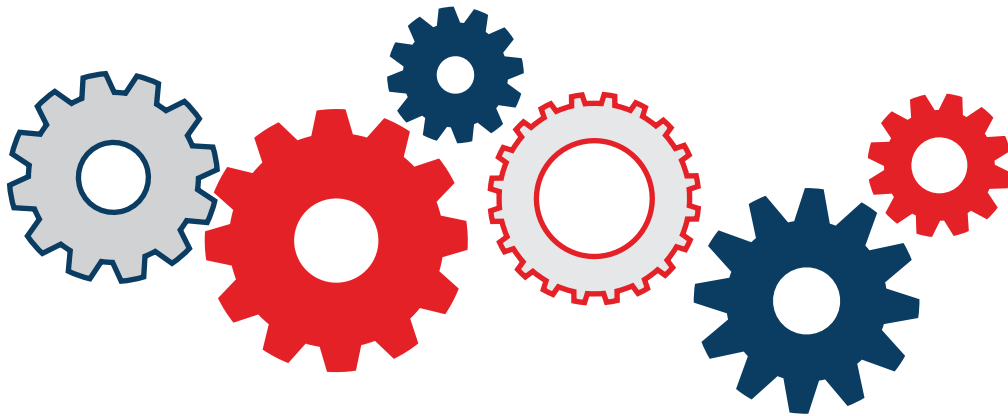


IMPROVEMENT SERVICE POLICIES AND FRAMEWORKS

# Fair Treatment at Work policy statement and principles

(incorporating the IS Equality Policy Statement)





# Equality Policy Statement

## 1. Introduction

The Equality Act 2010 restates, simplifies and, where appropriate, harmonises the various different pieces of equality legislation that have been produced over the last 40 years.

The Equality Act 2010 also includes a harmonised Public Sector Equality Duty. The Equality Duty applies to public bodies and others carrying out public functions. Although the Improvement Service is not bound by the Public Sector Equality Duty, given the nature of our Business we are committed to conducting our business in the spirit of the duty.

## 2. Equality policy statement employment practices

The Improvement Service is committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best. We believe that by embedding equality, diversity, fairness and respect in all that we do, we will help create more successful communities. Our Values and our Code of Conduct reflect this expectation of all our employees.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief, sex and sexual orientation. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part-time, full-time, permanent or temporary, will be treated fairly and with kindness, dignity and compassion. The IS is a friendly and welcoming organisation and works to create an environment where everyone feels valued, respected and supported.

Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

## 3. Our commitment

- ▶ To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- ▶ Every employee is entitled to a working environment that promotes dignity and respect to all. We adopt a zero-tolerance approach to bullying, harassment and discrimination.

- ▶ Equality and diversity policies and statements are easily accessible to all.
- ▶ Training, development and progression opportunities are available to all staff.
- ▶ Equality in the workplace is good management practice and makes sound business sense.
- ▶ We will routinely review all our employment practices and procedures to ensure fairness.
- ▶ Breaches of policy will be regarded as misconduct and could lead to disciplinary proceedings.

The Improvement Service further promotes equality of opportunity and fair treatment through the following suite of employment policies and practices:

- ▶ Recruitment and Selection Policy
- ▶ Complaints Policy
- ▶ Conflict of Interest Policy
- ▶ Pay and grading structure
- ▶ Travel & Subsistence Policy
- ▶ Sickness Absence Policy
- ▶ Special Leave Policy
- ▶ Maternity, Paternity, Shared parental leave and adoption Policy
- ▶ Flexible Working Policy
- ▶ Disability Confident Employer accreditation
- ▶ Performance Appraisal & Personal Development Planning Policy and Procedure
- ▶ Grievance Policy
- ▶ Disciplinary Policy and Procedure
- ▶ Redundancy Policy
- ▶ Annual Leave Policy
- ▶ Corporate Learning and Development Plan
- ▶ Health and Safety Policy
- ▶ IS Information Security Policy
- ▶ IS Visions and Values
- ▶ Learning and Development Framework

- ▶ Managing Under Performance Policy
- ▶ Smartphone Usage Policy
- ▶ Pregnancy Loss Policy
- ▶ Employee Privacy Notice
- ▶ Protection of Children and Vulnerable Adults Policy
- ▶ Remote Working Policy
- ▶ Statutory Maternity Pay
- ▶ VAT Policy
- ▶ Volunteering Policy
- ▶ Whistleblowing Policy
- ▶ Data Protection Policy
- ▶ Data Retention Policy
- ▶ Disaster Recovery and Business Continuity Plan
- ▶ Incident Management Policy
- ▶ ISMS Policy
- ▶ Procurement Policy
- ▶ Security Statement
- ▶ Social Media Policy
- ▶ Trauma Pledge

## 4. Business practices

The Improvement Service will pro-actively consider equalities when carrying out day to day business activities.

We aim to mainstream equalities into our core business, across all functions: strategy, policy, procurement, products and services, ensuring equality of access for all.

