



SCOTTISH
FIRE AND RESCUE SERVICE
Working together for a safer Scotland

Report to: THE BOARD OF THE SCOTTISH FIRE AND RESCUE SERVICE
Report Number: B/POD/05-15
Date: 26 MARCH 2015
Report By: DIANE VINCENT, DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT

Subject: DIGNITY AND INTEGRITY AT WORK POLICY

1 PURPOSE

- 1.1 The purpose of this report is to seek approval from the Board for the SFRS Dignity and Integrity at Work Policy. A copy of the Policy is included with the paper.

2 RECOMMENDATIONS

- 2.1 Members are asked to approve the following recommendations:
a) That the Board approve the SFRS Dignity and Integrity at Work Policy.

3 BACKGROUND

- 3.1 The Scottish Fire and Rescue Service (SFRS) is committed to providing a working environment where individuals feel accepted for who they are, valued for their contribution and free from unlawful discrimination. Dignity at work is about adopting a positive approach to the manner in which workplace relationships are conducted, committing to addressing all forms of behaviour that is unacceptable and treating all employees with respect.
- 3.2 The term 'dignity and integrity' reflects the professional conduct that is expected from all employees and the culture SFRS commits to embedding throughout the organisation through its Equality and Diversity Framework, which also links in to other SFRS policies such as the Code of Conduct (which came into effect in February 2015) and the Managing Attendance Policy, due to be issued in April 2015. The Dignity and Integrity at Work Policy outlines the principles and framework that the SFRS will adhere to in order to secure a workplace that achieves this and will link in to the Cultural Audit and SFRS values framework that is currently being developed.

- 3.3 The initial draft was developed and issued for consultation to various internal stakeholders, as detailed within section 7.2. Following consideration of the comments received from these stakeholders, the final draft was devised.
- 3.4 The final draft of the Dignity and Integrity at Work Policy was endorsed by the Strategic Leadership Team in August 2014 and the Staffing Group in October 2014.
- 3.5 Trade Unions were given a final opportunity to comment on the final draft of the policy in November 2014. Minimal feedback was received at this point, resulting in only minor alternations being required.
- 3.6 The Dignity and Integrity at Work Policy is applicable to all employees, including permanent, temporary and fixed term staff. Workers of SFRS e.g. agency staff, contractors, work experience placements, staff seconded to SFRS, or volunteers, will also be subject to the principles of the policy.
- 3.7 An accompanying Dignity and Integrity at Work Employee Handbook has been developed to be used in conjunction with the policy. The Handbook provides guidance to employees if they feel they have been bullied or harassed, or if they are facing allegations of bullying and harassment, and directs employees to a variety of support mechanisms that will help them decide on a course of action if they feel such issues are affecting them. It also contains detail on how issues may be resolved and contains Frequently Asked Questions around the subject area.

4 NEXT STEPS

- 4.1 Once approved by the Board, the policy and accompanying handbook will be issued by the end of April 2015, one month ahead of schedule.
- 4.2 A communications strategy will be developed to ensure that all staff are aware of the purpose of the documents and the fact they have now been issued. Prior to its launch, Managers will be notified of its pending release and will be asked to ensure that employees are made aware of it and will be asked to familiarise themselves with the document. Upon issue, news articles will help to communicate the issuing of the policy and will encourage employees to read the policy and handbook, which will be available via the intranet page.
- 4.3 As part of the detailed Action Plan developed following the recent Positive Action Review, a 'Professional Behaviours and Equality Module' is currently being developed and is scheduled to be completed by December 2015. This will support the launch of the Dignity and Integrity at Work Policy and raise awareness of the concepts set out within it. All SFRS employees will complete this module over a 4 month schedule and this will be recorded on their development records. In addition,

refresher training will be available through the Learning and Competence Maintenance System (LCMS).

- 4.4 The discipline and grievance database will be monitored on a regular basis in order that any emerging patterns or trends associated with Dignity and Integrity at Work matters may be identified. Work will continue with Trade Unions to identify any emerging trends and action taken to improve on the findings of such.

5 FINANCIAL IMPLICATIONS

- 5.1 No additional financial implications have been identified beyond existing budgets.

6 EMPLOYEE IMPLICATIONS

- 6.1 The process will provide support to employees in relation to any Dignity and Integrity matter and guidance in relation to how any matters raised may be addressed and resolved.

