to sign notes of any discussions confirming their accuracy.

The witness will also be advised that any information provided by them may subsequently be used in any disciplinary proceedings and may be disclosed to the claimant and to the alleged harasser. The witness will also be advised that they may be required to appear at any subsequent disciplinary hearings or other formal processes. The unavailability of witnesses to attend hearings will not allow proceedings to be delayed for more than 5 working days and where necessary they will be asked to provide written statements to minimise delays.

Minutes

In D&R cases the investigatory facts report and/or the Referral Outcome letter represent the only formal detailed documentation. No further minutes, notes or reports will be provided.

Adjournments

If the Chair requires further information to make a decision he/she should consider adjourning the hearing and consider further investigation within reasonable timescales.

Miscellaneous

Employee illness, etc will not normally prevent the progression or completion of action under this or other policies.

Where a complaint is being progressed and employee illness or further complaints arise, this will not normally prevent progression of this action. It may be appropriate for these matters to run concurrently or together under one process.

This policy will allow flexibility by way of reasonable adjustments for employees with a disability. Examples include allowing more time at grievance hearings or any adjustments to the arrangements for the hearing which may be reasonably required. Offering this and other reasonable adjustments will ensure that access to the procedure is fair and equitable. The HR Case Management Team should be contacted for further advice.

Failure to Attend

If an employee is unable to attend a scheduled Hearing/Appeal, the chairperson must be informed in advance. If the employee fails to attend without reasonable explanation or, if they fail to attend a rescheduled Hearing/Appeal, this will result in the Hearing/Appeal proceeding in their absence.

Where a representative or work colleague is not available for an arranged Hearing/Appeal, the employee must make alternative arrangements for another trade union representative or work colleague and take all reasonable steps to ensure the Hearing/Appeal can proceed without unreasonable delay. Where appropriate, an alternative manager may be nominated to chair a Hearing to enable it to progress at the earliest opportunity.

If an alternative date is offered it will be within 5 days of the original hearing date unless the chair agrees there are exceptional circumstances to extend this time period.

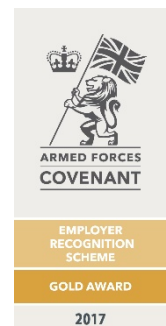
Organisational Development, Policy & Communications

SUPPORT OF EMPLOYEES EXPERIENCING VIOLENCE AGAINST WOMEN POLICY & GUIDELINES

Version 1

Produced by:
Organisational Development, Policy & Communications
Inverclyde Council
Municipal Buildings
GREENOCK
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2024



INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER

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1. INTRODUCTION

- 1.1 It is recognised by Inverclyde Council that Violence Against Women (VAW) is a serious issue within our society affecting all areas of women's lives, and the workplace is no exception. Inverclyde Council seeks through its policy and to support its employees who may be experiencing, or have experienced, VAW, and do what it can to help address and challenge its unacceptability.
- 1.2 Although primarily experienced by women, the policy recognises that men can experience abuse.
- 1.3 The policy recognises that although experienced mainly out with the workplace, VAW can, and does, occur between colleagues in the workplace, e.g., sexual harassment, stalking etc.
- 1.4 Given its prevalence within the wider population, it is inevitable that a significant number of employees will have experience of some form of abuse, past or current. It is further recognised that a number will be perpetrators.
- 1.5 Whether it takes place within or outside the workplace, the employment implications for employees who experience abuse are significant. It can have a detrimental impact on health and well-being, which may affect attendance, performance, and productivity.
- 1.6 Allegations of abuse made against employees could have potential implications for their employment role and could breach organisational and professional codes of conduct.

2. DEFINITION OF VIOLENCE AGAINST WOMEN (VAW)

- 2.1 As stated in Paragraph 1.1, Inverclyde Council is committed to adopting a women-centred approach to dealing with VAW. The relevant definition contained within the policy and associated Guidelines are provided by Scottish Government's Equally Safe 2023 – preventing and eradicating violence against women and girls: strategy: VAW encompasses (but is not limited to):
 - physical, sexual, and psychological violence occurring in the family (including children and young people), within the general community or in institutions, including domestic abuse, rape, and incest
 - sexual harassment, bullying and intimidation in any public or private space, including work
 - commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography, and trafficking
 - child sexual abuse, including familial sexual abuse, child sexual exploitation and online abuse
 - so called 'honour based' violence, including dowry related violence, female genital mutilation, forced and child marriages, and 'honour' crimes

3. VAW AND WOMEN'S INEQUALITY

-
- 3.1 Every year, three million women in the UK experience some form of VAW. Many more live with past experiences. Given that 75% of the workforce of Inverclyde Council are women, it is likely that some could have been affected by VAW and some perpetrators or victims/survivors may be your friends and colleagues. VAW is a cause and consequence of gender inequality. In the same vein, women's labour market inequality is caused and sustained by women's wider inequality in society. This means that making progress on women's inequality in the workplace is a necessary step in preventing and eradicating VAW and tackling gender inequality.
- 3.2 The term Violence Against Women (VAW) refers to violence and/or abusive behaviour that is predominantly carried out by men and directed at women because of their gender. This behaviour includes physical, emotional, psychological, sexual, and economic abuse and stems from systemic and deep-rooted women's inequality. It's an abuse of power and privilege and can be used to control women. VAW is rarely a one-off experience but often repeated and continuous behaviour that can occur over many years. This policy focuses on form of VAW that are most likely to impact the workplace. This includes domestic abuse, stalking, sexual harassment, rape, sexual assault and 'honour based' violence.
- 3.3 The Equality Act 2010 places a specific responsibility on Inverclyde Council to protect employees in circumstances where bullying, discrimination, harassment, or victimisation occurs. Inverclyde Council is committed to meeting the requirements of the Equality Act 2010 which simplifies, streamlines, and strengthens existing equality legislation and protects employees from discrimination on the basis of the following 9 'protected characteristics':
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race (including ethnic or national origins, colour and nationality)
 - Religion and belief
 - Sex
 - Sexual orientation

Under this policy, Inverclyde Council will ensure that everyone receives equal consideration and that the needs of all are taken into account as per the Equality Act 2010, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

4. INVERCLYDE COUNCIL COMMITMENT

- 4.1 Inverclyde Council's commitment to tackling VAW is evident in its priority under the Inclusive Education, Culture & Communities Service to address VAW, and its ongoing Inverclyde VAW Multi Agency Partnership (MAP) work locally and nationally with

relevant agencies and other local authorities. The service also contributes funding towards the Sexual Abuse Service operated by Inverclyde Women's Aid, a specialist voluntary sector agency in domestic abuse/sexual abuse work. Additionally, the VAW Lead Officer coordinates the Multi Agency Risk Assessment Conference (MARAC).

- 4.2 The production of an employee policy on VAW forms part of the Inverclyde Council's commitment to influence the VAW agenda. It is recognised that, due to the prevalence of VAW, employees may be affected. Inverclyde Council believes that, in working towards equal opportunities and social justice, it is important to state that it opposes all forms of VAW. This policy concentrates on VAW which Inverclyde Council recognises as a serious issue that affects the lives of many women. It will, therefore, take every possible step to make clear that all forms of VAW are unacceptable.
- 4.3 Inverclyde Council recognises that employees may be experiencing or have experienced VAW and will take all steps practicable to support them by introducing effective, confidential, sympathetic, and supportive mechanisms.
- 4.4 All disclosures of abuse experienced by employees must be treated confidentially. Domestic abuse is recognised as a risk factor in the lives of individuals and others e.g., children. This does not mean that every case requires an escalated, immediate response and indeed this can be unsafe when not carefully considered. Where circumstances indicate a significant or immediate risk of harm to the individual or others those circumstances should be assessed and public protection procedures considered e.g., child protection, adult protection. Where information is made available about employees who are alleged to be perpetrators of abuse, advice must be sought from the Human Resources (HR) department on how to proceed. Inverclyde Council has a separate policy to [Domestic Abuse Policy](#) and [Domestic Abuse Guidelines](#) (Links) and a Sexual Harassment Policy ([link still to be included](#)).
- 4.5 The policy has been discussed with the relevant Trade Unions and has their support.
- 4.6 Inverclyde Council will offer the facility for a person experiencing VAW to discuss the situation with a designated HR Advisor or provide information on services that can support.
- 4.7 Special paid leave may be granted, where appropriate, to a person experiencing VAW. This will be looked at on case-by-case basis. Provision may be made for an extended period of unpaid leave to be granted in exceptional cases.
- 4.8 Managers are required to respond to people experiencing VAW sympathetically, supportively, confidentially, and effectively. They have a responsibility for the welfare of their employees and should seek to address the issue of VAW in that context. Managers should complete Equally Safe at Work online training courses to assist them in responding appropriately to employees requiring support. These can be found at: [Equally Safe at Work on ICON](#) (Link).
- 4.9 Experience of VAW can have a significant impact on wellbeing and safety of employees and impact on their work. The policy will help to minimise absence-related costs for Inverclyde Council.

5. IMPACT ON STAFF AND THE WORKPLACE

5.1 Inverclyde Council is committed to creating an environment where employees are safe to disclose their experience of abuse in order to access support and increase safety for themselves and others. The right of staff not to disclose is respected and employees should not be pressured into sharing information they do not wish to. Employees should be aware that VAW can influence the health and self-confidence of the person affected and, as a result they may feel unable to confide in others or seek help. VAW can impact on an individual's work performance and other abilities. By behaving in a supportive manner to colleagues, an employee can assist an affected colleague in gaining confidence to tackle the problems that a victim/survivor might experience. It is not always obvious that an employee may be experiencing VAW. However, the following may be indicators:

5.2 Physical Signs:

- Having repeated unexplained injuries and explanations that don't fit
- Frequent, sudden, or unexpected medical problems or absence
- Change in appearance
- Fatigue or exhaustion or increased physical tension
- Panic attacks
- Sleeping or eating disorders
- Substance misuse
- Depression/suicidal

5.3 Changes in behaviour:

- Avoiding lunch breaks or socialising at the end of the working day
- Becoming quiet/avoiding speaking to colleagues
- Loss of confidence and self esteem
- Avoiding male colleagues/being visibly uncomfortable around them
- Isolating themselves from family and friends
- Depressed, anxious, distracted or problems concentrating
- Increased stress or easily overwhelmed
- Withdrawn or detached
- Obsessing about time
- Being fearful/easily startled
- Expressing fear of partner/ of leaving children with partner
- Being secretive about home life

5.4 Performance at work:

- Unexplained changes in previous strong record of quality of work
- Suddenly starting to miss deadlines
- Turning down professional development/training opportunities
- Receiving repeated upsetting calls, texts or e-mails
- Constantly checking mobile phone

6. RESPONSIBILITY OF STAFF

6.1 Recognising the signs

6.1.1 It is good practice for line managers to be aware of the signs that someone may be affected by a form of VAW. This is important to ensure that they know how to effectively manage an employee and support them in their situation. It also means you'll be able to minimize the impact on colleagues and the wider organisation.

6.1.2 Managers should initiate discussion if they have concerns about abuse. It is important to take a victim focused approach when abuse is disclosed and responding sensitively, helping them assess their level of risk and plan with them for their safety. Considering what workplace supports you could provide (8.1).

7. REPORTING MECHANISMS

7.1 In the first instance, your concerns in relation to VAW should be reported to your line manager who is required to respond to your experience sympathetically, supportively, confidentially, and effectively. They have a responsibility for the welfare of their employees and should seek to address the issue of VAW in that context.

7.2 If the perpetrator is your line Manager, then in the first instance you should not hesitate to approach HR for confidential advice on an informal basis. They will be able to advise you whether the incident merits further action and if so, how the matter may be dealt with. The telephone number of the HR Advisors is listed on section 11 of this document.

8. SUPPORTING AND PROTECTING VICTIMS/SURVIVORS

8.1 Barriers to disclosing

It is important to recognise the barriers that will be experienced by victims/survivors in disclosing VAW:

- Embarrassment/humiliation of sharing personal details with colleagues/employer
- Fear of not being believed/judged/stigmatised or treated like a victim
- Believing nothing will change if they report
- Difficulty disclosing due to experience of trauma
- Unaware of processes and procedures and who to talk to

- Awareness that disclosures have been made in the past that the organisation hasn't dealt with
- Line manager or senior member of staff are the perpetrator – power dynamic

8.2 Additional Barriers with hybrid working

While hybrid working offers flexibility and a work/home life balance for many employees, for those who experience VAW it can act as an additional barrier as changes are more difficult to pick up:

- Withdrawing from previous sources of support such as team chats/catch ups
- Minimum participation/contribution/unresponsive in team meetings or constantly offline
- Visible injuries or other signs of someone using physical violence or intimidation such as damage to the home
- Suddenly not using video function where previously did without explanation or one that doesn't fit
- Being visibly uneasy or tense on video during meetings
- Reluctance to talk about home situation or avoid answering questions
- Signs of tension such as audible conflict in the home
- Reluctance to speak on the phone or video or partner is always visible in the background
- Lack of access to computer or phone to be able to effectively work from home
- Nervousness or increased anxiety about partner or family member coming into the room while speaking to them

8.3 Support

- Being aware of the possibility that staff members could be affected by past or current abuse
- Recognising potential signs of abuse
- Initiating discussion if you have concerns about abuse
- Responding sensitively to disclosure of abuse
- Respecting an employee's choice on whether to accept support or not
- Encouraging and supporting your staff member to assess their level of risk and devise a safety plan if required
- Consider what workplace support you could provide within the scope of current policy provision
- Provide contact information of support organisations or agencies. (link to ICON)
- Agree arrangements for contact with the employee if they are unexpectedly absent from work
- Special paid leave for relevant appointments e.g., solicitors, to rearrange housing or childcare and court appointments
- Temporary or permanent changes to working times and patterns – using existing policies such as the Right to Request Flexible Working

- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role
- Redeployment or relocation where requested and where possible Measures to ensure a safe working environment e.g. change a telephone number to avoid harassing phone calls
- Employee counselling service

9. MANAGING PERPETRATORS

- 9.1 Inverclyde Council will take a serious view in relation to employees who are perpetrators of VAW. Such employees may be subject to disciplinary action; however, consideration may be given to referring such employees to counselling or other support where available and appropriate.
- 9.2 All employees are required to ensure that their behaviour at work reflects the Council's aims and values as stated in Inverclyde Council's Code of Conduct at [Code of conduct for employees](#) (Link) and that they adhere to the rules regarding confidentiality. IC will provide a framework for addressing the behaviour of employees who may be perpetrators of abuse and who may pose a risk to others, for example employees and service users.
- 9.3 Where VAW impinges upon the workplace, for example, by unwelcome visits from perpetrators, action will be taken in terms of Inverclyde Council's Health and Safety responsibilities (Abuse at Work) towards its employees.

10. CONFIDENTIALITY

- 10.1 It is essential that confidentiality is strictly observed. Managers are responsible for ensuring that information is not unnecessarily disclosed to others and for ensuring that all employees are aware of their responsibilities in relation to Inverclyde Council's *Code of Conduct*. All employees have a responsibility to adhere to the rules thus ensuring that protective measures are maintained. However, if information comes to light which raises concerns about the welfare of a child or vulnerable adult, the Council has a legal obligation to report these concerns to the appropriate authorities. Please refer to Appendix 1 for details.
- 10.2 Any records will be kept strictly confidential in accordance with the Inverclyde Council's information handling policy and procedures, and it should be made clear that the recording of information on experience of VAW will have no adverse impact on the employee's work record.

11. ROLE OF HUMAN RESOURCES (HR)

A HR Advisor can be contacted on any of the following number by any employee or manager who requires further information on the implementation of this policy: -
Telephone number: 01475 712740

12. LINKS TO RELEVANT POLICIES

[Domestic Abuse Policy](#) (Link)

[Domestic Abuse Guidelines](#) (Link)

[Code of conduct for employees](#) (Link)

Sexual Harassment Prevention & Action Policy (link to be added)

[Equality & Diversity Policy](#) (link)

13. THE APPEALS PROCESS

Details of how VAW claims will be dealt with are detailed in the Dignity & Respect at Work Procedures. This includes how to raise a referral of this nature and the relevant appeals process. Under this policy there are 3 defined stages:

- Informal
- Formal
- Appeal - there is a one stage appeal process which is heard by an Appeals Panel. Following this stage all internal procedures are considered to be exhausted and there is no further right of appeal.

APPENDIX 1

PROTECTING CHILDREN & VULNERABLE ADULTS – STATUTORY DUTIES

- 1 While it is important to emphasise the supportive role given to employees and their families who find themselves experiencing difficulties, it should also be noted that there is a statutory requirement for the Council, and by implication, its employees, to protect children and vulnerable adults.
- 2 If any Council employee hears information or directly sees things which makes them worried about a child or adult being ill-treated, exploited, neglected, or abused, all employees are responsible for taking at least one of the following actions:
 - Speak promptly with your line manager or another manager and talk through your concern.
 - You or your line manager should then contact:

Social Work Children and Families Request for Assistance Duty Team (child protection and wellbeing concerns) Tel: 715365

Access First Service (vulnerable adults) Tel: 714646

Inverclyde Advice First (free, confidential, impartial expert advice in relation to financial matters but can signpost to other services) Tel: 715299

- 3 *Social Work Stand-by Out of Hours Service 03003431505 or your nearest Police Office on 101 or 999 in an emergency.*
- 4 It is essential that concerns are passed to the appropriate agencies that will have staff qualified to make assessments and decisions about what action, if any, might be needed to protect the child or adult and assist the family while they are addressing their difficulties.
- 5 When contacting the appropriate agency employees should give as much information as possible about the child or adult and his or her family. Employees must not delay in taking action or passing on information as it could ensure the safety of a vulnerable child or adult.