## 5. Commitment

This policy statement is fully supported by the IS Board of Directors and senior management.

The IS will review this policy statement from time to time and as necessary.

*Reviewed June 2023*

# Fair Treatment at Work: Policy statement and principles.

## 1. Introduction

- 1.1 The IS is committed to equality of opportunity in employment and to protecting its staff from bullying, harassment and discriminatory behaviour. This policy applies to all employees during working hours and outside normal working hours in the course of employment where an individual employee's action detrimentally affects the IS or another IS employee.
- 1.2 Central to the IS policy is the prevention of discrimination, victimisation, bullying and harassment against employees on any grounds, but particularly in relation to:
 

**'sex, gender identity, race, disability, religion or belief, marital status, civil partnership status, age, language, social origin, employment status, sexual orientation, political belief, trade union membership or activity, pregnancy and maternity, responsibility for dependants'**
- 1.3 The IS recognises that all employees have the right to:
  - ▶ be treated with respect and dignity whilst at work;
  - ▶ fair, reasonable and equitable treatment at work;
  - ▶ a working environment which is supportive and discrimination free and which sets out clear standards of expected performance and behaviour;
  - ▶ complain about harassment and discriminatory behaviour where they believe they are being treated unfairly and have the right not to be victimised as a result of making such a complaint.

## 2. The responsibilities of employees

- 2.1 There is a legal obligation on all employees to act in a responsible manner that reflects and promotes the principles of mutual trust and confidence in the workplace. This is a basic requirement placed on both parties to the employment contract.
- 2.2 This policy places a responsibility on individual employees to ensure their actions do not detrimentally affect the IS or another employee. This responsibility extends beyond the immediate workplace and out with normal working hours where it can be established that an employee's actions have been carried out "in the course of his/her employment."
- 2.3 The courts have interpreted this phrase broadly and consequently, where an

employee is responsible for carrying out an act of bullying or harassment, for example, during attendance at a residential training course or work-based social event such as an office party (whether or not on IS premises), this will be deemed to fall within this definition and therefore potentially covered by the IS policy.

- 2.4 In other words, the policy will apply where it is reasonable to conclude, following investigation, that an act of bullying or harassment would not otherwise have occurred had it not been for the fact that the individual(s) concerned was/were IS employees.

### 3. The responsibilities of the Improvement Service

- 3.1 As an employer, the IS is under a legal obligation to provide safe systems and a safe place of work and to maintain mutual trust and confidence in its relationships with all employees.
- 3.2 The IS is also legally responsible for the actions of its employees carried out in the course of their employment.

### 4. Acceptable behaviour

- 4.1 Employees have a clear role to play in helping to create a climate at work in which unfair treatment is unacceptable. They can contribute to preventing unfair treatment through an awareness and sensitivity towards the issue and by ensuring that the standards of conduct for themselves and for colleagues do not cause offence.
- 4.2 Employees themselves can do much to discourage harassment and discriminatory behaviour by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such unfair treatment and are considering making a complaint.
- 4.3 Similarly, the IS recognises its responsibility to demonstrate a duty of care to all employees and to provide a safe and suitable working environment. To this end, the IS accepts that the prevention of harassment, bullying and intimidation is essential through effective training of managers and other employees to ensure that the health of employees is not put at risk.
- 4.4 Acceptable behaviour is also defined, in terms of this policy, with reference to other IS employment policies, procedures as well as criminal and common law.

### 5. Unacceptable behaviour

- 5.1 In general terms, unacceptable behaviour is defined, for the purposes of this policy, as any act or omission by an employee which is in itself illegal by virtue of anti-discrimination legislation, criminal or common law or which causes unnecessary offence or distress to an employee.

5.2 Unacceptable behaviour falls into the following categories which are explanatory but not conclusive. The definition of all of these behaviours are defined in the Equality Act 2010.

- ▶ Harassment (including verbal, non-verbal, racial, sexual, and disability harassment)
- ▶ Bullying
- ▶ other forms of intimidating or threatening behaviour
- ▶ victimisation
- ▶ behaviour that contravenes the IS Equalities Policy Statement.

5.3 The IS regards harassment of any kind as unacceptable. Harassment is defined as:

“Harassment, in general terms, is unwanted conduct affecting the dignity of people in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristics of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient”

5.4 Protection against discrimination and harassment on the grounds of sex, race, disability, sexual orientation, religion or belief and age is provided by law. Employees who have suffered harassment at work may be able to seek remedies through the civil or criminal law. The IS policies should not be regarded as attempting in any way to restrict an employee’s legal rights. The policy aims are to address all forms of harassment including bullying and intimidatory behaviour in the workplace and to promote fair and equal treatment for all employees.

5.5 Any employee who complains about unfair treatment in terms of this policy will be protected against victimisation or retaliation for bringing such a complaint. Any such victimisation or retaliation will itself be considered unacceptable behaviour.

5.6 It is essential to remember that harassment is measured by the effect the unwelcome behaviour has on the individual on the receiving end of such behaviour and not the intent of the person displaying the behaviour. It is for each individual to determine what behaviour is acceptable to them and what is offensive.