7 EQUALITY IMPACT ASSESSMENT AND CONSULTATION

- 7.1 An Equality Impact Assessment was completed and considered as part of the development of the Dignity and Integrity at Work Policy and is attached with this paper.
- 7.2 The EIA specifically covers elements of the Equality Act 2010 as it applies to people covered by the law if they experience harassment because of their association with a member of a protected group, or because they are perceived (wrongly) to have a protected characteristic. The policy and associated guide provides for the protection of individuals who may be subject to bullying and harassment on the grounds of a protected characteristic, including through association and perception.
- 7.3 The Dignity and Integrity at Work Policy was developed in consultation with the Staffing Group, Strategic Leadership Team, SFRS Managers, Trade Unions and POD Directorate staff. It is submitted to the Board with the full endorsement of the Strategic Leadership Team and the Staffing Group.

8 CORE BRIEF

- 8.1 The Director of People and Organisational Development presented a paper that outlined the work that had been done to develop the SFRS Dignity and Integrity at Work Policy, and presented the final draft of the policy for Board approval.
- The paper outlined that the SFRS, through its Equality and Diversity Framework, will commit to embedding the professional conduct that it will expect from all its employees and that training will take place in order to facilitate this.

NOT PROTECTIVELY MARKED

**DIANE VINCENT
DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT
MARCH 2015**



SCOTTISH
FIRE AND RESCUE SERVICE

Working together for a safer Scotland

PEOPLE & ORGANISATIONAL DEVELOPMENT

DIGNITY AND INTEGRITY AT WORK POLICY

Author/Role	Linda MacKenzie
Date of Risk Assessment (if applicable)	N/A
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Quality Control (name)	Lindsay Docherty
Authorised (name and date)	
Date for Review	XXXX 2015

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SECTION ONE: DIGNITY AND INTEGRITY AT WORK

1. INTRODUCTION

- 1.1 The Scottish Fire and Rescue Service (SFRS) is committed to providing a working environment where individuals feel accepted for who they are, valued for their contribution and are able to prosper free from unlawful discrimination, bias, harassment or victimisation. This commitment is given to all employees, potential employees and ex-employees irrespective of employment status, address, age, disability, sex, sexual orientation, religion or belief, ethnicity, race or nationality, pregnancy or maternity status, marital status, gender reassignment status or their social or economic circumstances.
- 1.2 Central to this pledge is the development, implementation and monitoring of employment practices that are themselves free from unlawful discrimination or bias.
- 1.3 Dignity at work is about adopting a positive approach to conducting workplace relationships, based on a commitment to address all forms of unacceptable behaviour, including bullying and harassment, and to treat all employees with respect.
- 1.4 This policy outlines the framework and principles that the SFRS will adhere to in securing a workplace that excels in equality and fairness for all. It specifically addresses the SFRS position on:
- Fairness and Equality in the Workplace – General Principles (Section 1 paragraph 3)
 - Bullying and Harassment (Section 2)
- 1.5 The policy is applicable to all employees, including permanent, temporary, and fixed term staff (even if seconded to other organisations). Workers of SFRS e.g. agency staff, contractors, work experience placements, staff seconded to SFRS, or volunteers, will be subject to the principles of the policy

and may be asked to leave the premises if they do not comply with those principles.

2. ROLES AND RESPONSIBILITIES

All employees of the SFRS and individual members of the Board have:

- A personal responsibility to familiarise themselves with and adhere to the contents of this policy.
- A personal responsibility to ensure that their personal conduct is professional, complies with the Code of Conduct and relevant role map or job description.
- A responsibility for challenging in an appropriate manner the behaviours of others where the behaviour is inconsistent with the principles of this policy and underpinning guidance.
- An awareness of other relevant employment policies and practices in relation to equality issues that are embedded in this policy, e.g. reasonable adjustments on the grounds of disability within the recruitment and selection policy or managing attendance policy

3. FAIRNESS AND EQUALITY IN THE WORKPLACE – GENERAL PRINCIPLES

3.1 The SFRS will take steps to comply with the Equality Act 2010 (the Act) and the associated Statutory Code of Practice: Employment. This policy does not set out to re-state the content of the legislation or the statutory code. Individuals wishing detail on the content and scope of the legislation should refer to the relevant documents available on the SFRS intranet.

3.2 The protected characteristics covered in the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There are differences in the

scope and extent of protection for each of the protected characteristics covered in the Act.