Employees must be aware we are all responsible for the care of vulnerable people in our society.

Organisational Development, Policy and Communications & Community Safety and Resilience

April 2023

Version 1.1

Produced by:

Human Resources

Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

Inverclyde Council Equality and Diversity Policy



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1. Introduction

- 1.1 Inverclyde Council is committed to ensuring that the ethos and principles of equality of opportunity and valuing diversity are embedded in all aspects of service delivery and are a guiding principle for all its activities.
- 1.2 The Council strives to embrace a positive attitude towards the promotion of equality and diversity and to create a working environment which is inclusive of everyone regardless of ethnic origin, religion or belief, disability, age, sex, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, carer responsibility, race nationality, social or economic status, trade union membership or activity.
- 1.3 This policy is consistent and in accordance with the current legislative requirements and the Equality Act 2010 and it is the responsibility of all employees to comply with this policy and be familiar with its contents and principles.

2. Purpose

- 2.1 The purpose of this policy is to set out the Council's vision and commitment to equality and diversity in the workplace. It aims to promote equality and diversity in all aspects of the Council's work and encourages a working environment which is free from all forms of discrimination and harassment, where all employees can fulfil their full potential.
- 2.2 The Council is committed to ensuring that equality and diversity is embedded in all aspects of service delivery, and strives to ensure that all employees, customers and partners are treated fairly and with respect at all times.
- 2.3 The Council is positively and actively committed to ensuring that:
 - Employees are educated on equality and diversity;
 - Policies, procedures and practices support the Council's equality and diversity responsibilities;
 - The services provided by the Council are relevant to the needs of the diverse community;
 - The Council's workforce represents the community;
 - A safe and inclusive environment is provided which is free from any form of bullying, harassment discrimination, violence/abuse (including violence against women) victimisation;
 - Unacceptable behaviour will be challenged, including racist, homophobic, sexist and misogynistic language and behaviour;
 - Equality and diversity practices in the Council are measured regularly and are compliant.

3. Scope

- 3.1 This policy applies to all employees of the Council and Elected members. External agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

4. What do we mean by equality and diversity?

- 4.1 Equality is about making sure people are treated fairly and given fair chances. It is about giving people an equality of opportunity to access all services available and to fulfil their potential.
- 4.2 Diversity is about recognising, respecting and valuing differences. It is not about treating everyone exactly the same, but treating people as individuals and creating a working culture and practices that harness and appreciate differences.

5. Legal Framework

- 5.1 The Council is committed to meeting the requirements of the Equality Act 2010 which simplifies, streamlines and strengthens existing equality legislation. The Equality Act 2010 protects people from discrimination on the basis of 'protected characteristics'. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including ethnic or national origins, colour and nationality)
- religion and belief
- sex
- sexual orientation

- 5.2 As well as the above mentioned protected characteristics, the policy also covers actions and behaviour motivated by homophobia and/or transphobia this includes:

- Verbal abuse including taunting, name-calling (including sexualised name calling) or threats (e.g. to kill, physical violence/abuse, sexual assault)
- Threats of 'outing' i.e. disclosing that a person is, or is perceived to be, lesbian, gay, bisexual or transgender, without their freely-given consent)
- Threatening behaviours by individuals or (more commonly) groups, including closing in on,
- following, chasing and/or surrounding a targeted individual or individuals (stalking & harassment)
- Physical or sexual aggression and violence/abuse

- Social marginalising or ostracizing

5.3 We will work with employees to tackle attitudes and behaviours that lead to discrimination for example ageism, sexism and misogyny, racism, homophobia and transphobia; disablism, violence against women, domestic abuse and sexual harassment etc. In addition we understand that people's experiences of discrimination can vary due to intersectional characteristics, for example older and black and minority ethnic women's experiences may be affected by not only sexism but also ageism and racism.

6. Other Relevant Council Policies / Procedures

6.1 The policy should be read in conjunction with other relevant council policies, procedures and training materials as appropriate, including:

- Recruitment and Selection Procedures
- Respect at Work Policy
- Learning and Development
- Grievance Procedures
- Disciplinary Procedures
- Code of Conduct for Employees
- Corporate Equalities Framework
- Equality and Diversity training
- Induction
- Domestic Abuse
- Violence Against Women
- Sexual Harassment

7. Responsibilities

7.1 The Council, elected members, managers, employees, Human Resources and Organisational Development, employee representatives and partners/external agencies have specific equality and diversity responsibilities which are outlined below:

7.1.1 Council's Responsibilities:

The Council is committed to the implementation of this policy and in particular has a responsibility to:

- Foster a culture which embraces and values equality and diversity and encourages equal opportunities best practice;
- Establish systems for monitoring the application of the policy and take action to rectify any inequalities or deficiencies;
- Provide training and guidance to managers and other employees as appropriate on the content of this policy and also raise awareness of equality and diversity issues;.

- Ensure that all policies/procedures of the Council reflect the guiding principles of equality and diversity;
- Take necessary steps to eliminate such behaviours and ensure an inclusive working environment.

7.1.2 Elected Members Responsibilities:

- To be aware of this policy and its content and promote equality and diversity throughout their work for the Council;
- To attend equality and diversity training;
- To consider claims of inequality or discrimination brought to their attention through other Council policies/procedures;

7.1.3 Line Manager Responsibilities:

- To be aware of this policy and implement it in their own work areas;
- To make their employees aware of their equalities responsibilities;
- To maintain an environment which actively promotes equality and diversity and is free from discrimination;
- To apply this policy fairly, consistently and without discrimination;
- To address instances of suspected discrimination, immediately, sensitively and confidentially and take appropriate action where necessary;
- To ensure employees take part in equality and diversity training.

7.1.4 Employees' responsibilities:

- To read this policy and understand their own equality responsibilities;
- To participate and co-operate in any measure introduced by the Council to implement this policy, promote equal opportunity and prevent discrimination;
- To ensure their own behaviour towards colleagues, partners, customers and members of the public is appropriate in terms of this policy;
- To challenge and report any suspected discriminatory practice to an appropriate manager;
- To treat other employees with respect;
- To take part in equality and diversity training as appropriate.

7.1.5 OD & HR Service Responsibilities:

- Promoting equality and diversity awareness;
- To ensure that all employment policies/procedures are reviewed and developed in line with relevant legislation and equality and diversity best practice;
- Regularly analyse equality and diversity and workforce statistical information;
- To ensure that equality and diversity is streamlined in all training courses and employment policies and procedures;
- To support managers and employees on the implementation of this policy;
- To support managers and employees in all equality and diversity related issues.

7.1.6 Employee Representatives Responsibilities:

- To be aware of the Council's policy and its content;
- To promote the Council's policy and participate in any joint activities to raise the profile of equality and diversity;
- To support and provide representation to employees who have raised issues about inequality, discrimination and unfair treatment.

7.1.7 Partners/External Agencies, Contractors, Agency Workers Responsibilities :

- To be aware of the Council's policy and its content;
- To promote the Council's policy and participate in any joint activities to raise the profile of equality and diversity;
- To support and provide representation to employees who have raised issues about inequality, discrimination and unfair treatment.

8. Protection from Discrimination

8.1 All employees of the Council have the right:

- Not to be discriminated against;
- To receive equality of opportunity;
- To challenge any unfair treatment or discrimination;
- To make a complaint when they feel they have been unfairly treated.

8.1.1 The Equality Act 2010 provides protection from discrimination on the basis of 'protected characteristics'. The protected characteristics are:

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race;
- Religion and Belief;
- Sex;
- Sexual Orientation.

8.2 More information about the protected characteristics is provided in Appendix 1.

8.3 The Equality Act 2010 introduced a public sector equality duty (PSED) which has two parts - the general duty and the specific duties.

8.4 The general duty requires the Council to have due regard to the need to:

- To eliminate unlawful discrimination, harassment, victimisation, violence/abuse and other prohibited conduct;
- To advance equality of opportunity between people who share a relevant protected characteristic and those who do not;

- To foster good relations between people who share a protected characteristic and those who do not.
- 8.5 The specific duties help the Council to meet the three needs of the general equality duty. These duties are:
- mainstreaming equality;
 - equality outcomes;
 - assessing impact;
 - employee information;
 - equal pay policy ;
 - procurement;
 - involvement;
 - accessibility
- 8.6 More information about the specific duties is provided in Appendix 2.
- 8.7 The specific duties ensure the Council takes effective action on equality, makes the right decisions, develops better policies and practices based on evidence, is more transparent, is accessible and accountable and delivers improved outcomes for all.

9. Failure to Comply

- 9.1 Concerns or complaints from employees, partners/external agencies, contractors and agency workers will be investigated in line with the appropriate Council policy/procedures, for example, Grievance Procedures, Disciplinary Procedures and Recruitment and Selection Complaint Procedures. Any breaches or failure to comply may lead to further action being taken by the Council.
- 9.2 If an employee of a partner / external agency or contractor is found to be in breach of this policy, this will be reported to the relevant employer for the matter to be progressed through their own disciplinary procedure. Any breach in this respect could result in no further involvement with the Council.

10. Learning and Development

- 10.1 The Council offers a range of learning and development opportunities in equality and diversity. Details of all e-learning and face-to-face courses are available via ICON and Brightwave.

11. Equality Impact Assessment

- 11.1 This policy has been impact assessed in line with the Councils obligation to comply with the Equality Act 2010.

12. Monitoring and Review

- 12.1 This policy will be monitored and reviewed regularly as it is applied, and in line with any legislative changes relating to equality and diversity in the workplace.

Appendix 1 – Protected Characteristics

Protected characteristics are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Age

People of all ages are protected. From October 2011 the default retirement age of 65 was removed, making compulsory retirement at any age unlawful unless objectively justified.

Disability

Under the Act, a person is disabled if they “have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. This may include the following:

- Learning disabilities (such a Down’s syndrome or dyslexia or cognitive impairment (such as autism or head injury)
- Long standing illness or health condition (such as cancer, HIV, diabetes, chronic heart disease or epilepsy)
- Mental health condition (such as depression or schizophrenia)
- Physical impairment (such as difficulty using your arms or mobility issues which means using a wheelchair or crutches)
- Sensory impairment (such as being blind, having a serious visual impairment or being deaf/having a serious hearing impairment).

Gender reassignment

Gender reassignment is the process of transitioning from one gender to another. A person does not have to be under medical supervision to be protected, so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Marriage and civil partnership

Previously marriage was defined as a 'union between a man and a woman'. However, marriage is now available to mixed sex and same sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. The Marriage and Civil Partnership (Scotland) Act 2014 was passed in the Scottish Parliament in February 2014 and from December 2014 existing civil partnerships can now be converted to a marriage and other same-sex couples can give notice of their intention to marry.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth.

The protected period starts when a woman becomes pregnant and continues until the end of her maternity leave, or until she returns to work if that is earlier.

Race

It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

This includes colour, nationality and ethnic or national origins. The Act protects people of all races. Examples of national identity are Scottish, English, Welsh, Northern Irish and British. Examples of ethnic groups are:

- White – i.e. Scottish, Other British, Irish, Gypsy/Traveller, Eastern European (for example Polish);
- Mixed or Multiple Ethnic Groups;
- Asian, Asian Scottish or Asian British – i.e. Pakistani, Pakistani Scottish or Pakistani British, Indian, Indian Scottish or Indian British, Bangladeshi, Bangladeshi Scottish or Bangladeshi British, Chinese, Chinese Scottish or Chinese British;
- Caribbean or Black – i.e. Caribbean, Caribbean Scottish or Caribbean British, Black, Black Scottish or Black British;
- Arab – i.e. Arab, Arab Scottish, Arab British.

Religion and belief

Religion includes any religion. It also includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects with a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would be protected. Examples of religion or beliefs are Buddhist, Church of Scotland, Hindu, Humanist, Jewish, Muslim, Other Christian, Sikh, Pagan and Roman Catholic.

Sex

Both men and women are protected.

Sexual orientation

This relates to a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. This includes bisexual, gay, heterosexual and lesbian people. The Equality Act 2010 prohibits direct discrimination, associative discrimination, discrimination by perception, indirect discrimination, harassment and victimisation in relation to employment and training.

Appendix 2 – The Specific Duties

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on 27 May 2012. The specific duties will help the Council to meet the three needs of the general equality duty. The specific duties are:

Mainstreaming equality

The Council is required to publish information about how it has integrated the equality duty into all of its functions. Equality considerations must feature adequately in all service improvement plans, board or other reports, financial, performance and equality frameworks and other policy documents.

Equality outcomes

The Council is required to publish a set of equality outcomes which will enable the Council to better perform the general equality duty.

Assessing impact

The Council is required to assess the impact of applying a proposed, new, revised or existing policy against the needs of the general equality duty so that any potential inequalities can be addressed before implementation.

Employee information

The Council is required to take steps to gather information on the composition of employees by protected characteristic. This information will be used by the Council to better perform in meeting the needs of the general equality duty.

Equal Pay Policy

The Council is required to publish a revised equal pay policy specifying the Council's policy on equal pay between men and women, employees with and without disabilities and employees from minority racial groups.

Procurement

Where the Council is carrying out a public procurement exercise, due regard must be given to whether or not the award criteria should include equality considerations which will help the Council to better meet the needs of the general equality duty.

Involvement

The Council will take reasonable, practicable and proportionate steps to involve relevant equality groups and communities and use their evidence when decision making.

Accessibility

The Council is required to publish reports on mainstreaming the equality duty, equality outcomes and report on progress made to achieve these outcomes, gender pay gap information and its policy on equal pay and occupational segregation.

Organisational Development, Policy & Communications

SEXUAL HARRASSMENT PREVENTION AND ACTION

Produced by:
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Appendix 1 – Dignity & Respect at work process		

1. The Policy Statement

1.1 Inverclyde Council is committed to providing an inclusive, supportive and safe environment for everyone who works there. This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, and volunteers.

1.2. The aim of the Policy is to prevent, respond to incidents that arise, and take action to effect long-term change by:

- educating all staff about sexual harassment and their role in developing a culture free from harassment;
- fostering a working environment that supports the dignity and respect of all and is free from any form of discrimination, bullying, harassment, and violence, including gender-based violence;
- where harassment does occur, providing a process and procedure for dealing with it to ensure it is properly managed;
- capturing learning from what happened to help create an environment free from harassment;
- monitoring our progress in achieving a workplace free from harassment; and
- building continuous improvement into our culture.

1.3. Everyone has a part to play in being aware of, preventing and dealing with sexual harassment. The Policy sets out the expectations for the behaviour of our staff as well as what we can do to protect all staff from sexual harassment. It is supported by the senior leadership within the organisation.

1.4. We will not tolerate any form of sexual harassment in the workplace, will treat all incidents seriously and promptly investigate all allegations of sexual harassment. Reporting should be raised within 3 months of an incident, or if a series of incidents, within 3 months of the last incident of sexual harassment under this Policy and our Disciplinary Policy and Procedure. There is a time limit for bringing cases of sexual harassment to Employment Tribunal of three months less one day from the last act of harassment.

1.5. Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including warnings, suspension, compulsory transfers/demotions, or dismissal in accordance with the Disciplinary Policy and Procedure, may be taken against any person who violates this Policy. There may also be circumstances where further training is mandated for individuals, teams or the whole organisation.

1.6. No one will be victimised for making a complaint of sexual harassment or for helping another person to make such a complaint unless it is malicious. This means that anyone who makes such a complaint or who helps someone to make such a complaint, for example by giving evidence or information, will not be treated badly because of their actions.

No one will be subject to disciplinary action or to any other detriment simply because their complaint is not upheld.

1.7. This Policy and the procedures outlined in it form part of a broader intersectional anti-sexism strategy aimed at preventing and eradicating the sexual and sexist harassment of all workers, and all other forms of gender-based violence. Details of the wider suite of related activities can be found here: [Equally Safe at Work on ICON](#) and [Equalities Monitoring & Mainstream Reporting](#). See also section 6 'Preventing Sexual Harassment'.

1.8. The Head of OD, Policy & Communications has overall responsibility for this policy. This Policy has been developed in partnership with our Trade Unions, Workforce Planning & Development Group, Corporate Equality Group and Staff Disability Forum with whom we will conduct regular and ongoing consultation regarding the continuing relevance and effectiveness of this policy and any associated activities.

1.9. While this Policy does not form part of any contract of employment or contract to provide services and may be amended at any time as set out above, all staff will be made aware of this Policy and will be expected to comply with it. This Policy will be communicated to all staff on a regular basis using a variety of methods including induction, training, information and publicity, team briefings, departmental meetings, and in-house publications.

