

**Ofwat people policies**



# Equality and Dignity at Work

June 2016

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## Policy Statement

**1.1** Ofwat is committed to creating an environment of positive working relationships, in line with clear values and behaviours. To preserve and protect such an environment, we have policies and procedures that set out standards of conduct that must be observed and enables everyone to raise concerns and for those concerns to be addressed in an appropriate forum and to obtain an appropriate solution.

## Objectives

**2.1** We believe that everyone has the right to be treated with equality, dignity and respect in the workplace and we're committed to providing a supportive working environment to foster such a culture. By addressing unacceptable behaviour and promoting positive behaviour this procedure fully underpins our values and behaviours.

## 3. Promoting Equality and Dignity

**3.1** This is not about favours and special interests; everyone is part of one group or another. It is about the performance and ability of Ofwat to deliver in a time of austerity and transformational change.

Promoting equality creates the conditions for equality of opportunity for all our people, through fair and non-discriminatory employment policies and processes.

In referring to diversity, we mean people who are in one or more of the nine protected characteristics highlighted in the Equality Act 2010.

Age	Disability	Gender
Marriage & Civil Partnerships	Pregnancy & maternity	Sexual Orientation
Religion & Belief	Sex	Race

**3.2** We also mean **diversity** in its widest sense

- encompassing people who work part-time or have other alternative working patterns;
- people with different skills, experiences and educational and social backgrounds; and
- people with caring responsibilities

We want to ensure that everyone who works for us is valued both as a person and for the unique skills and experiences that they bring to work.

### **3.3 In summary, you are entitled:**

- To be treated with dignity, respect and courtesy
- To a workplace free from bullying, harassment or victimisation
- To experience no form of discrimination
- To be valued for your skills and abilities
- To be appointed and developed on the basis of merit

### **3.4 To achieve these aims we will:**

- Ensure that employment selection decisions are based on objective, open, fair, non-discriminatory job related criteria, and that procedures are consistently applied and evaluated.
- Observe the terms of Civil Service Conduct and Business Appointment rules
- Keep under regular review and improve our People processes and practices – including recruitment, selection, DDC, temporary promotion, learning and development, grievance and discipline to ensure that they are open and transparent, do not discriminate and that they do encourage equity in representation and experience.

- Develop the potential of everyone. We will work positively to identify barriers to progress, including the acknowledgement of domestic circumstances, and take action to remove these or assist, including mentoring, coaching, and learning/development.
- Monitor the career paths of our people, examining the reasons for any significant disparities between different groups and developing appropriate action plans.
- Regularly develop everyone involved in the recruitment, selection and management of people, in order to increase awareness and understanding of equality and diversity issues.
- Draw on Civil Service and Government initiatives and other best practice aimed at improving diversity.
- Provide access to trained Dignity at Work Advisers who are able to offer support to people who believe they have been inappropriately treated or observed inappropriate behaviour or for those who have received negative feedback about their behaviour. The Dignity at Work Advisers will help to clarify options and to assist in resolving the matter informally where possible.

**3.5** We view unfair and discriminatory behaviour as a potentially serious disciplinary offence that may lead to dismissal. The grievance procedure provides a

mechanism for you to challenge unfair treatment and to have any complaints resolved. Managers are ultimately responsible for upholding the standards of conduct outlined in this framework and everyone is responsible for their own conduct.

## Scope

- 4.1** The standards of behaviour outlined by this policy underpin relationships between resource, project and programme managers and the people they manage (including the way that a person behaves towards them) and colleagues as a peer group. This also equally applies to anyone who undertakes a management role, for example a project manager. It includes people who are permanent, fixed term or working through an agency or seconded in or out of Ofwat. Behaviour that is unwanted, unwelcome and undermines a person's dignity at work is unacceptable behaviour. This includes behaviour that might unreasonably threaten a person's job security, promotion prospects or create an intimidating working environment. Behaviour may be perceived as unacceptable, even if there was no intent to cause offence. Behaviour may have overtones that you find offensive, and may be discriminatory under the Law, even if it was not directed at you personally.
- 4.2** Unacceptable behaviour can take many forms and can range from physical attack to more subtle conduct. It can include actions, jokes or suggestions that might create a stressful working environment. It can also include the production, distribution, display or communication and discussion of material that may give rise to offence. It includes behaviour which deliberately or inadvertently excludes individuals from normal activities in the workplace.
- 4.3** Unacceptable behaviour does not include legitimate actions taken by a resource, programme or project manager to support and encourage a person to perform against key objectives and to manage performance appropriately. It also does not include legitimate actions taken within disciplinary or other formal procedures. It does include people in authority who use their position to bully, abuse or harass others, or assume a threatening or intimidating management style.
- 4.4** In addition to this policy everyone is subject to the terms of the Civil Service Code. Our Equality and Dignity at Work policy is complementary to the Civil Service Code.