- 3.3 Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).
- 3.4 Indirect discrimination can occur when you have a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified in limited circumstances. Indirect discrimination does not apply to the protected characteristics of pregnancy and maternity but may cover these conditions through the protected characteristic of sex (gender).
- 3.5 Associative discrimination is a form of direct discrimination against a person because they associate with another person who possesses a protected characteristic. Associative discrimination applies to the protected characteristics of race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.
- 3.6 Perceptive discrimination is a form of direct discrimination against an individual because others think they possess a particular protected characteristic. Perceptive discrimination applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. The person does not need to have these protected characteristics to be protected by this clause.
- 3.7 Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.” Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Section 2 of this policy outlines the SFRS’s position and procedure for complying with the Act in relation to bullying and harassment.

- 3.8 Victimization occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Act; or because they are suspected of doing so.
- 3.9 The SFRS will take steps to comply with the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (the Regulations). In this regard the SFRS will:
- Ensure that all relevant employment policy and practice is considered within the SFRS's Equality Impact Assessment process as noted above.
 - Take steps to gather, analyse and use employment monitoring data.
 - Publish an Equal Pay statement
 - Collect and publish gender pay gap information and occupational segregation data as specified by the regulations.
- 3.10 The SFRS has a duty under the Human Rights Act 1998 (HRA) to act in a manner compatible with the European Convention for the Protection of Human Rights and Fundamental Freedoms. The relevant elements of the HRA as it relates to SFRS employment practices are – privacy and data protection, freedom of expression and thought, trade union activity and harassment.
- 3.11 The HRA provides that the right to freedom of expression and thought of one individual should not infringe upon the rights of others. This means that the expression of views that could cause harm to others is not protected under the HRA; for example, the right to freedom of expression does not allow for the demonstration of religiously intolerant opinions.
- 3.12 Human rights considerations are included within the SFRS's Equality Impact Assessment process and all relevant employment policy and practice will be assessed on the grounds of human rights.

- 3.13 The SFRS will implement employment policy and practice in line with the conditions of the Act, the Statutory Code, the Regulations and the HRA. All employment policy and practice will reflect the relevant equality issues for compliance with the Act within the body of the relevant policy, an associated guide or in the Equality Impact Assessment.
- 3.14 The SFRS will take steps to ensure that relevant employees are familiar with the equality and human rights implications associated with the implementation of relevant employment policy and practice and will actively encourage Equality and Diversity good practice by pursuing chartered status of relevant bodies dealing with under-represented groups.
- 3.15 The SFRS will develop supporting materials to assist all employees to understand their rights and their personal responsibilities under the Act, the Statutory Code, the Regulations and the HRA.
- 3.16 Employees who wish to raise a complaint in relation to a reason associated with equality or human rights issue should refer to:
- Section 2 of this policy where the issue relates to bullying or harassment
 - The grievance policy for all other complaints associated with the application of SFRS employment policy and practice.

SECTION TWO: BULLYING AND HARASSMENT

1. INTRODUCTION

The Board of the Scottish Fire and Rescue Service (SFRS) is committed to creating a working environment based on dignity, integrity and respect. It is accepted that this aim can be undermined through bullying and harassment and other forms of inappropriate behaviour and that such behaviour can have a wider impact on working environments even if employees are not directly involved e.g. working in a team and being expected to take sides. Bullying, harassment, victimisation, intimidation and abuse are therefore viewed as unprofessional and unacceptable, and will not be tolerated.

2. PRINCIPLES

2.1 The aims of the policy are to:

- Create a working environment based on dignity, integrity and respect that embraces both employees and those whom they come into contact with in the course of their employment.
- Prevent bullying and harassment both in and outside of the workplace.
- Give guidance on those behaviours that will not be tolerated by the organisation.
- Provide practical guidance to all employees and line managers on how to deal with bullying and harassment.
- Enable allegations of bullying or harassment to be dealt with seriously, confidentially and with the utmost discretion and sensitivity.
- Encourage all employees to behave in an appropriate manner at all times.
- Communicate the procedures relating to bullying and harassment to ensure that they are implemented.

2.2 The consequences of bullying and harassment are damaging for both the individual concerned and the organisation. The psychological and physical impact upon the victim can be severe and long-lasting. The consequences

for the SFRS may be equally severe, and reduce organisational efficiency, damage the SFRS's reputation, and result in legal challenges. Behaviour, actions or communications that transgress this policy may therefore be considered as gross misconduct and, where employees are found to have breached the policy, disciplinary action may be taken which could result in dismissal.