1.10. The following policies should be read in conjunction with this policy:

- Code of Conduct
- Confidential Reporting (Whistleblowing)
- Data Protection
- Dignity and Respect at Work
- Disciplinary
- Domestic Abuse
- Equal Opportunities
- Equality & Diversity
- Health and Safety
- Supporting Employee Attendance
- Violence Against Women

1.11 As a progressive employer the Council recognise the links between labour market inequality and societal inequalities and the role the Council plays as an employer in tackling those inequalities. In particular, as our workforce is predominantly female we have a strong commitment to addressing gender inequality as a cause and consequence of violence against women.

1.12 We will work with employees to tackle attitudes and behaviours that lead to discrimination for example ageism, sexism and misogyny, racism, homophobia and transphobia; disabilism, etc.

1.13 In addition we understand that people's experiences of discrimination can vary due to intersectional characteristics, for example older and Black and minority ethnic women's experiences may be affected by not only sexism but also ageism and racism.

2. Scope

2.1 This policy applies to all Local Government Employees' including Chief Officers, and Teachers.

2.2 Elected Members, external agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

2.3 This policy applies to all employees of the Council who are employed on permanent, temporary fixed term or part time contracts and casual/sessional and supply workers.

2.4 The policy applies in the workplace and applies to conduct outside the workplace in accordance with the Employee Code of Conduct.

2.5 This policy and associated procedure supports Inverclyde Council's Equality & Diversity Policy and reinforces the Council's commitment as an equal opportunities employer and the Council's Violence in the Workplace Policy

3. What is Sexual Harassment?

3.1. Sexual harassment is prohibited under the Equality Act 2010. It occurs when a person is subjected to **unwanted conduct** of a sexual nature which has the purpose or the effect of:

- violating the person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

3.2. Unwanted conduct that has one of these effects can be harassment even if the effect was not intended. A single one-off event or a series of incidents can amount to sexual harassment. A person can be affected by sexual harassment even if the conduct is not targeted at them.

3.3. It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

3.4. Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. We recognise that sexual harassment often arises as a form of violence against women and girls. Sexual harassment can also be a form of violence targeted at men and those with non-binary gender identities.

3.5. Under international law, sexual harassment constitutes a breach of a person's human rights.

3.6. Sexual harassment is often a manifestation of power relationships and frequently occurs within unequal relationships in the workplace, for example between manager or supervisor and a more junior colleague, or a longstanding employee and a new member of staff. It frequently arises as the result of sexism and power inequalities between women and men. Sexual Harassment, bullying and intimidation in any public and private space, including work, falls under the wider definition of violence against women. In cases where sexual harassment is found to have occurred, this will be investigated under the sexual harassment policy and may lead to disciplinary action.

3.7. We also recognise that certain vulnerable or minority groups may be more at risk from sexual harassment. Where a person has more than one protected characteristic, this may increase the risk of them experiencing sexual harassment. This is because multiple categories of identity such as gender, race, sexuality, trans status, religion and disability can interact in ways that create complex systems of oppression and power which can result in harassment based on a combination of different aspects of a person's identity. We refer to this as intersectional harassment.

3.8. What is 'unwanted conduct'?

3.9. Unwanted conduct covers a wide range of behaviour which is unwanted or unwelcome.

3.10. Types of behaviours which constitute sexual harassment include, but are not limited to:

3.11. Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging.
- Fondling, or inappropriate touching.
- Physical violence, including sexual assault and rape.
- The use of job-related threats or rewards to solicit sexual favours.

3.12. Verbal conduct

- Banter
- Mimicry
- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories, jokes or pranks
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending/sharing sexually explicit messages/images (by any medium)
- Coercion
- Gaslighting (a form of covert emotional abuse)

3.13. Non-verbal conduct

- Display of sexually explicit or suggestive material or imagery
- Graffiti
- Posts or contact on social media
- Sexually suggestive gestures
- Facial expressions
- Whistling
- Leering
- Predatory behaviour

3.14. The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the "recipient").

3.15. There may be other sexual behaviour, which though not unwanted, is still inappropriate in the workplace (including in a place that may legally count as work such as at a work event, work night out or walking home). For example, engaging in a consensual sexual act in the workplace. We do not permit sexual contact in the workplace and any such behaviour may still be addressed as a breach of the sexual harassment policy and will trigger the Dignity & Respect at Work/Disciplinary procedures. We recognise that if this behaviour were allowed to take place, there is a risk of one party believing that the conduct is welcome and the other considering the conduct to be unwanted, either at the time or in hindsight. This can increase the risk of sexual harassment.

3.16. Examples of sexual harassment

3.17. The following examples are intended to provide illustrations of the types of behaviours that will constitute sexual harassment. They are not exhaustive – there are many more examples of such behaviour. Importantly, sexual harassment can arise in various forms and to different degrees. As part of the review process for this policy, we will ensure that the

specific examples given in this policy are updated so as to reflect the specific work environment in which our staff operate taking account of the composition of our workforce and the types of work undertaken.

Certain types of harassment may be linked to more than one aspect of the recipient's identity. This is intersectional harassment. Examples that illustrate this are included here, but this Policy is not fully intersectional and must be read with the Dignity and Respect at Work Policy for further guidance on other forms of discrimination.

3.17.1.1. Some forms of sexual harassment are clear violations of a person's dignity:

EXAMPLE ONE

A black female worker overhears two colleagues discussing whether she would be willing to have sex with them. They express the view that she would be "really easy to get into bed" because "black women love sex".

3.17.1.2. Sexual harassment does not have to be targeted at one individual:

EXAMPLE TWO

A music promoter adds a link to their email signature to a promotional video for a rock band. In the video, scenes of a sexual nature are portrayed by actors. Every time they send an email to their colleagues and to their contacts outside the organisation, this link is received.

3.17.1.3. Sexual harassment does not have to be intentional:

EXAMPLE THREE

A worker believes that her male colleague uses the fact she is in a wheelchair as an excuse to make physical contact with her. She feels the situation is complicated by the practicalities and power dynamics of needing support from others with certain tasks. She wants to report the issue but thinks he may not realise he has been doing this.

3.17.1.4. It is not necessary for the recipient to say that they object to the behaviour for it to be unwanted:

EXAMPLE FOUR

A young woman's body is repeatedly referred to by two of her colleagues. These comments are made in front of her over several months. She does not voice any objection to the comments, sometimes laughing at them and, on one occasion, she responds by making equally offensive comments about one of her colleagues.

3.17.1.5. There may be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point 'oversteps the mark' and becomes unwanted.

EXAMPLE FIVE

Two work colleagues become friendly, often having lunch together and occasionally meeting up outside of work. One Friday night, after a few drinks at the pub, they kiss and agree to meet again the following weekend. On the Monday morning, one takes the other to one side

and explains that they regret what happened and would like to keep their relationship professional. The employee who wishes to keep the relationship going texts and emails the other employee several times a day over the next week, expressing their affection and upset at the 'change of heart' and repeatedly asking to meet up outside of work despite this request being repeatedly refused.

3.17.1.6. There may be circumstances where behaviour feels appropriate to those involved but causes concerns for others who may see or overhear it, even if nothing is targeted at them. This could still amount to sexual harassment in breach of this policy.

4. When does this policy apply?

This policy will apply to any unwanted conduct that occurs in the course of a person's work and which takes place at their place of work, including in their home while working from home, on their commute, or at/while travelling to a place which is not their place of work if they are there for any reason related to their work, including for a work-related social event, business trip, training session or conference.

5. What if the alleged perpetrator is not a member of staff?

The sexual harassment of staff will not be tolerated, whether caused by those that work here or third parties including customers, suppliers, clients, or visitors to our premises. Any instance of work-related sexual harassment should be reported in line with this policy, regardless of who the alleged perpetrator is. [We act in accordance with the EHRC's Guidance on third party sexual harassment and employer's liability available here: https://www.equalityhumanrights.com/sites/default/files/sexual_harassment_and_harassment_at_work.pdf]

6. Preventing Sexual Harassment

6.1. This section should be read in conjunction with the policies listed in section 1.10. The Health and Safety policy is particularly relevant and other policies will provide context-specific guidance. For instance, the Dignity and Respect at Work Policy should be consulted when alleged misconduct may incorporate intersectional discrimination.

6.2. As set out in section 3.4 to 3.6, sexual harassment can be more prevalent in certain environments, including where there are disparities in power between different groups of staff. This is often linked to women and men working at different levels of seniority within organisations, and includes power disparities as a result of disability, sexual orientation, gender identity, race and age. Women are the overwhelming majority of those who are sexually harassed at work.¹ Disabled women, young women and LGBT workers experience even greater rates of sexual harassment.² Women of colour frequently experience racialised sexual harassment.

6.3. High levels of workplace stress can be a contributory factor in creating a working environment in which sexual harassment is more likely to occur.³ Stress occurs where there is either excessive demand on staff and/or reduced resources. It can arise due to excessive

¹ TUC (2016) Still just a bit of banter?

² TUC (2021) Sexual harassment of disabled women in the workplace; (2016) Still just a bit of banter?; TUC (2019) Sexual harassment of LGBT people in the workplace.

³ Rosalind Searle (2022) Counterproductive Work Behaviours in *Oxford Research Encyclopaedia of Psychology*. Oxford University Press.

working hours and limited recovery time, work precarity, high levels of staff absence / sickness and turnover that leave remaining workers to have to pick up additional tasks. In these contexts, workers' ability to self-regulate can be overwhelmed to create 'flash spots' of more pervasive workplace incivility, including raised levels of bullying, harassment, verbal and physical incivility and violence of which sexual harassment is an extreme outcome.

6.4. The Employers' Duty of Care

6.4.1. The law imposes a duty of care on employers to provide a safe system of work for all staff. This includes a specific obligation to protect the health, safety and welfare of their staff and others who might be affected. In discharging this legal duty, we recognise that there are certain measures that can help to prevent sexual harassment in the workplace including ensuring that adequate measures are in place to tackle sexism and address inequality between women and men and people with non-binary identities, as well as other forms of discrimination including racism, ableism, homophobia, transphobia and ageism, and to prevent the conditions which cause and exacerbate high levels of stress. We are committed to the adoption and operation of such measures, including:

- **Improving the gender balance at all levels of the organisation:** Mainstream Report, Equal Pay Statement. Equality Outcomes available here: <https://www.inverclyde.gov.uk/council-and-government/equality-and-diversity>
- **Improving diversity and inclusion at all levels of the organisation:** Staff Disability Forum. Mainstream Report and Equal Pay Statement, Equality Outcomes are available here: Mainstream Report and Equal Pay Statement. Equality Outcomes available here: <https://www.inverclyde.gov.uk/council-and-government/equality-and-diversity>
- **Staff survey:** Ascertaining how working conditions impact on all staff and identifying any areas of concern. To this end, a 3 yearly workplace staff survey will be conducted the results of which will be consulted on with our trade unions to identify any action that needs to be taken.
- **Data monitoring:** Staff data related to sickness absence rates and turnover will be carefully monitored in accordance with Supporting Employee Attendance Policy to identify patterns of behaviour as it is recognised that they can be linked to high stress levels and associated behaviours which may be indicative of sexual harassment.
- **Good management practices:** including anti-discrimination management practices, competent and respectful people management, awareness of the conditions that can allow sexual harassment to become prevalent and consistency in taking appropriate preventions and interventions (including prompt and unambiguous action to visibly demonstrate that concerns regarding sexual harassment will be taken seriously).
- **Risk assessments:** that include consideration of factors that can increase the risk of sexual harassment including: work-place stress, power imbalances, job insecurity, lone working, customer-facing [or client or patient or service user-facing] duties, and lack of diversity and inclusion in the workforce. See our Health and Safety Policy, available on ICON, for more information on workplace risk assessments.
- **Equality impact assessments:** that take account of the differential effects of organisational policies, procedures and practices on certain groups or individuals depending on sex, sexual orientation, and gender identity, race, age, disability, religion or belief and pregnancy and maternity and follow-up actions to address these effects and to increase diversity and inclusion within the workforce. This will include recognition of intersectionality.

- **Continuous awareness-raising:** about the nature and impacts of sexual harassment, common reactions to sexual harassment and the requirement of respectful behaviour for all staff to create a culture free from harassment and identify and address incidents when they occur. Awareness of this policy, a copy of which will be made available to all staff and members of the public on an external-facing webpage, and a copy of which will be provided to all new workers on induction. The policy will also be available, as appropriate, in translated versions for those whose first language is not English and in accessible formats such as easy read, braille, large print and sign language upon request.

- **Senior leadership champions:** This Policy is supported and championed by the senior leadership team. They will be actively involved in promoting it and being vocal champions of the policy.

- **Appropriate and targeted training:** on sexual harassment and about this policy for all staff, including supervisors and managers at all levels of the organisation. It will include role model and no-more bystander training to promote clarity about sexual harassment and the value of speaking out to raise concerns. The training is mandatory for all staff and will form part of the induction for new staff and staff receiving promotions or moving to new roles. Training will include information on sexual harassment as a form of violence against women and a breach of human rights that is rooted in sexism and other inequalities, what constitutes harassment and its impact on individuals and the organisation, how to report sexual harassment, colleagues' role in reporting and prevention, and the related responsibilities of all staff.

This will also include targeted training for all managers and supervisors potentially responsible for investigating and making decisions in relation to complaints and disciplinary processes. This will include training on recognising sexual harassment, intersectionality, understanding the variety of reactions to sexual harassment, and dispelling misconceptions.

- **Trained HR Advisors and confidential reporting options:** We will provide contact points where staff can raise concerns in a confidential discussion of their situation and be provided with information regarding how to take further action and what support is available. This includes the whistleblowing hotline 01475 712184, HR Advisors (as described at section 7 below), and the option of raising concerns with management.

- **Monitoring progress:** the Policy and our progress against the above objectives will be transparently reported on and discussed in appropriate forums such as staff forums and team meetings.

7. Responsibilities of Managers and Supervisors

7.1. All those with line management responsibility must ensure that all workers are aware of this policy and understand their own, and the organisation's responsibilities. Training on sexual harassment will be provided to managers.

7.2. Managers and supervisors have a particular duty to ensure that, within their area of responsibility, everyone is treated with dignity and respect.

7.3. To discharge this duty, they must:

- Always challenge any unacceptable or questionable behaviour that they become aware of even if they are not directly affected.

- Be aware of behaviour and language that can cause offence including jokes and banter, and if necessary, remind workers of the expected standards.
- Respond to complaints of sexual harassment swiftly, sensitively and objectively using specified procedures. Please see Appendix 1 for the Dignity and Respect at Work Process Flowchart.

The focus in dealing with complaints should be to understand what has happened and address that proportionately, including where this involves the employer acknowledging failing and accepting fault and blame where appropriate.

- Deal directly with third party perpetrators such as service users, patients, clients, visitors or contractors outlining actions which may include withdrawing service, terminating a contract, banning from the premises if behaviour is not moderated.
- Ensure that this policy is followed.

7.4. An HR Advisor will assist any line manager in dealing with complaints of sexual harassment.

7.5. All complaints of sexual harassment must be dealt with in accordance with the organisation's data protection Policy.

7.6. In terms of their own behaviour, managers and supervisors are expected to be exemplars to others. Any inappropriate behaviour or response to such behaviour or abuse of a manager's positional power will serve to condone harassment and will be considered a serious breach of this Policy and be managed under the Disciplinary Policy.

7.7. A line manager's failure to actively implement this Policy within their area of responsibility, or to fail to deal with sexual harassment when they become aware of it, could constitute a breach of this policy and disciplinary action may be taken.

8. HR Advisors

8.1. We recognise that it can be difficult for individuals to discuss or report sexual harassment, for example, if the individual's manager is the perpetrator or is aware of the harassment but has not taken action to stop it, the worker is reluctant or too embarrassed to raise the matter with their manager, or feels that their manager may lack the skills, knowledge or sensitivity to deal with complaints of sexual harassment.

8.2. We are committed to ensuring that such difficulties are overcome so that allegations of sexual harassment are raised and can be acted upon. To aid in this endeavour, HR Advisors have been designated to deal with complaints of sexual harassment and to offer advice to workers who believe that they or their colleagues have experienced sexual harassment. HR Advisors receive training on sexual harassment.

8.3. The main role of an HR Advisor is to:

- Provide empathetic assistance and support to workers with complaints of sexual harassment.
- Explain the procedures for making a complaint and the potential outcomes.
- Establish the main details of any complaint.
- Help the worker to decide what they want to do.

- Inform the appropriate manager for action if the worker decides to take the matter further.

8.4. We will ensure that HR Advisors receive training in carrying out their role. HR Advisors will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the worker (save in cases where there is a serious risk to health and safety and sharing with appropriate parties is considered necessary in which case this will be done in a minimal way using anonymous/non-identifiable information whenever possible).

8.5. A worker who makes any disclosure to HR Advisors about sexual harassment is under no obligation to take further action. Workers who have been sexually harassed are not obliged to refer their complaints to HR Advisor(s) and any such disclosure is made voluntarily.