## **Responsibility of Resource Managers, Programme and Project Managers**

- 5.1** All people share the responsibility to create an environment where we can make measurable progress on equality and diversity and where we genuinely respect people's differences.
- 5.2** Directors and strategic resource managers have an overriding responsibility in challenging language or behaviour that is contrary to our expected values and behaviours and this policy by role modelling and promoting an atmosphere of dignity and respect and managing people in a professional and respectful manner. They are responsible for ensuring that these standards of behaviour are known to everyone. They are also responsible for ensuring that their own behaviour is of the highest standard and that appropriate and prompt action is taken on behaviour that falls outside of Ofwat's expectations.
- 5.3** All resource, programme and project managers are responsible for setting a good example by treating everyone with dignity and respect. They are responsible for ensuring that all people are aware of the behaviour expected of them and that unacceptable conduct is

challenged and corrected. They are expected to role-model and promote an open, fair, equitable culture, managing conflict, and developing, empowering and sustaining individuals and teams. Resource, programme and project managers are expected to treat as a potential disciplinary matter, instances of inappropriate conduct, language or behaviour by individuals.

Examples of good management practice are:

- Setting achievable time limits and standards of work
- Positively supporting the performance of individuals e.g. through induction, personal development and DDC's
- Addressing matters of performance, attendance and conduct through the appropriate procedures on the occasions where they fall short of acceptable standards in a prompt and professional manner
- Applying the relevant procedures fairly

## Responsibility of Our People

- 6.1** Everyone is expected to treat colleagues, managers, stakeholders or members of the public to whom they provide a service within in line with our values and behaviours and our principles of equality, dignity and respect by:
- providing services in a fair and reasonable way and dealing with colleagues, clients and customers with consideration and politeness
  - engaging positively in measures designed to support performance e.g. induction, DDC's and personal development.
  - participating fully where managers use Ofwat's procedures to address matters of performance, attendance and conduct
  - not aiding or colluding in cases where employees, clients or customers are treated in a manner which contravenes this policy and have a responsibility to report all such instances
  - ensuring their colleagues are aware if conduct or behaviour is a cause for concern or offence to either themselves or others and by providing support to a person subject to such conduct or behaviour

- not engaging in intimidation, victimisation, retaliation or discrimination towards a person who makes a complaint against you or a colleague.

## Legal Framework

- 7.1** It is unlawful to discriminate directly or indirectly against someone on the grounds of: age; being or becoming a transsexual person; being married or in a civil partnership; being pregnant or having a child; disability; race including colour, nationality, ethnic or national origin; religion, belief or lack of religion/belief; sex; sexual orientation. It is also unlawful to apply pressure to discriminate or to aid discrimination by another person. We have an obligation to treat issues that contravene this policy seriously and enable and support you to resolve issues through the appropriate procedure. If you believe that the incident(s) constitute direct or indirect discrimination on these grounds, you should immediately report this to the People Hub so that a formal investigation may take place. We will thoroughly investigate any potentially unlawful acts committed by anyone in connection with and during the course of their employment.
- 7.2** The legal framework that supports this policy includes the following:

- Equality Act 2010
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Employment Relations Act 1999
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Employment Rights Act 1996
- Health and Safety Act at Work 1974

## Definitions

**8.1** Language or behaviour which could contravene this policy takes many forms, occur on a variety of grounds and may be directed at an individual or group of individuals. Language or behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

## What is Inappropriate Language or Behaviour?

**9.1** It is unacceptable for anyone to behave or use language in a way that results in physical, mental or psychological hurt, whether intended or not.

**9.2** Inappropriate behaviour can range from extremes such as violence, to less obvious forms like ignoring someone. Whatever the form, it will be unwanted behaviour which is unwelcome and unpleasant.