5.7 Finally, if there is any doubt about whether behaviour is acceptable, the following questions should be asked:

- ▶ Would you say or do this in front of your partner/child/parents?
- ▶ Would you say or do this in front of a colleague of the same sex?
- ▶ Would you like to see the behaviour you have displayed in the local paper?

- ▶ Would you like a member of your family to be on the receiving end of the same behaviour you had displayed to someone else?
- ▶ Does it need to be said or done?

## 6. The management of performance

- 6.1 Line Managers are responsible for ensuring the staff who report to them perform to an acceptable standard. Bullying does not, therefore, include legitimate, justifiable, appropriately conducted criticism of an employee's behaviour or job performance.
- 6.2 Managers have a duty to ensure that they and the staff for whom they are responsible achieve goals and objectives in ways which accord with the IS values.
- 6.3 Good working relationships are an essential foundation for success in achieving goals and objectives. The quality of working relationships between employees and between employers and their managers is influenced to a considerable extent by the standards of behaviour which employees demonstrate to one another. All employees have a responsibility to help ensure a working environment in which the dignity of employees is respected.
- 6.4 In the management of staff and their performance, it is crucial those managers:
- ▶ create a climate in which regular and open communication is encouraged;
  - ▶ ensure that all issues are discussed openly and, in the knowledge that different points of view will be listened to and considered;
  - ▶ allow people to acknowledge any lack of expertise that they may have; secure in the knowledge that support will be provided for any development or training needs;
  - ▶ welcome participation and enhance co-operation;
  - ▶ communicate clearly and directly with staff.
- 6.5 The provision of feedback to employees is critical to the improvement and development of the individual's skills and performance. The IS expects managers to provide constructive feedback, which addresses both positive and negative issues where appropriate, and which focuses on positive ways of dealing with and resolving identified problems.
- 6.6 Managers should ensure that in the management of performance any feedback is:
- ▶ specific - dealing with examples of particular occasions and events;
  - ▶ immediate;
  - ▶ based on issues and not the individual as a person;



- ▶ helpful;
- ▶ non-judgmental by describing areas of concern without judging the person;
- ▶ not only related to problems but takes account of positive aspects of performance.

6.7 Managers should ensure that they apply the principles of the IS Performance Appraisal and Personal Development Planning process and that the process is applied consistently and equally within and across all teams.

## 7. Remedies

- 7.1 Employees have an obligation to ensure that they conform to the requirements of the IS Policy on Fair Treatment at Work. Employees must not act in a way that could be considered to be harassment of fellow employees, stakeholders or other people with whom they come into contact on IS business. For example, where an employee has attempted to use his or her position or status within the workplace to intimidate, harass or apply pressure to a fellow employee out with the workplace, this will constitute unacceptable behaviour under the policy and leave the employee liable to disciplinary action.
- 7.2 Serious unacceptable behaviour may constitute gross misconduct and where substantiated will normally result in dismissal.
- 7.3 Employees who are subjected to unacceptable behaviour at work have the right to raise a grievance. However wherever possible, every reasonable attempt should be made to resolve the matter informally. The formal procedure should only be used if the informal approach does not bring about the desired result or if the employee concerned feels that an informal approach is not possible or appropriate in the particular circumstances.
- 7.4 The employee should raise the matter informally with their line manager and with the other party concerned. If the complaint is against the employee's line manager, the employee should consider raising the matter with another manager in an attempt to resolve the matter.
- 7.5 The main purposes of approaching the person concerned in an informal manner are to:
- ▶ bring the distressing nature of the behaviour to his/her attention;
  - ▶ make it clear that such behaviour is unwelcome and unacceptable; and
  - ▶ indicate that the behaviour should stop immediately and should not be repeated.
- 7.6 In recognition of the fact that most employees simply want the unacceptable behaviour to stop, the facility to discuss a complaint informally in the first instance with an appropriate contact adviser should be available to all employees.

- 7.7 The role of Contact Adviser is to provide advice, assistance and support to employees who feel they are being subjected to unacceptable behaviour in a sensitive, sympathetic and confidential manner. The role of Contact Advisers should not extend beyond assistance, guidance and support to an employee on an informal basis.
- 7.8 Where, following an informal approach, further unacceptable behaviour occurs, or the behaviour is considered by the complainant to be so serious that an informal approach is inappropriate, the employee may submit a formal complaint under the IS grievance procedure.
- 7.9 In 2024 the Contact Advisers are:
- ▶ [Joanna McLaughlin](#)
  - ▶ [Miriam McKenna](#)
  - ▶ [Amanda Spark](#)

## 8. Links to other policies

- 8.1 Where, after proper investigation, it is established that an employee has failed to follow the requirements set out in this policy or in the associated Code of Practice, they may be subject to disciplinary action in accordance with the IS Disciplinary Policy.

## 9. Review of policy

- 9.1 The IS will review this policy from time to time and as necessary.

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