8.6. When information is shared with the HR Advisor it will be kept confidential at that point (save in cases where there is a risk to health and safety and sharing with appropriate parties is considered necessary as explained above). The HR Advisor will explain the possible next steps and what may happen next with information, the safeguards in place, who it is kept confidential from and the circumstances in which it may be shared.

8.7. A list of HR Advisors can be found by contacting Human Resources at 01475 712740 or human.resources@inverclyde.gov.uk.

9. Responsibilities of Workers

9.1. All staff have a responsibility to contribute to a respectful and productive working environment. This includes supporting and caring for their colleagues, customers and services users. All staff have a duty to assist in the creation of a safe working environment, where sexual harassment is not tolerated.

9.2. To discharge this duty, individual members of staff must:

- Ensure they understand what sexual harassment is.
- Be aware of how their behaviour may affect others.
- Challenge unacceptable behaviour wherever possible as long as it is safe to do so. Forms of intervention include: calling out behaviour that is unacceptable when it happens and addressing the person who is behaving inappropriately; taking steps to defuse the situation/redirect those involved; checking in with the recipient of the behaviour after it has taken place, assuring them that what occurred was not acceptable.
- Report incidents of sexual harassment when witnessed and/or support recipients of sexual harassment in reporting it.
- Co-operate in investigations into alleged sexual harassment.

9.3. What should I do if I have sexually harassed someone or been accused of doing so?

9.3.1. If you have, or are concerned that you have, engaged in unwanted conduct of a sexual nature (intentionally or otherwise), you should take responsibility for your actions as soon as you can, as they may amount to sexual harassment. This is important as it may

prevent the recipient of your behaviour from experiencing further trauma. For further advice, you should contact an HR Advisor.

If you have been questioned, accused, charged or prosecuted for a criminal offence (including one of sexual harassment, assault or rape) in relation to anything that has happened in a work context you must report this to your manager immediately.

9.3.2. This applies even if you deny the alleged conduct or do not consider the alleged conduct to be connected to work. A failure to report this could amount to misconduct in itself.

9.3.3. Alleged sexual harassment may be investigated by us under this process in conjunction with our Dignity and Respect at Work Policy and Procedure where appropriate or otherwise and could also amount to an act of misconduct/gross misconduct or otherwise result in your dismissal (including summary dismissal).

9.3.4. If, at any time, you are asked (verbally or in writing) by someone who considers your behaviour to amount to sexual harassment to stop, you must not persist in that behaviour. You should also report the incident to your manager or HR. In such circumstances, it is important that you reflect on your behaviour and the way in which it is perceived and experienced by others. Remember that everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An authentic apology and genuine assurance that the behaviour will not be repeated may be enough to end the matter. However, in some cases a direct apology without a third party to facilitate may not be appropriate and advice from a HR Advisor should be sought in advance. You should be sensitive to the reaction/potential reactions of the recipient. If the recipient refuses to accept your apology or is upset further by it, you should not persist in contacting them. You should also seek advice from a HR Advisor and/or report your behaviour to your line manager, a senior manager or HR Advisor at this point.

9.4. What should I do if I am the recipient of unwanted conduct of a sexual nature?

9.4.1. You can report any concerns to your manager or an HR Advisor. In some cases, you may feel able to ask the perpetrator to stop the behaviour. If that is ineffective, or you do not feel able to do this, an informal discussion with a HR Advisor can be a useful way of talking through what has happened and deciding what further action you wish to take. Such discussions will be dealt with in confidence. However, if the harassment is of such a serious nature because of the high immediate risk to the safety of the complainant, or others with whom the perpetrator may come into contact, the employer may need to take further action (see 10.6.2 below). Information on external support that is available will be provided whenever you report sexual harassment. Please also see links at the end of this document.

9.4.2. Recipients of sexual harassment are encouraged to report any instances of sexual harassment, victimisation or discrimination experienced. Reporting is an important step in preventing the behaviour and is important to the recipient's ongoing health, safety and wellbeing, and will enable them to access appropriate guidance and support. However, we recognise that there may be many reasons that someone who has experienced sexual harassment may not report it and are committed to making it easier and less stressful to do so.

9.5. What should I do if I have witnessed unwanted conduct of a sexual nature?

9.5.1. You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it provided it is safe to do so and you feel able to do so. We recognise that past experience of sexual harassment may make this difficult. Your actions can be important in helping create a culture free from sexual harassment and ensuring that there are no bystanders. Tackling sexual harassment is everybody's responsibility. Those who have witnessed sexual harassment can use the reporting mechanisms outlined below.

10. Reporting Mechanisms

10.1. It is important that any concerns are reported as you may be the first to formally raise something that has been occurring for some time.

10.2. There are different ways in which you can report such behaviour. Please see Appendix 1 for the Dignity and Respect at Work Process Flowchart. These different methods recognise that each individual who experiences sexual harassment will have different needs and might desire different outcomes. You should choose the reporting mechanism(s) that you feel most comfortable with.

10.3. We retain the right to investigate concerns that we become aware of even if these are based on anonymous reporting or complaints are withdrawn. Our ability to investigate and take action may be restricted in these circumstances, and we will act with respect and empathy towards any person who has raised a concern but no longer wishes to be involved in the process. As an employer, we may still pursue matters if it is appropriate and proportionate to do so. This is important to ensure that we can tackle concerns about potential sexual harassment within the organisation.

10.4. Reporting to a HR Advisor

10.4.1.1. An informal discussion with a HR Advisor can be a useful first step in talking about what has happened. See section 8 for details of the HR Advisor role and confidentiality rules.

10.4.1.2. This may be followed by a formal report. There is no obligation to make a formal report, but as outlined below, for legal reasons, formal action to address specific incidents will normally only be taken once a formal report has been received.

10.5. Reporting to an External Third Party including the Police

10.5.1. Any person can make an anonymous report of sexual harassment to external organisations such as Rape Crisis or Women's Aid. Such reports can be made at any time in place of, or in addition to an informal or formal report and will be dealt with in the strictest confidence. The person making the report should provide as much detail as they feel comfortable with. No one within our organisation will have direct access to the information contained in the anonymous report.

10.5.2. A person may also report concerns about sexual harassment to the police when they consider it appropriate to do so. Personal safety is paramount and where a person has any

concerns about criminal behaviour we recommend reporting to the police. See sections 10.10 and 10.12 for more information on how this policy can link to police matters.

10.6. Informal Reporting

10.6.1. If a person reports sexual harassment to a supervisor, manager or HR Advisor but does not want to take the matter any further, the individual receiving the complaint will keep in contact with them to check whether the situation has improved.

10.6.2. Although the wishes of the complainant to keep the report on an informal footing will be adhered to wherever possible, there may be some circumstances where the harassment is of such a serious nature that the employer will need to take action because of the high immediate risk to the safety of the complainant, or others with whom the perpetrator may come into contact with. In such situations, the employer may put in place appropriate safeguards, such as instigating a formal investigation with precautionary paid suspension, or temporary transfer of the alleged perpetrator, to prevent further harassment, or victimisation of the complainant.

10.7. Formal Reporting

10.7.1. If informal action does not stop the sexual harassment, or a formal report is made, a formal procedure should be initiated in line with the process outlined in the Dignity and Respect Policy. Please see section 1.10 and Appendix 1 for the Dignity and Respect at Work Process Flowchart.

10.7.2. The process allows both the complainant and the person against whom the complaint is made the right to be accompanied by a trade union representative, or a colleague, or any other person of the complainant's choosing.

10.7.3. A person who believes that they have been sexually harassed and who decides, to formally report it should, in the first instance, report the alleged act or acts to their line manager by completing proforma. If they do not feel that the line manager is an appropriate person, for example if the line manager is the person doing the harassment, the report should be made to a HR Advisor, a more senior manager or an HR Officer. Where possible, the worker should set out in writing details of the complaint including dates and times of the alleged incident(s) and an account of the behaviour. They should also include what their desired outcome is; HR Advisors can support workers in establishing this.

10.7.4. All complaints will be handled and investigated in a timely and confidential manner. The complainant will be invited to a meeting with the person to whom the report is made subject to 10.6.2 of reporting the alleged act or acts. A HR Advisor or nominee will be in attendance. The worker will have the right to be accompanied at this meeting by a trade union representative or a work colleague. Following this initial meeting, the person to whom the complaint is made will instigate an investigation to be undertaken by another person 'the investigator' and will then step back from the process.

If the agreed manager and HR Advisor or nominee considers that no investigation is necessary because it is not competent, the claimant shall be advised accordingly, and given the justification for this decision. In such situation, the claimant, if not satisfied with this decision can appeal as set out in the Dignity & Respect Procedure.

If the agreed manager and HR Advisor or nominee believe that the referral warrants investigation, the claimant shall be advised accordingly and an investigation established.

At this stage the alleged perpetrator, other than in exceptional circumstances, will be advised that a referral has been received about them and details of the referral outlined to them. Information may be redacted as necessary, i.e. to satisfy current data protection regulations.

10.8. The Investigation

10.8.1. At the outset of the investigation the position concerning confidentiality will be explained to participants before they take part. In practice, there will be a requirement for those giving evidence (including complainers and alleged perpetrators) to the investigation to keep what they have said in the process confidential (though they will be given details of those in the organisation that they can speak to for support). It will also be explained how the information they provide in the process may be used and shared in the future. While the sensitive nature of information will be respected and it will be managed accordingly, participants should understand that the information may be used as part of a subsequent HR process. For example, it could form part of a disciplinary investigation in which case the information would be shared with the alleged perpetrator. It may be that materials are ultimately used as evidence in legal proceedings which could be held in a public forum. Within the organisation, confidentiality will be maintained as far as possible, with information only being shared when appropriate. We may at times need to involve external agencies where a criminal offence may have been committed, or if maintaining confidentiality would pose a risk to the complainant or to others. In all other circumstances, breach of confidentiality may be a disciplinary offence.

10.8.2. Staff shall be guaranteed a fair and impartial hearing whether they are the complainant or the alleged perpetrator.

10.8.3. As a first stage in investigating the complaint, the agreed manager ('the Investigator') and HR Advisor or nominee will arrange to interview separately the complainant, and the alleged perpetrator, both of whom may be accompanied by a trade union representative or work colleague. Where appropriate an independent internal trade union colleague (one which is not representing either the complainant or the alleged perpetrator) can be appointed to be consulted in respect of investigations into the claims.

10.8.4. Managing a complaint under this Policy will mirror the structure of the Dignity & Respect Process while also recognising the unique issues and skillsets that may be needed to properly manage a sexual harassment complaint. Please see Appendix 1 for the Dignity and Respect at Work Process Flowchart.

10.9. Outcome and Sanctions for Committing Sexual Harassment

10.9.1. In some cases the outcome of a complaint under this procedure may be an informal resolution, such as an apology or mediated discussion with the alleged perpetrator about how their behaviour is received, or that the matter is not found to amount to sexual harassment. If this is the case the information will be provided to the complainant and any alleged perpetrators. There will be support provided in dealing with the outcome.

10.9.2. If a complaint of sexual harassment is upheld, then it may progress to a disciplinary process. The sexual harassment investigation is likely to be the basis of that disciplinary investigation. The outcome of that disciplinary process could range from no sanction, to a sanction including an improvement note, final written warning or dismissal. It may also be considered appropriate to apply other measures in addition to formal warnings. These steps will be taken in accordance with the staff disciplinary procedure.

10.9.3. We also recognise that the standard of proof in a workplace matter is lower than that in a criminal matter. As such, it is possible for there to be different outcomes in different processes as a result of their different remit and scope.

10.9.4. An individual may also report the matter to the police if they believe that a criminal offence may have been committed (and they are not required to wait for the outcome of this process to do so).

10.10. Right of Appeal

10.10.1. The complainant has the right to appeal against the decision following the investigation within 10 days of receiving the decision from the investigator. Refer to the Dignity & Respect process for further information.

10.10.2. If disciplinary action is taken against an individual as a result of sexual harassment, then they will have a right of appeal as set out in the disciplinary policy.

10.10.3. Similarly, as 10.10.2. the perpetrator has the right to appeal if disciplinary action is taken as a result of sexual harassment as set out in the disciplinary policy.

11. Protection from Victimisation

All workers shall be protected from intimidation, victimisation or discrimination for making a complaint of sexual harassment or for assisting in an investigation. Malicious retaliating against a worker for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence.

It must be noted that any malicious allegations may be investigated and dealt with through the disciplinary process.

12. Management of legal disputes connected to sexual harassment

12.1. In the event of a legal dispute connected to sexual harassment, we commit to managing such matters appropriately, fairly and with empathy. We recognise that for some people, the formal court and tribunal process can re-open past trauma and cause harm. As such, we commit to always being open to the possibility of alternative dispute resolution and mediation (including judicial mediation) where this is requested by a person who alleges that they have been sexually harassed.

12.2. Where sensitive matters form part of proceedings we will always consider whether it is appropriate to apply to the court or tribunal for special orders restricting reporting or protecting anonymity of those involved. While these may not always be appropriate and will ultimately be a matter of determination for the relevant court or tribunal, we will approach any legal proceedings with this in mind to minimise the adverse impact on those who have raised concerns about sexual harassment.

13. Review and Evaluation of this Policy

13.1. We are committed to ensuring that this policy and all related procedures are effective in preventing sexual harassment and in dealing with incidents where they do occur. Essential to achieving this aim is adequate investment, and continuous review and evaluation.

13.2. If staff have concerns that this policy is not being followed this should be raised with Trade Unions or HR.

13.3. We recognise the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

13.4. Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy to senior management. This will be recorded on a yearly basis and will be shared with the wider workforce through the Workforce Information Activity Report (WIAR) and Mainstreaming Reports. As a result, we will evaluate the effectiveness of this policy and our strategy. We will take this into account when reviewing the policy and our strategy. Where appropriate, goals for improvement will be set publicly and monitored.

13.5. Adequate resources and facility time will be made available to fulfil the aims of this policy. The policy will be widely promoted, supported by the senior leaders of the organisation and copies will be freely available and displayed in our offices and on internal websites.

13.6. This policy will be reviewed jointly by our trade unions, workforce planning and development group and management. It will be reviewed when required and earlier due to legal changes. Inverclyde Council will also periodically monitor how successful it is in creating a workplace free of sexual harassment by other means which will include confidential staff surveys, training, raising awareness of harassment and bullying in general and undertaking risk assessments.

14. Support for Those affected by Sexual Harassment

14.1. We recognise that sexual harassment can cause stress, anxiety or other mental health as well as physical health problems. Deterioration in job performance which results from sexual harassment will be dealt with as a health-related issue and the person will be encouraged to seek help and support under the terms of this policy.

14.2. There will be no discrimination against individuals suffering from stress caused by sexual harassment.

14.3. We also recognise that those who may be accused of sexual harassment, witnesses to incidents or otherwise affected such as by being a by-stander, can experience stress, anxiety or other mental or physical health problems. We have a duty of care to support all staff affected by these issues.

14.4. Access to independent and trained counsellors will be available to all affected staff in the strictest confidence. No details will be release to the counselling organisations or records disclosed without the written permission of the member of staff concerned. Paid time-off to attend counselling sessions will be offered. Contact details of independent counsellors will be given. We may where appropriate, refer the individual to an occupational health provider,

advise they seek advice from their GP or refer them to an independent doctor all in line with our Supporting Employee Attendance Policy.

15. Use of language

15.1. Language used when discussing sexual harassment is important. We recognise that this is a sensitive subject and individuals may have different reactions to certain words and terminology. While we have used the terms "alleged perpetrator" and "complainer" in this policy, when managing any complaint of sexual harassment we will be mindful of the language used. We will therefore seek to use neutral terms such as individual names, initials or "Employee A" for example, rather than referring to people as "the complainer" or the "the alleged perpetrator/accused". We will not use the term "victim" to describe a person who raises a complaint about sexual harassment.

15.2. If at any time during your involvement in a sexual harassment matter you have concerns about the terminology used, please raise this promptly so that agreed language can be identified and used in the process going forward.