- 2.3 All employees involved in the resolution or investigation of bullying and harassment must respect the need for confidentiality. Any breach of confidentiality will be viewed as serious misconduct and may result in disciplinary action. The SFRS will also ensure that employees who make an allegation of bullying and harassment in good faith, or who act as a witness in such a case will not be victimised for doing so. Where it is established that victimisation has taken place, disciplinary action may be taken, and this could also result in dismissal.

3. DEFINITION OF BULLYING AND HARASSMENT

- 3.1 Bullying and Harassment are closely related concepts, and are often manifested in similar behaviours. Harassment is a legal term describing behaviours directed at the individuals protected by the Equalities Act 2010 due to some personal characteristic, e.g. their race or sexual orientation. It may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment. Bullying is less clearly defined legally, but it is generally accepted that bullying consists of inappropriate behaviour that may be directed at anyone for any reason.

The Equality Act 2010 defines harassment as: unwanted conduct relating to a protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment, the protected characteristics in this case being age, disability, gender reassignment, race, religion or belief, sex or sexual orientation. Similarly, employees are covered by this law if they experience harassment because of their association with a member of a protected group, or because they are

perceived (wrongly) to have a protected characteristic. On the other hand bullying is defined by ACAS as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. The SFRS accepts these definitions of harassment and bullying.

- 3.2 It must be noted that these definitions predominantly identify bullying and harassment not by the behaviours of the perpetrator, but through the impact that the behaviours have on the recipient. As the impact of any specific behaviour can vary from person to person, this can make it difficult to specify clearly what behaviours can constitute bullying or harassment. The key is that the actions or communications are viewed as demeaning and unacceptable by the recipient, whilst ACAS also suggests that bullying and harassment can be identified by asking “would a reasonable person observing such behaviour see this as bullying and harassment”. A list of examples of unacceptable behaviours which would constitute bullying and harassment is therefore attached as Appendix A. This list must not however be viewed as exhaustive but merely as illustrating the behaviours that may constitute bullying and harassment.
- 3.3 Bullying and harassing behaviour can manifest itself in a number of guises. It may involve a line manager’s behaviour towards an employee, an employee’s behaviour towards their line manager, or one employee’s behaviour towards a fellow employee. It may involve a single person or a group of people, and take place both in and outside the workplace or during or outwith working hours. All these can all have a direct impact on the working environment, and consequently will be considered within the scope of this policy.
- 3.4 The Board of the SFRS can in some circumstances be held vicariously liable for any bullying or harassment committed by their employees, regardless as to whether or not it approves or knows about the acts of harassment. The Board may also be held liable if they are considered to have failed in their duty to take reasonable measures to prevent employees from suffering

harassment in the workplace. An employee responsible for harassment may also however be held personally liable towards his / her victim.

3.5 The SFRS will ensure that no employee is victimised for bringing a complaint of bullying or harassment in good faith, or as acting as a witness in such a case. However, where it is established that a complaint of bullying and harassment is unsubstantiated and has been falsified with malicious intent, the matter could be considered as gross misconduct and may result in action in line with the Disciplinary Policy.

3.6 A distinction must also be drawn between legitimate management activities and unacceptable bullying. Line managers have a responsibility to issue instructions and to address misconduct or poor performance. Managerial actions will not be considered as bullying or harassment where they are carried out in conformity with the SFRS's procedures or values. Managers are however expected to behave in a way which would not be considered unreasonable, or contravene the Service's commitment to respect and dignity within the workplace.

4. RESPONSIBILITIES

4.1 SFRS Board

SFRS Board members are fully committed to the contents of this policy and pledge their support to managers and employees in dealing with all instances of unacceptable behaviour.

4.2 Line Managers

Line managers have a duty to implement this policy and to prevent bullying and harassment. They have a particular responsibility to be alert to the behaviours and cultures in their sphere of responsibility, to actively challenge inappropriate behaviour and to lead by example through demonstrating acceptable behaviour at all times. Line managers also need to be responsive and supportive to any employee who makes an allegation

of bullying or harassment. Any apparent failure to meet these responsibilities may ultimately lead to disciplinary action.

4.3 Employees

All employees have a responsibility to help create a working environment free of bullying and harassment. All employees must comply with this policy and ensure that their behaviour towards colleagues and the public does not cause offence and could not in any way be considered to be bullying or harassment. All employees have a responsibility to discourage bullying and harassment and support colleagues who suffer such treatment or are considering making an allegation.