**9.3** Inappropriate behaviour may be direct or indirect. The main thing to consider is that it is not only the acts or words, but how the person on the receiving end perceives the behaviour. If it is behaviour which is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed.

**9.4** Resource, programme and project managers are expected to deal with people fairly and consistently through appropriate procedures. They are expected to raise concerns about competence, ill health or conduct in appropriate circumstances and manage these in a positive and supportive way, using the appropriate procedure. Equally people are expected to co-operate with their resource manager in addressing and taking appropriate action to improve areas of concern.

## **10. Effects of actions, language or behaviour that undermine dignity and respect**



**10.1** The effect of actions, language, or behaviour which contravenes this policy can be extremely damaging not only to the individual but to everyone involved. The subject of such conduct may suffer from physical and/or emotional symptoms, e.g. disturbed sleep or loss of confidence. Individuals may be personally affected and their performance may deteriorate, thus impacting on service delivery. This can also impact upon an individual's self-esteem and family relationships.

**10.2** As an employer, Ofwat is legally responsible for individuals' health and safety at work. This obligation extends to employees' mental and emotional health, where events and attitudes in the workplace may be detrimental.

## **11. Procedure for dealing with contraventions to the policy**

**11.1** Ofwat will consider seriously and confidentially any allegations of inappropriate behaviour providing they are made in good faith. The organisation recognises that people may fear victimisation for making or being involved in a complaint and is therefore committed to ensuring complainants do not suffer as a result of raising a complaint. Confidential informal advice from a Dignity at Work Adviser, Trade Union Representative or People

Partner is available if individuals are unsure of how to pursue a concern.

**11.2** Where you believe that the conduct of another employee is in breach of this policy you may choose to:

- Deal with the matter yourself, informally
- Involve a colleague to assist in dealing with the matter informally
- Make use of a Dignity at Work Adviser or Trade Union representative in a mediation, advisory or support role
- Make use of a member of the People Hub in a mediation, advisory or support role
- Pursue the matter formally via the People Hub with investigation procedures under the grievance policy

**11.3** Every attempt must be made to resolve complaints at the earliest possible stage. Use of mediation is encouraged to achieve this where possible.

## **12. Informal Procedure**

**12.1** Informal action can be taken in the following ways:

- a) An approach to the person considered to be using inappropriate language or behaving inappropriately, with an explanation of why their language or behaviour is unacceptable.
- A request for them to stop
  - Reference to this policy
  - Keeping a note of when the approach was made and what happened
- b) A letter to the person covering the same points could be considered if the complainant feels unable to approach the person. A copy of the letter should be kept in Employee Records.
- c) Through the People Hub, request advice or mediation.

### **13. Formal Steps: the Grievance Procedure**

- 13.1 Please refer to grievance policy and procedure.

### **14. Support for People**

- 14.1** Ofwat will not tolerate intimidation, victimisation, retaliation or discrimination against an individual for raising a complaint in good faith or assisting in an investigation – whether or not the complaint is upheld.
- 14.2** Malicious complaints will not be tolerated and will be pursued in order to determine whether action should be taken. This may be dealt with as a disciplinary matter. Any disciplinary matter will be dealt with in accordance with Ofwat’s disciplinary procedures.
- 14.3** Trade Union Members may elect to take advice from their representative. The People Hub can be consulted for procedural advice.
- 14.4** As well as the People Hub being available to advise on the process, access to confidential counselling can be made available through Ofwat’s Employee Assistance Programme.
- 14.5** In appropriate circumstances, and if both parties agree, they will be referred to formal external mediation in an attempt to establish positive working relationships. The relevant resource pool will pay for such mediation.

## Appendix A

### Equality and Dignity at Work Guidelines for Resource, Programme and Project Managers

These guidelines are intended to equip managers to deal sensitively, fairly and effectively with complaints made under this policy. Where possible it is recommended that resource managers use informal procedures to resolve complaints.

**1.** Managers should:

- Listen to the problems faced by people and the effect it may be having on their well-being.
- Recognise that the 'perception' of what has been reported is often as important as the fact and will be 'real' to the aggrieved.
- Be sensitive to the fact that making a complaint is likely to be a distressing experience and only made after considerable thought.
- Understand that for this reason, it may be difficult for a complainant to discuss a complaint direct with management.
- Accept that the first approach may come from a third party, e.g. colleague, Trade Union representative or other manager.