16. Further Information and Support Services

16.1. *Dealing with sexual harassment at work*

16.1.1. To help you understand your rights and options, employers and anyone affected by sexual harassment at work can:

- call the [ACAS](#) helpline
- [get legal advice](#)
- talk to your trade union or employers' association if you have one
- [Equality Advisory and Support Service](#) (EASS) For advice on discrimination issues: Phone 0808 800 0082
- Protect Confidential advice for individuals who have witnessed wrongdoing in their workplace but are unsure how to raise their concerns: Phone 020 3117 2520

16.1.2. Women who've experienced sexual harassment at work can get free legal advice from:

- [Scottish Women's Rights Centre](#)

16.1.3. Employers handling a sexual harassment complaint can read:

- [workplace sexual harassment guidance from the Equality and Human Rights Commission \(EHRC\)](#)

16.1.4. If you're struggling to cope and need someone to talk to, you can contact:

- [Samaritans](#)
- [LGBT Foundation](#)

16.2. Help after sexual assault or rape

16.2.1. You can get help and information from:

- [Inverclyde Sexual Abuse Service](#) (Based in Inverclyde Women's Aid) Phone 01475 888110
- [Galop](#) – LGBT+ sexual violence support
- [Rape Crisis Scotland](#)
- [The Survivors Trust](#)
- [SurvivorsUK](#) – male rape and sexual abuse support
- [Victim Support](#)

16.2.2. [Supporting someone who has been raped or sexually assaulted \(nhsinform.scot\)](#)

16.3. To contact the police:

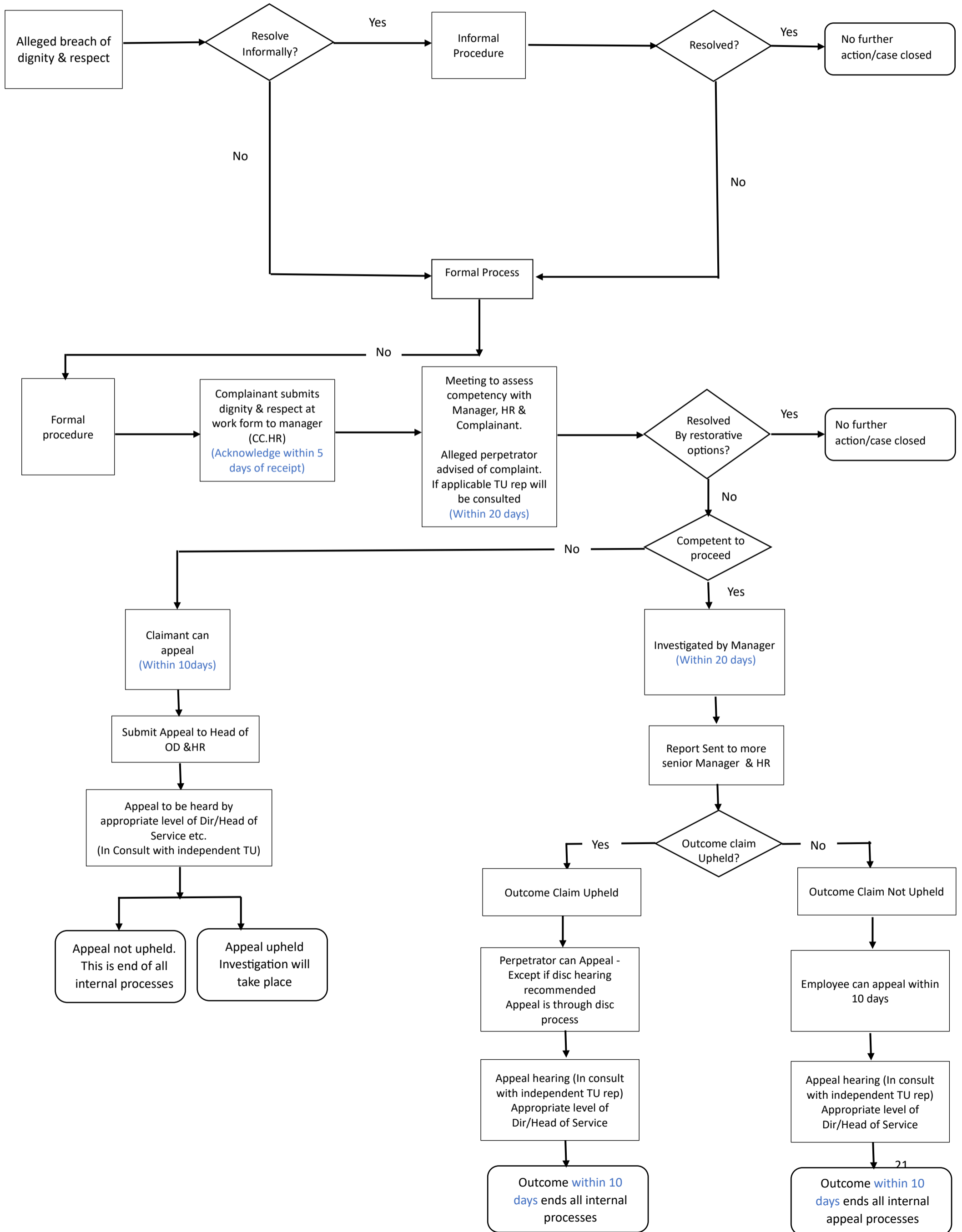
- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

16.4. To report a crime online, visit:

- [Police Scotland](#)

16.4.1. When you're reporting a crime, you can ask to speak to a specialist officer who's trained to deal with sexual harassment.

Appendix 1 – Dignity & Respect at work process



Version 2.2
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Health and Safety
Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

Managing Violence and Aggression in the Workplace



**INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER
THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT, BRAILLE,
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DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
	Health and Safety Team Leader	OD, HR and Comms

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2.0	August 2012	Reviewed and updated to reflect new guidance from the Scottish Centre for Healthy Working Lives, COSLA and the STUC
2.1	August 2014	Update to hyperlinks
2.2	January 2024	Additions in relation to aggressive and abusive calls to Council staff and related line manager responsibilities, and links to the Violence and Aggression Poster (Schools).

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		NAWUWT

Distribution may be made to others on request

A copy of this policy will be placed on Icon, a hard copy should be made available where relevant to those employee who do not have access to icon.

Policy Review		
Review Date	Person Responsible	Service
2029	H&S Team Leader	OD Policy & Coms

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1. INTRODUCTION

- 1.1 It is a regrettable fact of working life that threats, harassment and acts of physical violence on employees, by others, do sometimes occur. Inverclyde Council recognises the importance of including appropriate arrangements for dealing with “occupational violence and aggression in the workplace” as an integral part of its Health and Safety Policy.
- 1.2 The greater the contact with the general public, the greater the risk. The “at risk” factor may increase with employees in occupations requiring them to exercise authority, enforce standards, work with emotionally unstable client groups, or operate alone in a potentially hostile environment well away from their office base.
- 1.3 It is recognised that the terms of violence and/or abuse are emotive and, especially in the care sectors and education, engaging in such actions may be outwith the conscious control of the service user or pupil, however the consequences of such challenging behaviours are still significant in terms of physical injury and stress.
- 1.4 For the purpose of this policy arrangement, violence at work is defined as the application of force, severe threat or serious abuse by members of the public, clients, pupils or any other person towards employees of the council arising out of the course of their employment. Such violence includes:
- attempted assault
 - actual assault
 - verbal abuse and threats
 - rude gestures
 - harassment
 - sexual assault or abuse, whether physical or verbal.

Inverclyde Council has adopted the definition of violence given by the Health and Safety Executive, this is as follows:-

“Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work”.

- 1.5 In seeking to apply this definition, it is recognised that while some forms of violence such as physical assault or explicit threats are easily identified, others such as verbal abuse are more difficult to assess. It is further recognised that words or gestures which may be acceptable to some people may be deeply offensive or threatening to others.
- 1.6 The impact of being on the receiving end of repeated insults and verbal abuse can be as significant as being physically assaulted, and can contribute to long-term health problems such as stress and depression. Being proactive in planning to help our employees to manage such violence when it occurs can dramatically improve not only their working lives, but their overall health and wellbeing.

2 POLICY STATEMENT

- 2.1 It is the policy of Inverclyde Council to take all reasonably practicable steps to safeguard the health, safety and welfare at work of all of its employees. The Council will comply with all aspects and provisions of the Health & Safety at Work etc. Act 1974; the Management of Health & Safety at Work Regulations; and all other relevant statutory obligations. This includes the organisation and arrangements required to prevent or to minimise the potential for injuries and/or ill-health as a result of occupational violence and aggression in the workplace.
- 2.2 A high standard of health and safety performance is recognised as an integral part of the council's service delivery. Therefore, sufficient resources will be allocated to meet the requirements of the Council's Occupational Violence and Aggression in the Workplace Policy.
- 2.3 The risk of violence and aggression should be accurately identified across all Inverclyde Council services and measures put in place to reduce it to the lowest reasonably practicable level.
- 2.4 The Council acknowledges that some employees face the risk of having to use physical restraint to manage violence and aggression incidents. The use of physical restraint must only be used where necessary, when other primary or secondary measures have failed (or are likely to fail), to prevent a higher level of harm from occurring, or in the event of an unforeseen emergency. Such interventions must always be carried out in accordance with the law.
- 2.5 The method used to achieve compliance with the requirements of Regulation 3 of the Management of Health and Safety at Work Regulations 1999 will be the method set out in the appendices of this document, or another method as agreed by the Health and Safety Team Leader.
- 2.6 Inverclyde Council promotes a culture of risk assessment/management, early intervention to prevent the escalation of harmful behaviours, collaboration, compassion, de-escalation and the development of positive, respectful relationships.

3 AIMS

This policy aims to provide guidance and information to services to help them to manage the risk of occupational violence and aggression in the workplace based on the HSE's 10 principles of sensible risk management: Sensible risk management is about:

- Ensuring that workers and the public are properly protected.
- Providing overall benefits to society by balancing benefits and risks, with a focus on reducing real risks, both those which arise more often and those with serious consequences.

- Enabling innovation and learning, not stifling them.
- Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action.
- Enabling individuals to understand that as well as the right protection, they also have to exercise responsibility. Sensible risk management IS NOT about:
- Creating a totally risk free society Managing Violence and Aggression in the Workplace Page 7 of 54.
- Generating useless paperwork mountains.
- Scaring people by exaggerating or publicising trivial risks.
- Stopping important recreational and learning activities for individuals where the risks are managed.
- Reducing protection of people from risks that cause real harm and suffering.

4 SCOPE

- 4.1 This policy, in accordance with the Council's Health and Safety Policy, applies to the following groups:
- i. All employees of Inverclyde Council
 - ii. All service users, visitors and pupils
 - iii. All independent contractors working on behalf of Inverclyde Council
 - iv. All students, trainees, temporary and agency staff and volunteers
 - v. All employees of other organisations working in NHSGGC premises
 - vi. Any contractors or suppliers whose actions may affect the employees or service users of Inverclyde Council
- 4.2 This policy applies to all situations where the risk of violence and aggression and/or the use of physical intervention may present itself. This includes situations where a member of one of the above groups is exposed to these risks because of their association with Inverclyde Council.

5 CONSULTATION & IMPACT ASSESSMENT

- 5.1 Inverclyde Council recognises the importance of employee consultation and is committed to involving all employees in the development of policies and procedures. The following groups are formally consulted:
- Trade Union Representatives through the Corporate Health and Safety Committee.
 - All Chief Officers.
 - Employees via the Council Intranet.

6 ROLES & RESPONSIBILITIES

In addition to the responsibilities laid out in the Corporate Health and Safety Policy the following responsibilities are specific to this Policy.

6.1 Corporate Directors/Heads of Service

Corporate Directors and Heads of Service have a collective and individual responsibility to employees in providing Health and Safety Leadership within Inverclyde Council, they should ensure that their Directorate has:-

- adequate procedures for identifying operations, tasks and processes which may foreseeably cause harm to employees as a result of occupational violence and/or aggression in the workplace;
- sufficient systems for identifying the likelihood of the hazards associated with lone working and violence and aggression being realised, and the possible consequences, which might occur;
- suitable procedures for enabling a risk assessment to be developed which will assist in eliminating or reducing the exposure of employees to the risk;
- suitable arrangements to provide information, instruction and training on hazards, risks, control measures and safe systems of work associated with lone working and violence and aggression to all relevant employees and other relevant persons. This will include refresher training at suitable intervals;
- suitable procedures for routine checks to ensure control measures are being applied, particularly those relying on direct action by individual employees;
- sufficient numbers of competent persons trained to conduct risk assessments relating to lone working and violence and aggression in the workplace;
- adequate procedures to ensure that risk assessments are recorded, monitored and reviewed.
- adequate procedures and resources to ensure that section 7.4 of this Policy – “Effective Management of Occupational Violence and Aggression at Work” is complied with.

6.2 Managers/Team Leaders/Supervisors

Any person who has a managerial/supervisory responsibility for other employees, whatever title they are given has the responsibility to ensure:

- risk assessments relating to lone working and violence and aggression are carried out in their area of responsibility by competent risk assessors;
- risk assessments are recorded and retained for inspection by the internal Health & Safety Advisors, Health & Safety Executive and any other relevant person;
- risk assessments are reviewed regularly in accordance with the approved guidance;
- control measures and corrective actions identified are implemented as far as reasonably practicable;

- that safe systems of work (SSW) are developed, implemented, monitored, and reviewed in accordance with the approved guidance; these should be updated as and when required;
- that all relevant persons are informed of the SSW and a record of this kept in accordance with the approved guidance;
- that the employees for whom they are responsible comply with health and safety requirements for their job;
- risk assessments relating to lone working and violence and aggression are available as a working document for relevant employees and other relevant persons;
- that section 7.4 of this Policy – “Effective Management of Occupational Violence and Aggression at Work” is complied with.

6.3 Employee Responsibilities

All employees have a responsibility to ensure that they are complying with the health and safety procedures and requirements appropriate to their job. To achieve this, in relation to occupational violence and aggression in the workplace and lone working, employees should:

- attend any health and safety training arranged for them;
- where given the responsibility to monitor the effectiveness of risk assessments carry these out at regular intervals;
- consult their Line Manager/Supervisor with any queries they may have about their work task and any relevant risk assessment;
- follow any safe systems of work, instructions and information given following risk assessments.

6.4 Health and Safety Team Leader

The Council Health and Safety Team Leader shall ensure that the Occupational Violence and Aggression in the Workplace Policy is monitored for effectiveness, is subject to regular review, and is revised when necessary. She shall do so in conjunction with Heads of Service and Trades Union safety representatives.

6.5 Corporate Health and Safety Committee

The Corporate Health and Safety Committee will perform a pivotal role in ensuring that this policy is implemented.

The safety committee will oversee monitoring of the effectiveness of the policy and other measures to reduce risks and promote workplace health and safety.

7 ARRANGEMENTS

7.1 Procedures

7.1.1 Inverclyde Council will fulfil its legal obligation under the Management of Health and Safety at Work Regulations 1999, ensuring that a system is in place to identify and assess the risks from occupational violence and aggression in the workplace.

7.1.2 Where significant risks are identified appropriate control measures will be implemented to reduce the risks to the lowest reasonably practicable level.

7.1.3 Each service will be required to ensure that:

- They have appropriate risk assessments where employees could be exposed to violence or aggressive behaviour, these should be assessed, managed and recorded in the appropriate reporting system.
- Appropriate training is provided to all staff who deal with members of the public or service users. This training should be appropriate to the nature of the service and be provided at induction and thereafter at regular intervals.
- Ensure that all staff are fully aware of the risk assessments, including care and support plans for pupils, service users etc.
- Where staff work at front of house in reception areas, these are assessed to ensure they are safe, welcoming and don't create barriers.
- Where employees receive phone calls that they are trained in call handling and know when to end the call or pass to a senior member of staff etc.
- Staff are debriefed after any incident of violence or aggression and support is offered to them.
- Any abusive or threatening calls to a council employee should be dealt with effectively and any outcomes are fed back those involved.
- Where significant incidents occur then these may be escalated to legal services to prevent any unwanted behaviour or threats.
- All acts of "non-consensual physical violence done to a person at work" which can be defined as an "accident" under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995), are reported to the Health and Safety Executive - refer to Health and Safety Policy Arrangements – Section 7.2 "Incident Reporting".
- Details of reportable incidents are passed to the Council's Health and Safety Section to allow the effectiveness of managing violence at the workplace to be monitored, periodically reviewed and relevant information shared across the Authority.

7.1.4 These Policy arrangements are designed to assist Directors and Heads of Service

to pursue a strategy of managing violence risks in their workplaces. The arrangements made are important elements which link with other responsibilities within the Council's Health and Safety Policy and Risk Management Policy.

- 7.1.5 The Health and Safety Policy arrangements for "Occupational violence and aggression in the workplace" shall be reviewed periodically to reflect any changes considered necessary, based upon experience, work alterations, current legislation and guidance from the Health and Safety Executive. This will be carried out at service level, for example, Director/Head of Service, and also corporately by the Council's Health and Safety Team Leader.
- 7.1.6 These procedures form part of the Arrangements section of the Corporate Health and Safety Policy of Inverclyde Council. They outline the Council's intentions regarding general areas where the principles of management of violence may be put into practice. It is intended to provide guidelines for management actions in relation to the specific risks in the workplace environment.
- 7.1.7 Each Service must assess their own "risks of occupational violence and aggression in the workplace" and, where it is necessary, produce their own written procedures, and train their employees in the furtherance of the health and safety policy objectives. An example of this would be the Positive Relationships Policy within the Education Service.
- 7.1.8 The following general areas are guidelines for management actions when considering specific service requirements in managing "occupational violence and aggression in the workplace".