5. **SUPPORT AND ADVICE**

5.1 Line Managers

Employees should normally obtain advice and support from their line manager.

5.2 Human Resource Advisors

Employees and line managers may contact their Human Resource Advisor to seek support and advice.

5.3 Employee Assistance Programme

The SFRS provides a confidential external service for all employees and their immediate family members. This service offers a 24-hour telephone support and confidential face-to-face counselling.

5.4 Health and Wellbeing

Any employee may also visit a Health and Wellbeing Advisor or Physician if deemed appropriate. This can be through self-referral or by a line manager.

5.5 Trade Unions

Employees who are a member of a trade union may wish to contact their representative for support and advice.

5.6 Awareness and Training

All employees will have access to an employee guide, which complements this policy. Information will also be provided to line managers on how to effectively implement this policy through various sources such as advice from HR Advisors and management development programmes.

6. **BULLYING AND HARASSMENT PROCEDURE**

6.1. Principles

An individual's motives are not the main factor in deciding if behaviour amounts to harassment - it is the effect that the alleged behaviour has on the recipient that is important. Just because certain behaviour may be acceptable to the alleged harasser or another person does not mean it is not harassment.

Harassment & bullying behaviour may not always be intentional, but is always unacceptable, whether intentional or not.

Any employee who feels they have suffered any form of bullying or harassment is entitled to raise the matter with their line manager. If the allegations may involve their line manager, the employee should approach

the next line manager as per their departmental structure. Please also consult the FAQs within the Guidance Handbook for further assistance.

It is essential that allegations be reported as soon as possible after the alleged incident(s) in order to allow a fair and thorough investigation, although it is recognised however that patterns of behaviour can take place over a period of time. Only in exceptional circumstances will allegations where the last example is more than three months old be given consideration for investigation.

The Procedure aims to resolve allegations in such a way as to maintain, as far as possible, a reasonable working environment for all parties concerned and to provide a solution swiftly, clearly and sensitively with due respect for the rights of both the complainant and the alleged harasser. The decision whether an allegation should be progressed will be reached in conjunction with the complainant, but action may have to be taken against their wishes to address an unacceptable risk.

6.2 Victimisation

Any employee who brings an allegation in good faith, or assists in an investigation shall be protected from any form of victimisation regardless of the outcome. In order to provide appropriate protection to the individuals who speak out against bullying and harassment the organisation will take appropriate disciplinary steps if there is evidence of victimisation. Equally, unsubstantiated and malicious or fictitious allegations may be viewed as gross misconduct and may result in action in line with the Disciplinary Policy.

6.3 Confidentiality

It must be stressed that confidentiality is of the utmost importance in dealing with issues of this type and all personnel who are involved in attempting to reach a satisfactory conclusion, must respect this. Any breach of confidence may be viewed as gross misconduct and may be subject to the Disciplinary Policy.

6.4 Temporary Transfer of Employees Pending Investigation

If the complainant and the alleged harasser are based within the same workplace, the alleged harasser may be temporarily transferred to another watch / station / department pending the outcome of an investigation. This does not imply the establishment of guilt, but is intended to protect all parties until the situation is finally resolved. The decision to temporarily move an employee should be taken by senior management (e.g. Local Senior Officer or equivalent support staff level) in consultation with the Head of Human Resources and Organisational Development. This is only an option when the complaint is dealt with at Level 3: Formal Level. Should the allegations involve a Local Senior Officer or above, the Chief Officer or Chair of the Board will assess the situation and direct any moves that are deemed appropriate and reasonable in the circumstances.

7. **RESOLVING COMPLAINTS**

Bullying and harassment can manifest with varying degrees of severity, and employees who believe they have been bullied or harassed may wish to seek to resolve the issue with differing levels of formality. The bullying and harassment procedure therefore offers three different means through which a complaint of bullying and harassment may be addressed, these being:

- 1) Personal Level
- 2) Management Level
- 3) Formal Level

These different levels each offer a self-contained means of resolving complaints, and are not to be considered as a chronological sequence that must be followed in every instance. It is however possible to move between the different levels where the situation renders this appropriate. The decision by the line manager as to what is the most appropriate action will be

reached in conjunction with the complainant and will take into consideration the following:

- The views of the complainant.
- The nature and severity of the allegation.
- The likelihood of a successful outcome.
- The working relationship between the people involved.