- If relating to a management action explore whether this could be a legitimate attempt to manage performance

- 2.** When complaints or reports of inappropriate language or behaviour are brought, either formally or informally, they must be dealt with immediately, thoroughly and fairly to both parties.
- 3.** Depending on circumstances and the facts of the complaint or report, judgement should be used to determine events on the balance of probability and thus enable a decision to be made on the best course of action. The People Hub is available to give advice.
- 4.** As far as possible, confidentiality will be respected. However, in accordance with the Data Protection Act, subject access will be granted to personal information except where the duty of confidentiality is established and the third party concerned refuses consent to disclosure of the information requested and that the reasons for such refusal are reasonable within the terms of the Act.
- 5.** Do not make pre-judgements. Care should be taken to avoid unjustifiable damage to the career and reputation of either party.

- 6.** Where possible, records should be kept of all incidents of the conduct, language or behaviour that is considered to be inappropriate. This should include date(s) time(s) and details of any witnesses. It will be difficult to investigate any allegations made without specific examples.
- 7.** Complaints must be made promptly and in writing as allegations that took place some time ago are difficult to investigate. All cases will be considered on their merits and investigated accordingly.
- 8.** To minimise further conflict and to protect the interests of all parties, Ofwat may consider, in consultation with the People Hub, suspending the alleged perpetrator from work or moving him/her to a new work location pending investigation resolution of the complaint, under the terms of the disciplinary policy. Note however, that suspension is not a neutral act and so would only be used as absolutely necessary.
- 9.** The appropriate resource, programme or project manager is empowered to investigate all aspects of the complaint, to report and to make recommendations about what actions should be taken to resolve the matter. The appropriate manager will ensure that the
- People Hub is aware to enable them to advise either party on the process to be followed. People Hub support will be allocated to both parties to advise staff on the process to be followed. The investigation process will be initiated as quickly as possible, and completed as promptly as thorough investigation of the issues will allow.
- 10.** A confidential written report will be produced, summarising the complaint, the result of the investigations, including conclusions and recommendations and will be submitted to the Head of People. Records will be kept detailing the nature of the complaint raised, documents relating to the investigation, relevant information, any action taken and the reasons for it. These records will be kept confidential and retained in accordance with the Data Protection Act 1998 (DPA) which requires the release of certain data to individuals upon their request. In certain circumstances, however, and in accordance with the DPA, it may be appropriate to withhold some information.
- 11.** The report will recommend one of the following courses of action:

- Not to uphold the complaint, with reasons given for the decision and where appropriate recommendations for future action;

Or,

- To uphold the complaint and undertake mediation between the perpetrator/complainant;

Or,

- To recommend a formal disciplinary hearing to take place. (See Disciplinary policy).

- 12.** It is unlikely that anonymous complaints can be dealt with under this procedure.
- 13.** In all cases, records of reported incidents will be kept for monitoring purposes by the People Hub. Where further action is not required, all information will be held anonymously, for statistical purposes only.

## Appendix B

### Equality and Dignity at Work Guidelines

If you feel you are the subject of language or behaviour which may contravene this policy, or have witnessed this, there are a number of things that you can do, informally and formally.

#### Informally

You are encouraged to try and resolve your complaint informally, unless its nature is such that informal action would be inappropriate and formal action is required. Informal action can be taken in the following ways: -

- 1.1** Approach the person you feel is behaving inappropriately and explain why you find their language or behaviour unacceptable.
  - Ask them to stop
  - Refer to this policy
  - Keep a note of when you made this approach and what happened
- 1.2** If you feel unable to talk to the person you could write to them, covering the same points. Keep a copy of the written communication .

- 1.3** Ask someone else, such as a Dignity at Work Adviser or Trade Union representative, accompany you to discuss the matter with the individual concerned. Again keep notes of any approach being made.
- 1.4** Request advice from the People Hub, Dignity at Work Adviser or your Trade Union representative.

#### Formally

- 2.1** If you believe that none of the above actions would bring about a satisfactory resolution to your complaint or you feel unable to act yourself, the People Hub will ensure that an appropriate resource manager formally investigates your complaint, under our grievance procedures. There are some legal requirements which may result in wider investigation e.g. criminal activity. Your complaint will nevertheless be treated professionally, with sensitivity, fairness and effectiveness.
- 2.2** If your complaint is against your resource, programme or project manager then an alternative appropriate person will carry out the investigation.