7.2 Incident Reporting (R.I.D.D.O.R)

- 7.2.1 A number of important changes were made in the revised Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (R.I.D.D.O.R). A key change redefined an accident for the purpose of the Regulations to include an act of non-consensual physical violence done to a person at work.
- 7.2.2 This has the effect of making injuries arising from such acts reportable, if (as is likely), they fall into one of the injury categories in regulations 3 and 4 of R.I.D.D.O.R. In order to clarify the situation and assist managers, some guidance follows:
- 7.2.3 The term "Non-consensual Physical Violence" is used to exclude injuries arising from situations where the injured person "agreed" to the violent act taking place. A major injury suffered by a professional sports person e.g. leg fracture during the normal course of a football/rugby/tennis match for example, would not be regarded as an "accident", for the purposes of the R.I.D.D.O.R Regulations 1995 and would not need to be reported. In the context of Inverclyde Council activities then a parallel may be drawn with a pupil suffering injury in a school's football match and, therefore, such injuries would not be reportable.
- 7.2.4 A "major injury" suffered by, for example, a Librarian, Refuse Collector, or Home Help assaulted by another person in the course of their work, is reportable under R.I.D.D.O.R. It should also prompt a review of the risk of violence assessment and/or re-assessment of the job activities. An injury in which the physical injury results in the employee being absent for over three days is also reportable under R.I.D.D.O.R,

however if the employee is absent from work due to stress resulting from the violence this is not reportable.

7.2.5 Only physical injuries resulting from the acts of violence suffered by people who are at work are included in the definition of “accident”. An act of violence done to a member of the public by, for example, a Council employee or another member of the public on the Authority’s premises, would not be regarded as “an accident” under R.I.D.D.O.R. Therefore, a resulting injury would not need to be reported to the H.S.E, but may require to be reported elsewhere, e.g. Police, Council Insurers, etc.

7.3 Arising out of or in Connection with Work

7.3.1 In the context of violence in the workplace, and the requirement to report it as an accident, then the effect of the term “arising out of or in connection with work” may require further explanation. The following examples selected are based on those Managing Violence and Aggression in the Workplace Page 12 of 54 used in the R.I.D.D.O.R guidance published by the Health and Safety Executive.

7.3.2 If one of the persons in the examples should die or suffers a major or over three days physical injury caused by a non-consensual act of violence while they are at work, then Regulation 3 of R.I.D.D.O.R. would apply, meaning the death or injury must be reported:-

- An employee is hit by a Supervisor while being given feedback on work performance
- A Supervisor is hit by an employee whilst giving an instruction to carry out a work related task
- A Social Worker is struck by an irate service user on a visit to their house
- A new employee is injured while being forced to take part in an “initiation ceremony” at work.

7.3.3 Injuries suffered by the people in the following examples would not be regarded as arising out of or in connection with their work and so, would not have to be reported: • An employee at work at a public enquiry desk is hit by one of his or her relatives who comes in to discuss a domestic matter. • One employee hits another during an argument over a personal matter. • A pupil in a school hits another pupil during a personal dispute between them.

7.4 Risk Assessment

7.4.1 Risk assessments require to be carried out by law under Regulation 3 of the Management of Health and Safety at Work Regulations 1999, and applies to all work activities. This includes an assessment of the threat of violence from members of the general public during those work activities. Any lone working, violence at work and/or personal safety issues must be taken into consideration when conducting such risk assessments and, where any significant hazards are identified, specific risk assessments and controls should be initiated.

7.4.2 Each Service must assess the risks to their employees and make arrangements for their health and safety by effective planning, organisation, control, monitoring and

review. Services must record the significant findings of their risk assessments, which should include:

- Those hazards (including violence or threats of violence), which might pose serious risks to workers, or others directly affected;

- The existing control measures in place;
- The population which may be affected by those significant risks or hazards, including any groups of employees especially at risk from violence, for example, Managing Violence and Aggression in the Workplace Page 13 of 54 disabled persons, persons handling cash, lone workers and employees working with physically or emotionally disturbed client groups;
- Any additional control measures to be implemented as a result of the risk assessment to aid personal health and safety or security.
- Risk assessments should be monitored for effectiveness and be reviewed on a regular basis.

7.4.3 These records can be kept on paper or by electronic means, provided that they are retrievable. They should represent an effective statement of the hazards and risks (including violence or threats of violence, where identified) which should lead management to take the relevant actions to protect health and safety.

7.4.4 A more detailed account of how to carry out risk assessments is given in “Health and Safety Policy Arrangements – Risk Assessment. Details of legal requirements can be found in appendix 1.

7.4.5 More specific guidance on the types of control measures available can be obtained from the Health and Safety Section and further information can be found on the council intranet. ICON (Inverclyde Council on-line) has a section on health and safety and in particular Risk Assessment and Violence and Lone Working.

7.5 Dynamic Risk Assessment

7.5.1 While risk assessment is a vital part of the process, employees can still be faced with situations which may not have been addressed or that they are unaware of. Dynamic Risk Assessments are not a substitute for a comprehensive risk assessment but in some cases it is not always possible to identify all hazards relating to a role where the working environment is outside normal conditions.

7.5.2 Dynamic Risk Assessment (DRA) means the things individuals can do to protect themselves at work when they face potentially difficult circumstances. The focus here is on the questions individuals may need to ask themselves when they enter any potentially violent situation, and the way that they might need to act in this situation because of the risks.

7.5.3 The term ‘Dynamic Risk Assessment’ is the process where workers themselves have to make operational decisions based on risks which cannot necessarily be foreseen. It would cover risks which may arise such as if there is a hostile dog or a person in a clients home who is under the influence of drink or drugs and abusive.

7.5.4 The term “dynamic” is used because it relates to the need for an individual to remain assertive, proactive and vigilant in recognising the potential risks of violence in any situation, and then responding to these risks in a way that reflects the particular situation.

7.5.5 By preparing to dynamically risk-assess, employees can begin to be prepared to recognise the potential for aggression and remove themselves from the danger before it occurs.

7.5.6 Further guidance on Dynamic Risk Assessment is contained in Appendix 2: Dynamic Risk Assessment.

7.6 Effective Management of Occupational Violence and Aggression at Work

7.6.1 A simple four stage management process can assist by providing a structure by which the risk of violence to employees can be managed, this is set out below. Services should complete the four stage process according to their structure and the type of work activities carried out by their employees. Further information and tools to assist with this process are contained in the Appendices of this Policy.

Stage 1: Find out if you have a problem

Stage 2: Decide what action to take

Stage 3: Take action

Stage 4: Review what you have done

Note: It is important to remember that these four stages are not a one-off set of actions. If stage 4 shows that you still have a problem then the process should be repeated again. Stages 1 and 2 are completed by carrying out a risk assessment (as outlined in 7.4 above).

7.6.2 Stage 1: Finding out if you have a problem

As part of the overall risk assessment for work activities or the working environment it is important that managers identify if there is any significant risk to employees arising out of or in connection with their work. To achieve this, Managers, Team Leaders and Supervisors should:

- List the jobs/tasks where employee’s interaction with others could place them at some significant risk.
- Identify any jobs/tasks or places of work where employees may feel threatened or vulnerable.
- Ask your employees - Managers, Team Leaders and Supervisors should speak to their employees to find out whether they feel threatened or at risk while carrying out their work. Individual services could use short questionnaires to find out if there is a problem in their service. If questionnaires are used for this purpose staff should be informed of the results and if there is a problem, what action managers plan to take.
- Keep detailed records. All incidents including verbal abuse, phone rage and threats should be recorded.

- Analyse records of violent incidents to determine whether they are isolated incidents or whether there is a recurring problem.

7.6.3 Stage 2: Decide what action to take

Having found out that violence could be a problem for your employees, each service will have to decide what needs to be done. Continue the risk assessment process by taking the following steps to help each individual service decide what action needs to be taken.

Decide who might be harmed, and how to identify which employees are at risk – those who have face-to-face contact with the public are normally the most vulnerable. Where appropriate, identify potentially violent people in advance so that the risk from them can be minimised. Examples of those employees who may be at risk include:

- employees in front line jobs and deal with members of the public;
- employees that work alone;
- employees working off-site or visit Service Users or members of the public in their home;
- employees who are charged with the custody of or the keeping of money;
- young / inexperienced employees

Evaluate the risk and check existing arrangements; are the precautions already in place adequate or should more be done? It is usually a combination of factors that give rise to violence. Factors which you can influence include:

- The level of training and information provided;
- The environment;
- The design of the job.

Managers, Supervisors and Team Leaders must consider the way these factors work together to influence the risk of violence. Some examples of preventative measures are as follows:

Training and Information

Corporate and Service specific training is available, details can be found on ICoN and the Corporate Health and Safety Training Course Planner which is issued to all Services at the beginning of each year. Managers must ensure that all at risk employees attend the relevant safety courses. This will equip them to be able to spot the early signs of aggression and either avoid it or cope with it. Make sure that they understand any system that you have set up for their protection.

The Environment

Rooms should be comfortable and well maintained; studies have found that this can serve to relax the client and aids in diffusing aggression. Good visibility into the rooms while maintaining client privacy ensures that colleagues outside the area can see if a problem is developing. Employees should be instructed to keep their desks clear of any extraneous items that could be used as a weapon.

Careful positioning of furniture can be helpful in ensuring the safety of employees in interview rooms, reception areas and public waiting areas. An assessment of the environment should be carried out; consideration should be given to the seating arrangements, the décor, lighting, noise levels, interruptions and information regarding any delays.

Consider physical security measures such as: • alarm systems and panic buttons;

- CCTV;
- coded security locks on doors to keep the public out of employee areas;
- wider counters and raised floors on the employee side of the counter to give employees more protection;
- signage – Inverclyde Council's Violence in the Workplace poster.

The design of the job

Depending on the work task being carried out there are many things that could be implemented, improved or changed to improve the overall design of the job. Some suggestions for this are as follows:

- Implement procedures for employees who work away from their base to keep in touch, this can be as straightforward as signing out and a time for return. The use of mobile phones should also be considered;
- arrange for staff to be accompanied by a colleague if they have to meet a suspected aggressor;
- maintain numbers of staff at the workplace to avoid a lone worker situation developing;
- identify all money handling activities within the area under your control. The risk and hazards from such activities can be reduced by implementing various strategies and controls;
- check the credentials of clients and the place and arrangements for any meetings away from the workplace.

Record your findings

Keep a record of the significant findings of your assessment. The record should provide a working document for both managers and employees.

Review and revise your assessment

Regularly check that your assessment is a true reflection of your current work situation. Be prepared to add further measures or change existing measures where these are not working. This is particularly important where the job changes. If a violent incident should occur look back at your assessment, evaluate it and make any necessary changes.

7.6.4 Stage 3: Take action

All employees should be made aware of this Policy and associated documentation. This will help your employees to co-operate with you, follow procedures properly and report any further incidents.

Inverclyde Council operates an Early Alert System. Where appropriate all personnel on the Early Alert List should be notified of incidents relating to violence/aggression. Anyone who is aware of a violence related incident should, in the first instance, notify the Health and Safety Section Team Leader, who will ensure that the information is submitted to the Early Alert System.

7.6.5 Stage 4: Check what you have done

Check on a regular basis how well your arrangements are working, consulting with your staff as you do so. Occupational violence and aggression at work could become an issue to discuss at staff meetings, safety action team meetings etc. Keep records of incidents and examine them regularly; they will show what progress you are making and if the problem is changing. If your measures are working well, keep them up. If violence is still a problem, try something else. Go back to Stages 1 and 2 and identify other preventative measures that could work.

7.7 Control Measures

There may be some simple measures available to each Service e.g., reviewing reception procedures for your clients, tightening up signing in/out procedures for staff/visitors. The following notes are intended to promote consideration and cover some of the more common situations likely to be encountered in Inverclyde Council premises etc. The notes are not comprehensive and managers may need to seek further advice.

Additional guidance and 'tools' are provided in the Appendices of this Policy. This guidance will help to identify appropriate risk control strategies.

7.7.1 Security of Buildings

It is important that the security arrangements for each establishment housing employees are kept under constant review. Whenever possible, external doors should be self-locking rather than requiring the use of keys to lock them at night.

- Ensure that a safe access and egress for the building is maintained at all times.
- Lighting outside the Council buildings should be adequate to allow staff to exit safely at night. Car parks (where provided) should be well lit.

- Where possible, situations should be avoided where employees are working alone in an isolated office or building which is open to the public. Where it is necessary for such a situation to occur you should ensure that adequate arrangements are made to minimise risks. If staff work shifts or late into the evening, encourage them to leave together, where this is possible.
- Where employees choose to work late on their own, ensure they are advised of possible risks and that adequate arrangements are in place. Further guidance can be obtained by consulting the H.S.E. leaflet - "Working Alone in safety!" (See appendix 3).

7.7.2 Reception Areas

The way in which clients and members of the public are received may well have a bearing on how they act. While appreciating the constraints of limited finance and resources the following are some suggestions for creating a more conducive environment. (An audit for reception areas is available on ICON and should be utilised to determine requirements.)

- easy access
- good lighting
- easy access to toilets
- inviting atmosphere
- ensure staff on reception duties are knowledgeable and mature enough to deal with issues
- interesting and informative display boards
- reading material for adults
- where appropriate, play space with children's toys
- remove/replace heavy "missiles" e.g. paper weights.

Waiting times should be kept to a minimum. Having to wait a long time reduces the level of tolerance of anyone. Where there is a delay, the reason must be explained to the person waiting and apologies made. Remember that clients expect to be treated in the same way as we would expect and appreciate!

If the person on reception thinks a situation is developing where violence may occur, it should be possible for a senior member of staff to respond quickly to any call for assistance. Any alarm raised must be treated seriously. No one should be made to feel foolish or inadequate if they summon assistance only to find assistance is not required. This must be expected from time to time.

The installation of alarm systems with readily available panic buttons should be considered where they can offer real benefits and where a significant violence risk exists. If such a system is installed it must be ensured that the alarm signal can be heard by those who could render assistance and that all staff are trained to respond on hearing the alarm. There are substantial benefits to be gained from a "violence drill" being organised occasionally as a part of the staff training programme. If screens are in position at reception areas then they should be shatter proof - ideally where screens are considered essential then retractable screens are the favoured option since they do allow better communication with the clients.

Management should ensure, so far as possible, that there are no convenient missiles/weapons to hand, e.g., heavy paper weights, heavy pictures etc., This may be difficult in some areas such as residential care homes - but management should take responsibility for raising staff awareness around such dangers. Access from the reception to work areas or interview rooms should be by controlled access where practical.

It should be standard practice to display a notice in all public areas that indicate staff will not tolerate verbal or physical abuse.

7.7.3 Interview Rooms

In addition to the advice for reception areas the following points should also be considered for interview rooms.

Interview rooms should not be totally isolated. It is advisable to interview potentially violent clients in a room close to where colleagues are working, and to ensure that observations can be made from outside the room e.g., vision panels in the door. See also 7.5.2 above "alarm systems". If trouble is anticipated then prearranged polite interruptions by other members of staff to check on employees is advisable.

Staff should be instructed, when interviewing clients, that they should be seated between the client and the door, to maintain a clear escape path if required.

The interview room should contain the standard Council notice and if required additional information indicating the conditions where staff will have the right to terminate interviews etc.

7.7.4 Visits Away From the Workplace

It is a good management practice to devise a checklist for employees to follow when they work away from Inverclyde Council establishments e.g. service users homes. This should help ensure that employees do not forget essential safety systems while rushing to a meeting e.g. informing supervisors where they are going, taking personal alarms or radios with them.

The following points are worth considering:

- If employees have to meet an unknown client for the first time and it is envisaged that there may be some element of risk, instruct staff to try to arrange the initial meeting in the office and ensure other people are nearby. Review current methods to ask if outside visits are essential or desirable.
- If outside visits are essential and you are concerned about employee's safety, then adequate measures must be made to ensure the safety of employees, for example, two people could be sent to the initial meeting.
- Ensure that employees inform their supervisors where they are going and the expected time of return. A system could be arranged, whereby they telephone in at prearranged times, especially if they are working alone or visiting locations considered being high risk. If the employee is detained and anticipates arriving back significantly later, they must be instructed to let their supervisor know. If an

employee does not return to the office or fails to call in as arranged, the supervisor must ensure that contact is made with the last listed address to determine if the visit has been made or concluded. If not, they should work back from there in accordance with the visiting list. Use of a mobile phone tracking systems could also be considered.

In appropriate circumstances, the Police should be contacted. Details of the employee's vehicle i.e. make, model, colour and registration number should be readily available to pass to the police.

- If an employee has to visit a client where there is a known history of violence, or where the employee has to visit isolated/vulnerable locations or deal with unpleasant aspects which could cause distress to clients, they should not go alone. It is management's responsibility to ensure that back-up help is available. If it is not feasible to send a second person on every occasion, then alternative provisions should be made to ensure the employee's safety, e.g. requesting Police accompaniment or the provision of a two-way radio or mobile phone so they can summon assistance if necessary.
- It is important to consider times of the day when there is an increase risk of violence. When meeting a client for the first time, the appointment could take place before public houses open to minimise drink-related attacks. Similarly attacks have occurred to employees working in proximity to public houses after closing time. Being aware of this, management should ensure that no employee is left alone in such vulnerable situations.
- Even if employees do not feel vulnerable, managers may forbid visits, if in their view, the employee is underestimating the risk. It may be useful for managers to develop their own criteria on which to base risk assessments for employees involved in visits away from the workplace.
- It is particularly important that employees check out at the end of the day, and if they are not returning to the office they telephone in to their Supervisor to confirm that all is well. The object being to ensure that Management is satisfied the employee has completed the scheduled calls safely.