7.1 Personal Level

Employees who feel they are being harassed, bullied or victimised may choose to explain to the person(s) carrying it out that their behaviour is unwelcome and offensive, and ask for it to cease. They may do so on their own or ask a colleague or a trade union representative to accompany them. Employees who choose a direct personal approach should keep a note of the date of the conversation, what was said and what was agreed.

7.2 Management Level

7.2.1 The management level is designed to conciliate rather than punish and is suitable where a personal approach is not possible or has been unsuccessful, or where a party involved feels the need for managerial intervention. The problem shall be brought to the attention of the complainant's line manager in the first instance. This may either be in writing or verbally but a detailed note should always be written up and signed by the complainant. Any allegation should however be dealt with as speedily as possible.

7.2.2 Where the allegation is against their Line Manager, the employee can approach that person's Manager or another Manager at the same or similar level of authority.

7.2.3 The manager will meet with the complainant and consider the seriousness of the complaint before deciding upon the appropriate course of action. Where

the manager considers that it is appropriate to address the issue through the management process, the manager will seek the complainant's agreement. Where the allegation is deemed too serious to be resolved through the managerial process the manager may refer the complaint to the Head of Department / Local Senior Officer for resolution through the formal process regardless of the complainant's request to resolve things outside of the disciplinary process.

- 7.2.4 The manager will also meet with the alleged harasser to discuss the allegation and seek their agreement to participate in a process of resolution, where appropriate. The complainant will be advised of any action taken.
- 7.2.5 A colleague or trade union representative may accompany individuals involved in the process to meetings at any time, but should recognise that their role is to provide support, rather than to represent the employee at this stage, with representation being more appropriate during a formal process, if required.
- 7.2.6 The managerial level may include mediation to assist the complainant and alleged harasser to reach agreement on how to develop a healthy working relationship. Alternatively informal counselling on behaviour by the line manager may be appropriate in some circumstances as may the provision of training or personal development activities for either party. Additional information on mediation is included in the information booklet Dignity and Integrity at Work: Employee Handbook.
- 7.2.7 Once an outcome has been reached which is mutually satisfactory to both parties the manager responsible for the case shall write to the parties concerned to confirm this and meet with them if appropriate. The manager will also provide a written record of the complaint and the proceedings, including the agreed outcome, and retain these in the Personal Record File (PRF) of all parties involved. The process should also be recorded and reported in line with the People and Organisational Development Directorate's employment monitoring processes. If a mutually satisfactory

outcome is unable to be achieved at this stage then the formal level should be considered in order to bring the issue to a conclusion.

7.3. Formal Level

Allegations of bullying and harassment can be dealt with formally where:

- Personal and Management levels have not been successful
- The allegations are of such a nature (for example, serious or persistent) that formal action is deemed necessary by management
- The complainant and/or alleged harasser do not wish to enter into Management Level processes.

7.3.1 Formal allegations should be reported, in writing, to the relevant Head of Department / LSO. Where possible the allegation should state:

- The name of the alleged harasser (s)
- The nature of the alleged bullying and harassment
- The dates, times and places where the alleged harassment took place
- The names of any person(s) who witnessed the harassment
- Details of any action taken by the complainant or others to stop the alleged harassment.

7.3.2 The Head of Department / LSO will determine if the allegation warrants the use of the SFRS's Disciplinary Procedure, and if so, initiate a fact-finding investigation as soon as is practicable. Given the nature of bullying and harassment, the following actions may also be taken in support of the disciplinary process.

- On receipt of the fact-finding report, the Head of Department /LSO may propose conciliation measures such as mediation as an alternative to proceeding to a hearing.
- Where a hearing determines that bullying or harassment has taken place, the disciplinary award may include a requirement to participate

within a process of resolution, undergo counselling or training, or accept a transfer to an alternative workplace.

7.3.3 On the occasion that any employee feels they have been the subject of bullying and / or harassment by a member of the public, it may be appropriate to investigate the incident following the above process. The purpose of the investigation should be to establish what has happened, whether legal action should be implemented and to prevent the situation occurring in the future. It should be noted that not all elements of this process would be applicable as it is unlikely that any investigation would include interviewing members of the public. However, it may be appropriate to seek legal advice and inform the police of any criminal or anti-social behaviour and take further action following investigation by the police. Where the investigation highlights that a change in practice and / or service delivery is required this should be brought to the attention of senior management.