**2.3** You must be prepared to be interviewed about the alleged behaviour or incidents and to make a statement. As far as it is possible, this will be in confidence except in the event that criminal activity is exposed.

- the endangering of an individual's health and safety
- damage of the environment
- deliberate concealment of information tending to show any of the above

**2.4** If there are witnesses to such language or behaviour they too are likely to be interviewed. Again, as far as it is possible, confidentiality will be maintained.

You may alternatively raise your concerns through the Whistleblowing procedure. (See Whistleblowing Policy). This should not, however be used to reconsider any matter that has already been addressed through the grievance, disciplinary or other Ofwat or Civil Service procedures.

**2.5** The People Partner allocated to you will keep you informed of the progress of the investigation throughout.

**2.6** If in the course of the investigation, it is believed that there have been actions of misconduct then the matter will be concluded under disciplinary procedures and you may be asked to participate as a witness.

**2.7** Where matters are felt to be best resolved by either external or internal mediation you should be prepared to engage with this approach.

**2.8** In a situation where you believe that wrongdoing results in;

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice

## Appendix C

### Guidelines for someone accused of inappropriate conduct, contravening the Equality and Dignity at Work Policy

If someone believes that you have used inappropriate language or behaved inappropriately, they or a colleague may approach you about this. If following their approach, they believe your conduct remains inappropriate then they may raise their complaint formally. They may, however, formally raise their complaint or report directly without first raising the matter informally with you. The People Hub are available to advise on any processes that might follow.

#### Informally

**1.1** The aim of an informal approach is to resolve the situation quickly, with the least distress to either party. The individual who approaches you about your language or behaviour may be anxious and nervous, and your reaction, whether at the time or after, will be important. Try not to over-react. Be prepared to listen and discuss matters rationally and sensibly and to try and find a way forward together, for example with mediation.

**1.2** Look and reflect on the conduct in question and ask yourself why the complaint has been made and whether someone could perceive your actions, language or behaviour as inappropriate and in contravention of this policy.

#### 2. Formally

**2.1** If a complainant feels that dealing with the matter informally is not appropriate, he/she has the right to make a formal complaint or report.

**2.2** The complaint or report will be investigated under the grievance procedure. An appropriate resource manager will conduct the investigation.

**2.3** If you are a resource, programme or project manager and have an allegation of inappropriate behaviour raised against you, then a more senior manager will document the complaint, conduct and report on the investigation. Complaints against Senior Directors or Non-executive Directors will be dealt with by the Chief Executive.

**2.4** You must be prepared to be interviewed about the allegations. You may be accompanied in interviews by a colleague or Trade Union representative.



**2.5** A member of the People Hub will be allocated to you to advise you on the process to be followed.

**2.6** If in the course of the investigation, it is believed that there have been actions of misconduct or gross misconduct then the matter will be dealt with in accordance with Ofwat's Disciplinary procedures.

### **3. Throughout the procedure**

**3.1** There will be no repercussions against the person making the complaint or report, the person against whom the complaint is being made or any of the witnesses involved. Intimidation, victimisation, retaliation or discrimination towards a complainant is in itself a serious disciplinary matter.

**3.2** The result of any complaint will not mean that the complainant is absolved of any proven disciplinary matter.

**3.3** If any persons in connection with the investigation requires advice or support they may contact a Dignity at Work Adviser, their Trade Union representative, the People Hub, or the Employee Assistance Programme.

Appendix D

Our Values and Behaviours



We aspire to act in line with our values in everything we do

<b>S</b>	<b>A</b>	<b>I</b>	<b>L</b>	<b>O</b>	<b>R</b>
<b>Support</b>	<b>Ambition</b>	<b>Integrity</b>	<b>Learning</b>	<b>Ownership</b>	<b>Respect</b>
We work collaboratively, we stand by each other and are committed to each other's wellbeing	We aim high in the best interests of customers, the environment and society	We act and speak honestly, and have the confidence to challenge and be challenged. We have difficult conversations when needed and we will do what we say we will	We love to learn about new ideas and different ways of doing things and we help each other to develop and grow	We each take responsibility for our own actions and care about our impact on others	We value people for who they are, and the ideas and perspectives they bring