7.7.5 Call Handling and Verbal Abuse

Employees whose duties include call handling should be made aware of Appendix 5 Phone rage - this states consequences, triggers of phone rage and training to manage phone rage and Appendix 6 for de-escalation techniques to help staff reduce the abuse not all are applicable to call handling. The actions of individuals who are angry, demanding, offensive or persistent may result in unreasonable demands on the Council or unacceptable behaviour towards Council employees, elected members and others representatives acting on behalf of the Council. These actions will be managed under the Unacceptable Actions Policy.

7.7.6 Night Staff

Employees who work at night, e.g. night watchmen, should be advised to exercise extreme care and discretion before investigating disturbances. Notwithstanding this,

where employees are operating a security patrol service appropriate working arrangements should be developed whereby they **MUST** call for assistance **BEFORE** attempting to apprehend or give chase. Property must not be regarded as more important than employees.

7.7.7 Handling Cash

Handling cash in even small amounts should involve consideration of the possible risks to staff and appropriate measures should be taken to reduce these risks so far as is reasonably practicable by adopting safe, secure working procedures and appropriate security measures. Procedures should cover security and safety when cash is in transit and at its collection points. The advice of the Health and Safety Section, Finance Services and the local Crime Prevention Officer should be sought as necessary.

Council Departments are required to devise their own written procedures in relation to the handling of cash, and security measures proportional to the risks identified. Information and guidance on this is available on Icon. <http://icon/health-and-safety/health-and-safety-policyand-guidance/security/>

7.8 Alerting Other Services

It is important that where there is a potential for a violent situation either within council establishments or to employees working out with council buildings that other council services are informed about the situation as soon as possible in order that appropriate action can be taken to safeguard employees. For example:

- An abusive member of the public leaves one council office and threatens to go to another to make trouble there.
- Council employees are shot at by air guns when carrying out their work.
- A council employee is attacked in the street while carrying out their work.
- A council vehicle has been attacked.
- Youths are witnessed behaving aggressively in an area. Following incidents of violence, the responsible manager for each service shall ensure that the violent individual (if known) is subject to a risk assessment. It must be stressed that this runs in tandem with everything stated thus far regarding risk assessments and alerting other services to potential violent situations. Inverclyde Council are under an obligation to ensure the safety of all employees regardless of which service they may work for. Colleagues from all directorates must ensure that the safety of other employees is not compromised.

7.9 Post Incident Procedures

It is important to support a colleague first and foremost following a violent incident. Later but as soon as possible, the employee should be encouraged to begin the post incident procedures. Within each service procedures should include:

- Deciding whether or not to involve the Police.

- In most cases of assault and injury the involvement of the Police is a prerequisite of any later eligibility for Criminal Injuries Compensation.
- Completion of the Internal Incident Report Form on ICON (Accident Incident Reports or most current version) or if a service specific form for violence is available completion of that.
- Completion of the RIDDOR Report Form (F2508) where a reportable injury has resulted or where the employee is then absent for more than three days.
- A debriefing - which is essentially different from, and following upon, meetings or conversations aimed primarily at giving support.
- Counselling Service if requested by the employee or occupational health professionals.

8 TRAINING

8.1 Training

A suitable training programme needs to be based on risk assessment and provided for staff that could be exposed to violent situations. A priority list should be drawn up to ensure those most vulnerable are trained first. Each service will be required to identify a number of violence to staff trainers proportional to the risk of violence identified through risk assessment and the number of employees exposed to this risk. Full training will be given to those employees identified; each service will then implement a training programme to ensure that employees receive violence to staff training as determined via the risk assessment.

The Council recognises that training of managers/team leaders and employees is important to ensure that all employees have the necessary skills to carry out the requirements of this policy. The following training will be made available through the Corporate Training planner or, if identified through the risk assessment process, other specialist training can be made available. All training provided will include information about this Council policy.

- Managing Occupational Violence and Aggression at Work

8.2 Information

Inverclyde Council recognises the need to provide staff with relevant information on the risk of violence to employees. Employee awareness will help with the implementation of this policy. Information on Occupational Violence and Aggression at Work will be made available on the Council's Intranet System ICON, via Line Managers and Trade Union Safety Representatives or via Organisational Development, Human Resources and Performance. The information will be updated on a regular basis.

8.3 Communication of the Policy

The Council recognises the importance of communicating the policy to all employees. This policy will be communicated to staff via the Corporate Health and Safety

Committee, the Council's team briefing system and a copy will be placed on the Council's Intranet system ICON.

9 MONITORING, EVALUATION & REVIEW

This policy was agreed by the Council's Policy and Resources Committee and implemented immediately thereafter. Regular monitoring and review are necessary to measure the effectiveness of the policy and to ensure it remains relevant to the needs of the Council. This policy will be subject to monitoring and review on a regular basis by the Corporate Health and Safety Section via the Corporate Health and Safety Committee. The policy will be reviewed every five years unless there is significant change in legislative requirements or risk assessment Managing Violence and Aggression in the Workplace Page 23 of 54 identifies a need for review. Measuring the effectiveness of the policy will include the auditing of compliance with this policy, and monitoring of violent incidents.

APPENDIX 1 - DYNAMIC RISK ASSESSMENT

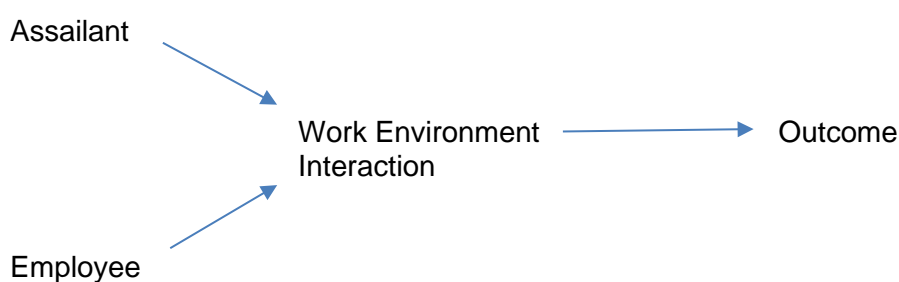
Conducting a Dynamic Risk Assessment

A Dynamic Risk Assessment generally comprises of 3 steps or phases:

1. identifying risks
2. taking action
3. learning and development (individual, team and organisation)

Step 1. Identifying risks

The first step in any dynamic risk assessment is associated with identifying risk. The model shown below helps understand the risks involved in any potential or actual incident of violence.



Using this model as a basis, you can make more specific risk assessment questions about any incident of violence or aggression, by looking at the:

- Individual characteristics of the assailant and / or the employee
- type of interaction that took place between assailant and the employee
- work environment (or workplace), this could be an interview room or visiting the person in their own residence.

Step 2. Taking action

The second step in the Dynamic Risk Assessment process is concerned with taking action. A framework is provided below for guiding actions which can prevent or reduce risk.

	Prevention (Before)	Timely reaction (During)	Rehabilitation (After)
Organisation	Policies and guidelines	Relationships with support organisations	Post – incident counselling
Team (or Service)	Fact finding and Vigilance	Back – up support	Peer support
Individual	Self - awareness	Negotiation	First - aid

This integrated organisational approach reminds us that action against violence and aggression can, and should, be implemented at various levels (individual, team and

organisation) and at various times (before, during and after) to ensure continuous learning and development as well as to promote employee wellbeing and safety.

Step 3. Learning and development (individual, team and organisation)

After considering the potential actions individuals, teams and the council as a whole can take and the control measures that can be applied to specific scenarios, employees can then move on to the third step of a dynamic risk assessment – learning and development.

The process of completing a dynamic risk assessment must facilitate reflective practice, continuous learning and development for individuals, teams, and organisations. It is important that employees are encouraged to share learning so that risks can be mitigated and safer working promoted.

Dynamic Risk Assessment	
Location/Site Details:	
Activity/task (Complete the relevant details of the activity being assessed). <i>(for example: visiting a client in their own residence, I will be working on my own)</i>	
Task Hazards (tick when present) ✓	
Questions about the Working Environment and the Client (The following questions are to assist you in identifying hazards involved in the activity and are intended as a guide only. Change, delete or ignore items that are not relevant to the tasks being carried out)	Control Measures, Notes or Follow-up :
Are there any factors or issues associated with the client that you need to consider?	
Are there any factors or issues that you or another employee has been involved in with the client in the past?	
Is there anything in the close that could be set on fire whilst you are in the client's house?	
Is adequate, safe parking available?	
Is the area well lit?	
Are there strangers loitering in the close or nearby?	
Will there be other people in the residence during the visit? If so, is this a concern to you?	
Is the client aware of the approximate time of your visit? Are you on time?	
Other:	

Risk Rating - with these controls the risk is: (Circle)	Unacceptable	Further Controls required	Adequately controlled	
Further control measures required List further action needed to adequately control risks				
Assessor(s):				
Date:				

Note: This Dynamic Risk Assessment form can be part completed pre-visit and then revised on arriving at the client’s residence. Post visit in the event that something went wrong during your visit or indeed after any incident involving violence or aggression, where you should complete Stage 3 of the dynamic risk assessment process: Learning and Development (individual, team, organisation) Can you identify any areas for personal, team and/or organisational improvement? Record your suggestions for improvement under these column headings:

Personal improvement	Team improvement	Organisational improvement

You should make time to review your response to this form with:

- your line manager
- your service health and safety advisor
- your team/work colleagues

APPENDIX 2 - HOME VISITING RISK ASSESSMENT GUIDANCE

The following guide to risk-assessing is intended to be a flexible tool and should be adapted according to your service needs.

Service		Address being visited	
Visiting Officers name		Contact number	
Officers contact number		Date of visit	

Part 1. To be completed in the planning stages prior to home visit and thereafter at any time, if necessary (✓the relevant risk category box)

	Low risk	Medium risk	High risk
Does the person have a history of antisocial behaviour including violent or aggressive tendencies towards employees?			
Are they likely to be under the influence of alcohol or drugs?			
Does the client have a history of mental health problems?			
Will you be withholding or altering a service?			
Does the client have mobility complications that require you to assist them to move or transfer?			

Will you have to operate moving and handling equipment such as a hoist?			
Have the relatives or friends of the client ever posed any problems to council employees?			
Does the location of the visit give you concerns that make you feel vulnerable?			
Are you carrying any injury, illness or condition at this time that may affect your prompt response in an emergency situation?			

What actions have you taken to reduce risks?

Actions to be taken	Tick ✓
Visit the service user with a colleague	
Find out more information from other agencies / documentation etc	
Seek advice from others e.g. line manager, safety officer	
Other	

Part 2. To be completed after the home visit.

Were there any unforeseen risks?

No (sign form and file in service users notes) **Yes** (tick and comment below)

Reason	Comments	Tick ✓
Insufficient information given on referral		
Required a second member of staff to attend visit		
Moving and handling of equipment		
Deterioration of service user's medical state		
Verbal abuse, threatening or violent behaviour		
Service user under the influence of alcohol or drugs		
Problems with relatives / friends of service user – state who if known		
Transportation or vehicle problems		
Communication problems – no phone etc		
Problems getting to location e.g. isolated, dark etc		
Pet problems		
Other		
Are any other council services / employees at risk when visiting this service user?		
Have they been informed?		
Signature		
Date		

APPENDIX 3 - RISK REDUCTION STRATEGIES

Risk Reduction

Risk reduction is the process of implementing measures to try and reduce the risk of violence and promote safer working. Risk reduction can operate in three different ways:

1. by reducing actual levels of exposure to violence or reducing levels of associated fear of violence (primary intervention /prevention)
2. by improving the means with which people seek to cope with exposure to violence or aggression (secondary intervention)
3. by reducing the negative consequences of any exposure or perceived fear (tertiary intervention).

The following table illustrates a range of primary, secondary and tertiary risk prevention strategies which are variously targeted at the level of individual, team and organisation in keeping with an integrated organisational approach.

Although 'prevention' is considered best practice for any risk reduction programme, this may not always be feasible or practicable. Inverclyde Council will endeavour to adopt a balanced approach which prioritises risks, and selects first any interventions which directly prevent / address the likely risk factors.

Risk Reduction Strategies

Target level	Type of intervention (Time point)		
	Prevention (Before)	Reaction (During)	Rehabilitation (After)
Organisation	<ul style="list-style-type: none"> • Policies, procedures and guidelines • Safety procedures including risk assessment • Job design • Security measures • Staffing and resources • Support from local agencies • Provision of information, instruction and training • Awareness of societal risk factors • Active monitoring 	<ul style="list-style-type: none"> • Relationship with support organisations • Ensure implementation of policies 	<ul style="list-style-type: none"> • Support • Follow-up • Counselling • Learning • Reactive monitoring • Investigation • Reviewing

	<ul style="list-style-type: none"> • Reporting and recording systems • Leadership • Support • Provision of alarms / lone worker devices 		
Team	<ul style="list-style-type: none"> • Emergency action plan • Communication • Risk management and risk assessment • Vigilance • Support • Active monitoring • Information, instruction and training 	<ul style="list-style-type: none"> • Effective alarms / lone worker devices • Systems and procedures • Remain calm • Support 	<ul style="list-style-type: none"> • Support • Debriefing • Learning • Risk assessment review • Reactive monitoring • Reviewing
Individual	<ul style="list-style-type: none"> • Training • De-escalation techniques • Appropriate attire • Awareness • Social skills • Relaxation • Active monitoring • Empathy 	<ul style="list-style-type: none"> • Remain calm • Negotiation • Effective alarm, lone worker device • Breakaway skills • Physical restraint 	<ul style="list-style-type: none"> • Safety • Comfort • First aid • Learning • Debriefing • Confidential counselling • Incident reporting • Reactive monitoring • Reviewing • Sharing

APPENDIX 4 – Working Alone in Safety

Controlling the risks of solitary work

INDG 73 (rev) Working Alone in Safety - Controlling the risks of solitary work
Health and Safety Executive

Working Alone in Safety - Controlling the risks of solitary work

Is it legal to work alone and is it safe? The Health and Safety Executive (HSE) is frequently asked these questions. There is no single answer; it will depend on the findings of the risk assessment but often the answer will be yes. This guidance will help anyone who employs or engages lone workers.

The leaflet gives general guidance on working alone. It offers advice on how to comply with duties towards lone workers under the Health and Safety at Work etc Act 1974 (HSW Act) and the Management of Health and Safety at Work (MHSW) Regulations 1999. Employers have responsibilities for the health, safety and welfare at work of their employees and the health and safety of those affected by the work, e.g. visitors, such as contractors and self-employed people who employers may engage. These responsibilities cannot be transferred to people who work alone. It is the employer's duty to assess risks to lone workers and take steps to avoid or control risks where necessary. Employees have responsibilities to take reasonable care of themselves and other people affected by their work and to co-operate with their employers in meeting their legal obligations.

This guidance may also help self-employed people who work alone themselves or engage lone workers.

Who are lone workers and what jobs do they do?

Lone workers are those who work by themselves without close or direct supervision. They are found in a wide range of situations; some examples are given below.

People in fixed establishments where:

- only one person works on the premises, e.g. in small workshops, petrol stations, kiosks, shops and also homeworkers;
- people work separately from others, e.g. in factories, warehouses, some research and
- training establishments, leisure centres or fairgrounds ;
- people who work outside normal hours, e.g. cleaners, security, special production, maintenance or repair staff etc.

Mobile workers working away from their fixed base:

- on construction, plant installation, maintenance and cleaning work, electrical repairs, lift repairs, painting and decorating, vehicle recovery etc;
- agricultural and forestry workers;
- service workers, e.g. rent collectors, postal staff, social workers, home helps, district nurses, pest control workers, drivers, engineers, architects, estate agents, sales representatives and similar professionals visiting domestic and commercial premises.

Can people legally work alone? Assessing and controlling the risks

Although there is no general legal prohibition on working alone, the broad duties of the HSW Act and MHSW Regulations still apply. These require identifying hazards of the work, assessing the risks involved, and putting measures in place to avoid or control the risks. It is important to talk to employees and their safety representatives as they are a valuable source of information and advice. This will help to ensure that all relevant hazards have been identified and appropriate controls chosen; consultation with employees and their representatives on health and safety matters is a legal duty anyway. Control measures may include instruction, training, supervision, protective equipment etc.

Employers should take steps to check that control measures are used and review the risk assessment from time to time to ensure it is still adequate. When risk assessments shows that it is not possible for the work to be done safely by a lone worker, arrangements for providing help or back-up should be put in place. Where a lone worker is working at another employer's workplace, that employer should inform the lone worker's employer of any risks and the control measures that should be taken. This helps the lone worker's employer to assess the risks. Risk assessment should help decide the right level of supervision. There are some high-risk activities where at least one other person may need to be present. Examples include some high-risk confined space working where a supervisor may need to be present, as well as someone dedicated to the rescue role, and electrical work at or near exposed live conductors where at least two people are sometimes required.

Employers need to be aware of any specific law on lone working applying to their industry (examples include supervision in diving operations, vehicles carrying explosives, fumigation work). Sources of further information are listed at the end of this guidance.

If you have five or more employees you must record the significant findings of your risk assessment. Further detail is now given on issues to consider when assessing risks from lone working.