8. SERIOUS ALLEGATIONS

Serious allegations of bullying and harassment indicative of systematic organisational failings such as inappropriate cultures or management styles, will, where the matter remains unresolved, be submitted to the Chief Officer, or Chair of the Board if the allegations involve members of the senior management team. The Chief Officer/Chair of the Board will convene a hearing or delegate the matter to a Senior Manager at Assistant Chief Officer level or equivalent who will investigate the situation, and make recommendations on how the situation should be addressed. Where relevant, the Chair of the Board shall convene a hearing or delegate the matter for investigation by members of the Board Staffing Committee.

9. RIGHT OF APPEAL

9.1 If the complainant or the alleged harasser is not satisfied that the procedure was followed correctly they have the right to raise this matter through the Grievance Procedure.

9.2 If the alleged harasser does not accept the outcome as a result of formal action, they are entitled to pursue action through the Disciplinary Procedure's appeals process.

10. POLICY ASSESSMENT & REVIEW

10.1 Equality Impact Assessment

A full impact assessment has been conducted and the report can be obtained from the People and Organisational Development Directorate.

10.2 Monitoring and Keeping Records

The SFRS has a corporate responsibility to monitor allegations of bullying and harassment for statutory reporting purposes and use this information to identify any trends or underlying problems.

Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as an employer, the SFRS must take steps to gather information on the composition of our workforce and the recruitment, development and retention of our employees with respect to the number and relevant protected characteristics of employees. The Equality and Human Rights Commission also recommends extending this further to gather and use information for reported instances of Bullying and Harassment. The SFRS will work towards incorporating this as best practice. This information will be

reported to an appropriate sub-committee of the Board of the SFRS annually.

10.3 Communication and Review

This policy has been developed following consultation with Representative Bodies and has been agreed by the SFRS Board. The policy will also be the subject of regular review to ensure that it meets its aim of creating a working environment based on dignity and respect.

11. **RELATED DOCUMENTS**

- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Data Protection Act 1998
- Employment Act 2002
- Equality Act 2010

**APPENDIX 1:
EXAMPLES OF UNACCEPTABLE BEHAVIOUR**



Examples of unacceptable behaviour, that may be considered to constitute bullying and harassment are:

- Unwelcome physical, verbal or non-verbal conduct – such as physical attack, unwelcome touching, threatening language and verbal abuse or displaying aggression towards someone for example making homophobic, racist or sexist insults and threats.
- Making persistent and unwelcome contact in person, by phone, email or letter.
- Inappropriate communication sent via social media e.g. SMS text message, the internet or social networking sites.
- Leaving repeated or alarming messages on voice mail or email, following people home, or approaching co-workers to ask for personal information.
- Comments, looks, gestures, jokes and innuendos of a personal, suggestive or sexual nature.
- Comments or discriminatory behaviour that relates to a person's (their own or by association or perceived) ethnicity, gender including gender identity, sexual orientation, age, religious belief, disability or other personal characteristic.
- Deliberate failure to follow advice to make reasonable adjustments for disability and matters of sensitivity or emotional distress such as following medical diagnosis or close family bereavement e.g. failing to provide reasonable time off to make funeral arrangements, or failing to provide suitable equipment relating to a reasonable adjustment for disability.
- Copying written information that is critical (of) someone to others who do not need to know.

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- Inappropriate use of and / or misuse of email and internet sites, including inappropriate capitalised type and underlining, venting ones frustration via email, copying in people who do not have an immediate need for the information, pressuring the recipient for an immediate response when it is not necessary.
- Spreading malicious rumours, or insulting someone.
- Unwelcome sexual advances – touching, standing too close, display of offensive materials.
- Making threats or comments about job security without foundation.
- Preventing individuals progressing by intentionally blocking promotion or development opportunities.
- Ridiculing or demeaning someone – picking on them.
- Deliberately setting someone up to fail. Constantly changing work requirements without prior notification / discussion with the individual concerned and then criticising when things go wrong.
- Overbearing supervision or other misuse of power or position.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Failing to undertake tasks or refusing to follow reasonable instruction with the intention of undermining someone's position.
- Coercion, including pressure to participate in political, religious groups, pressure to isolate others.

This list is not exhaustive.

**APPENDIX 2:
BULLYING AND HARASSMENT FLOWCHART FOR
MANAGERS**