Safe working arrangements for lone workers

Establishing safe working for lone workers is no different from organising the safety of other employees. Employers need to know the law and standards which apply to their work activities and then assess whether the requirements can be met by people working alone. Lone workers face particular problems. Some of the issues which need special attention when planning safe working arrangements are as follows:

Can the risks of the job be adequately controlled by one person?

Lone workers should not be at more risk than other employees. This may require extra risk control measures. Precautions should take account of normal work and foreseeable emergencies, e.g. fire, equipment failure, illness and accidents. Employers should identify situations where people work alone and ask questions such as:

- Does the workplace present a special risk to the lone worker?
- Is there a safe way in and a way out for one person? Can any temporary access equipment which is necessary, such as portable ladders or trestles, be safely handled by one person?

-
- Can all the plant, substances and goods involved in the work be safely handled by one person? Consider whether the work involves lifting objects too large for one person or whether more than one person is needed to operate essential controls for the safe running of equipment.
 - Is there a risk of violence?
 - Are women especially at risk if they work alone?
 - Are young workers especially at risk if they work alone?
 - Is the person medically fit and suitable to work alone?

Check that lone workers have no medical conditions which make them unsuitable for working alone. Seek medical advice if necessary. Consider both routine work and foreseeable emergencies which may impose additional physical and mental burdens on the individual.

What training is required to ensure competency in safety matters?

Training is particularly important where there is limited supervision to control, guide and help in situations of uncertainty. Training may be critical to avoid panic reactions in unusual situations. Lone workers need to be sufficiently experienced and to understand the risks and precautions fully. Employers should set the limits to what can and cannot be done while working alone. They should ensure employees are competent to deal with circumstances which are new, unusual or beyond the scope of training, e.g. when to stop work and seek advice from a supervisor and how to handle aggression.

How will the person be supervised?

Although lone workers cannot be subject to constant supervision, it is still an employer's duty to ensure their health and safety at work. Supervision can help to ensure that employees understand the risks associated with their work and that the necessary safety precautions are carried out. Supervisors can also provide guidance in situations of uncertainty. Supervision of health and safety can often be carried out when checking the progress and quality of the work; it may take the form of periodic site visits combined with discussions in which health and safety issues are raised. The extent of supervision required depends on the risks involved and the ability of the lone worker to identify and handle health and safety issues. Employees new to a job, undergoing training, doing a job which presents special risks, or dealing with new situations may need to be accompanied at first. The level of supervision required is a management decision which should be based on the findings of risk assessment. The higher the risk, the greater the level of supervision required. It should not be left to individuals to decide whether they require assistance.

Procedures will need to be put in place to monitor lone workers to see they remain safe.

These may include:

- supervisors periodically visiting and observing people working alone;
- regular contact between the lone worker and supervision using either a telephone or radio;

- automatic warning devices which operate if specific signals are not received periodically from the lone worker, e.g. systems for security staff;
- other devices designed to raise the alarm in the event of an emergency and which are operated manually or automatically by the absence of activity;
- checks that a lone worker has returned to their base or home on completion of a task.

What happens if a person becomes ill, has an accident, or there is an emergency?

Lone workers should be capable of responding correctly to emergencies. Risk assessment should identify foreseeable events. Emergency procedures should be established and employees trained in them. Information about emergency procedures and danger areas should be given to lone workers who visit your premises. Lone workers should have access to adequate first-aid facilities and mobile workers should carry a first-aid kit suitable for treating minor injuries. Occasionally risk assessment may indicate that lone workers need training in first aid.

Further information

HSE leaflet Violence at Work INDG69 (rev)
(single copy free or priced packs of 10

HSE Books 1997
ISBN 0 7176 1271 6)

Management of Health and Safety at Work
Management of Health and Safety at Work
Regulations 1999. Approved Code of Practice
and Guidance L21 (Second edition)

HSE Books 1999
ISBN 07176 2488 9

HSE leaflet 5 steps to risk assessment
INDG163 (rev1)
single copy free or priced packs of 10

HSE Books 1998
ISBN 0 7176 1565 0

You can also visit HSE's website: www.hse.gov.uk. This leaflet is available in priced packs of 15 from HSE Books ISBN 0 7176 1507 3. Single free copies are also available from HSE Books.

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do. This publication may be freely reproduced, except for advertising, endorsement or commercial purposes. First published 3/98. Please acknowledge the source as HSE. Printed and published by the Health and Safety Executive

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APPENDIX 5 – Phone rage

1. Phone Rage

1.1 Introduction

Many of our employees deal with service users and others on the telephone. Given the volume of calls received, the chances of being on the receiving end of calls involving verbal abuse can be considerable. Verbal abuse is not always seen as a serious issue but any abuse, particularly over a period of time, and occasionally single incidents, can have serious effects on the health and wellbeing of staff.

Phone rage can happen when a caller abuses or is offensive to the person taking the call; this should not be confused with a client or customer being angry which might be justified in certain circumstances. However, if the call descends into abuse, personal comments or offensive behaviour this is unacceptable and staff should be protected as much as possible.

1.2 Consequences of Ignoring Phone Rage at Work.

The Psychological effect of single or repeated, unreciprocated incidents of verbal abuse can have a devastating effect on the worker. The ‘drip; drip’ effect of verbal abuse can wear someone down, both mentally and physically. Also, if everyone else around them seems to be coping, they can feel isolated, stressful, fearful, and anxious, and can easily tip over into depression.

1.3 Consequences for the individual:

- suffering and humiliation which can lead to a lack of motivation
- loss of confidence and reduced self-esteem
- if the situation persists, physical illness and psychological disorders.

Stress can damage physical health, social relationships and the way we function at work and at home. It is important to remember that the following symptoms may have nothing to do with stress but they are often danger signs which should not be ignored;

- physical signs like headaches, indigestion, insomnia, high blood pressure, loss of appetite
- emotional factors such as irritability, lack of concentration, anxiety, depression, loss of confidence, low morale
- behaviour aspects such as poor work performance, accidents, poor relationships at home and work, dependence on tobacco, alcohol and drugs.

1.4 Consequences at the workplace:

- sickness absence
- immediate, and often long-term disruption to interpersonal relationships, the organisation of work and the overall working environment, usually leading to deterioration in the quality of service provided
- higher staff turnover
- compensation claims.

1.5 Training to manage phone rage effectively

A suitable training programme needs to be based on risk assessment and provided for staff that could be exposed to phone rage situations. A priority list should be drawn up to ensure those most vulnerable are trained first. Full training will be given to those employees identified; each service will then implement a training programme to ensure that employees receive appropriate training as determined via the risk assessment. Good practice in training staff to address phone rage should normally include three main areas:

- 1 The physical and mental wellbeing of the call handler.
- 2 The understanding of the emotions and potential state of mind of the caller who may become enraged and how to manage them.
- 3 The differences between justifiable anger and rage.

A well rounded training package will address each of these points.

2. Top 10 Triggers of Phone Rage

1. Call not being answered
 - The phone is not answered in a reasonable time. The caller is uncertain that they have dialled the right number, but dare not dial again in case they have to go back to the bottom of the queue
 - The call is answered and then put into a queuing system. Some callers are annoyed that they have to pay the phone costs when being kept on hold.
 - Being put on hold without being kept informed – one minute on hold feels like ten to a caller
 - A line that is constantly engaged, with no apparent alternative numbers to try • No means by which to leave a message
2. Dealing with machines, not people
 - The customer feels processed, or the victim of a faceless corporation
 - Lengthy menu of options, the caller often ends up where they started
 - Voicemails or answer phones
3. Insincerity
 - Standard greetings and pleasantries which do not sound sincere
 - Overuse of names and / or inappropriate use of first names

4. Being treated impersonally
 - Abrupt, bored or generally unreceptive voices taking the call
 - Being made to feel processed e.g. name, number, address, postcode
 - Being made to feel guilty or rushed when the caller has called near the end of the working day or just before lunch
 - No use of names or acknowledgement of the caller's long-term relationship with the company
5. Customer advisor not taking ownership of problem
 - Being passed around, with no one taking responsibility or the initiative to find the right person
 - Caller has to repeat their name and reason for calling several times to different people
 - Employees blaming each other as if they are not part of the same organisation
 - Dealing with different people every time they call
6. Not being kept informed
 - Being put on hold or kept on hold without being told what's happening
 - No transfer phase when the caller is being put through to someone else, instead of 'I'm transferring you to ...or 'Angie's line is ringing for you now' – all the customer hears is a click then silence so they assume they have been cut off. • Some customers find music annoying when on hold.
7. Promises not being met
 - Calls not returned when promised
8. Lack of authority
 - The person receiving the call lacks the knowledge or authority to resolve the caller's problem
 - Instead of passing the call to the best person to help, they 'flannel' the caller
9. Denied access to member of staff
 - Caller is 'fobbed off' – 'he's in a meeting' 'too busy to speak to you, can you call back?'
 - Screening process, making customers feel as if they are being kept out, e.g. 'who's calling', 'what's it about', etc

10. Rudeness of staff

- Rudeness, impatience, and inflexibility of staff
- Making the customer feel belittled
- Trying to catch the caller out
- Threatening phrases, 'now you do want this work done today, don't you?'
- Inferring the customer is lying, 'are you sure.....?'

APPENDIX 6 – De-escalation techniques

De-escalation Techniques – Hints and Tips

The effective handling of aggressive people is one of the most demanding aspects of working in an establishment. It is an area where good interaction and communication skills are required. Many situations, where there is a potential for violence, can be handled through communication.

Violent incidents can occur quickly if things are not handled correctly. Learning how to avoid these types of confrontations is an important part of some employees' day to day work. Knowing a few simple de-escalation techniques can help turn a bad situation around to your advantage.

Remain calm; think about your own words, tone and body language and the environment you are in:

- Try not to become angry, agitated or excited. This is not always an easy thing to do when you are confronted with an angry person. Recognise that you may feel anxious – use keep calm strategies, for example controlled breathing to allow you to act and speak more confidently. This can help the situation to feel less out of control to both you and the aggressor.
- Take time to think about what you are going to say and say it slowly, clearly and calmly.
- Maintain your self-control. Do not take the bait and be pulled into a conflict. If you take the bait, who has won?
- Offer a gift, for example a glass of water or use of the phone.
- Show empathy and actively listen. Empathy is about seeing the other person's point of view, even if you don't agree with it.
- Adopt a non-threatening body posture, use a calm, open posture (sitting or standing).
- Remember that personal space should be maintained – keep a safe distance.
- Ensure that any requests or instructions are made in a clear manner and that the aggressor knows what is acceptable and unacceptable.
- Apologising - an excellent de-escalation skill! ...Not for an imaginary wrong, but a sincere apology for anything in the situation that was unjust; a simple acknowledgment that something occurred wasn't right or fair. It is possible to apologise without accepting blame. Apologising can have the effect of letting angry people know that the listener is empathetic for what they are going through, and they may cease to direct their anger toward the person attempting to help.

-
- State your position about their unacceptable behaviour and give consequences, for example that you want the person to stop shouting. If he/she does stop shouting you will try your best to help – if they don't then you will not continue the conversation. Remember to carry out the stated consequence based on their chosen action.
 - Remain aware at all times (remember dynamic risk assessment) are there any potential weapons available to the aggressor.
 - Have a plan before one is needed. Think about options of what you could do before such a circumstance occurs. Decisions made before a crisis occurs are likely to be more effective/rational than those thought of “on the fly”.
 - Move toward a ‘safer place’ (i.e. avoid being trapped in a corner).
 - Maintain an exit strategy (I have to retrieve something from my car, or I will have to speak to my supervisor about that). Ensure that you are nearest to the door/ escape route.
 - Do not stay longer than is safe – continually assess your situation and your capabilities – GET OUT and stay out if necessary.

Respect:

- Be respectful. Listen to what the person is saying and try to understand their point of view (even though you do not agree with it) and why they feel aggrieved. Be empathetic to their situation.
- Remain quiet as the person explains their viewpoint, look them in the eye with a neutral expression and nod your head to their points and sometimes give encouragers, such as “Go on,” “Uh huh” or “Yes”. When a person is attempting to get attention with their anger, sometimes all you need to do is listen until their anger is spent.
- Encourage the person to talk – don't trivialise their issues or feelings Think about the aggressor: Be aware that aggression can be a sign of worry, nervousness, frustration etc.
- Reassure the person. Focus your attention on them. Do they appear to be under the influence of drink or drugs?
- Do not allow the aggressor to ‘play to an audience’. If possible move away from unhelpful onlookers.
- Be careful to allow the aggressor plenty of space – adrenalin can make the aggressor perceive you as being closer, and therefore more threatening.
- Consider what you know about the person – are they inclined to this sort of outburst? What has helped before?
- Read the aggressor's words, tones and body language – can you pick up indicators of triggering or escalating aggression?

De-escalation is a very difficult and humbling skill. You cannot be unsure of your own pride or self-esteem. You must be able to control your own anger. You must be able to see the bigger picture. You must be willing to practice what you've learned.

High Risk Conflict:

This is where despite your best efforts to resolve the situation; it is escalating to a point where you may be in danger of a physical assault.

REMOVE YOURSELF FROM THE SITUATION AS SOON AS IS POSSIBLE

APPENDIX 7 – Safety Advice when Out and About

Safety Advice When Out and About

It is good management practice to devise a checklist for staff to follow when they work away from Inverclyde Council establishments e.g. client's homes. This should help ensure that staff do not forget essential safety systems while rushing to a meeting e.g. informing supervisors where they are going, taking personal alarms or radios with them. (Further information on this subject can be found in part 7.5.4 and Appendix 3 of this policy).

All journeys will be safer and more enjoyable with careful planning – remove uncertainty and you remove the stress. Be prepared and plan ahead.

Prepare for the journey, wear sensible clothing, know the route, tell someone where you are going and when you are due back. Try to look confident – radiate non-vulnerability, be aware of what is going on around you, limit the use of mobile phones and iPods', think about carrying a personal alarm. If you change your plans – let someone know.

Never assume that it won't happen to you or 'it's only a short journey, so it's not important'. Never assume other people are ok because they look respectable.

Walking

- Where practicable try to walk facing oncoming traffic. If a car follows you, turn around and walk the other way – you can turn much faster than a car.
- Wear sensible shoes.
- Try to keep to well-lit or busy streets.
- Avoid short cuts such as alleyways and deserted areas.
- If walking in an unknown area, download a map, then write main streets in big bold letters on for example something like an old greetings card, you can walk with this in your hand and look at it without appearing to be lost.

If you think someone is following you:

- make sure your personal alarm is in your hand.
- ensure your mobile phone is easily available.
- try crossing the road to check to check that they are still following – more than once if necessary.
- If they are still behind you, make for somewhere you know will be busy where you can seek help.

- returning home if you are being followed may not be the best thing to do – go somewhere crowded. If you feel threatened by the person following, phone the police and alert them. The 999 operator will keep you on the line and at least hear what is going on. In the unlikely event of an attack, use your personal alarm. Remember it will disorientate the attacker for only a few seconds – use that time to get away.

Beware of someone who warns you of the danger of walking alone ‘in this area’ and then offering to walk with you or offers to give you a lift – especially if you are cold, wet, tired with sore feet and low defences.

Split your resources – don’t keep all valuables (wallet, keys, etc) in one place. Use different pockets, bag, or money belt.

Using public transport

- Know your timetable and which stops you need.
- Don’t stand around isolated bus stops. Walk purposefully and confidently to the next one which may be better lit or has more people standing nearby.
- Don’t flash your wallet or purse around – have change or a ticket ready.
- Sit near the driver, beside a group of people or near train doorway where alarms are situated.
- If necessary, change compartment and alert the guard.
- If you are sitting at the back of the bus because it’s crowded, and then lots of people get off, be aware that you may look like a target because you are slightly isolated. Move seats to somewhere nearer the front.

If you feel threatened, make as much noise as possible to alert other people .

Be discreet in conversation with others – don’t give out personal details; you don’t know who might be listening.

Car Wise

Again – plan ahead. Make sure your car is regularly maintained and in good working order. You should also join a breakdown scheme such as the AA or RAC

- Can you change a tyre, top up oil and water?
- Ensure you have plenty fuel for the journey.
- Carry a basic safety kit, a pen, paper and disposable camera (useful for recording details of an accident) Consider food and water.
- Bad weather kit – de-icer, wellington boots, spade, extra warm clothes.
- Plan your journey, in car route system, map.

- Allow plenty of time – rushing means you are stressed and not able to make rational decisions. If you are running late, pull over and phone to let someone know. This takes the heat off and will let you drive more safely.
- Keep valuables out of site. Don't open windows wide and consider locking doors – especially in urban areas and essentially at traffic lights. Lock the car even when you are paying for petrol.
- Reverse into parking bays to make it easier to drive off without delay.
- If you are parking in daylight hours, consider the area – will it be safe to come back later when it's dark.
- Multi-storey car parks – park as near to exit or doors as possible. Failing that, park near ticket machines – they usually have a 'Call for help button' on them.
- If you break down on a motorway police advice is to get out of car and call for help on your mobile or on emergency telephone.