

Dignity at Work Procedure

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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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1. Introduction

The PBNI expects that all employees conduct themselves in a professional manner when interacting with each other or managing colleagues. All employees should consider their own behaviour and the impact this can have on others. The PBNI recognises that personalities, characters and management styles may differ but, notwithstanding these differences, as a minimum standard all staff are expected to:

- Work co-operatively with each other in order to achieve objectives
- Manage performance in an appropriate and fair manner
- Give and receive constructive feedback as part of normal day-to-day work.
- Consider other peoples' perspectives in order to reach agreement
- Establish good working relationships

A variety of terms can be used to describe inappropriate behaviours that may impact on a person's dignity at work including harassment, bullying, victimisation and discrimination.

This procedure addresses any form of unwanted, unreasonable and offensive conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Behaviour which results in an employee feeling demeaned, threatened, intimidated or bullied by another person is not acceptable. Complaints of harassment, bullying, victimisation or discrimination will be treated seriously and will be responded to promptly.

The PBNI recognises its obligation to deal with complaints of harassment, bullying, victimisation or discrimination in a fair and consistent manner with due regard for the rights of all concerned

2. Purpose

This procedure supplements the PBNI Dignity at Work Policy. The procedure provides a framework of best practice guidelines when handling complaints relating to harassment, bullying, victimisation or discrimination and the points to be considered by the parties involved in the process.

PBNI has a Grievance Policy and Procedure as staff may have grievances which hare not specifically related to bullying and harassment. PBNI has the separate Dignity at Work Policy and Procedure to ensure that:

- PBNI's commitment to promoting dignity and respect at work is clearly articulated
- Staff and managers are aware of their responsibilities
- Everyone clearly understands what is acceptable, and unacceptable behaviour.

3. Principles

Complaints of harassment, bullying, victimisation or discrimination will be dealt with in accordance with the principles set out in the Dignity at Work Policy.

Those involved in the dignity at work process should observe confidentiality throughout the process and should not discuss with anyone other than those officially appointed to oversee the dignity at work process.

4. Responsibilities

4.1 Manager's Responsibility

Managers at all levels are pivotal in ensuring employees are aware of the standards of practice and behaviour expected of them and to set a good example of appropriate behaviour in the workplace at all times. Any issues identified as not adhering to the expected standard of behaviour should be addressed as soon as possible.

Managers should conduct themselves in accordance with PBNI's Code of Conduct (and NISCC standards as appropriate).

Being proactive in recognising when employees may need to discuss something that is bothering them, having an open approach to talking things through and working together to resolve issues can prevent much dignity at work concerns from escalating.

Managers should be fully conversant with this policy and procedures and should ensure that staff are also aware of them. Managers have a duty to ensure that unfair treatment does not occur in work areas for which they are responsible, by:

- Being aware how their own behaviour can impact on staff and should therefore exercise their authority with fairness, integrity and respect for individuals
- engendering a team ethos and taking steps to create a positive working environment
- challenging inappropriate behaviour and encourage team members to do so either if directed at them specifically or if it is witnessed against others
- responding to, and supporting, any employee complaining about unfair treatment, dealing with concerns in a prompt and effective way
- Communicating and consulting with staff effectively, providing full and clear advice on the procedure to be followed
- ensuring that no repetition or victimisation occurs after a complaint has been made or resolved.

If there is clear evidence that a manager has not taken the necessary action to deal with a legitimate complaint he/she may be subject to disciplinary action.

4.2 Employees' Responsibility

Every employee has a responsibility to familiarise themselves with the Dignity at Work Policy and to comply with it. Every employee has a responsibility for her/his own behaviour ensuring appropriate standards of conduct for themselves and for others. Employees should:

- conduct themselves in accordance with PBNI's Code of Conduct
- maintain a professional approach to their work and colleagues
- be sensitive to the potential impact of their own behaviour on colleagues
- encourage colleagues to respect each other, to be polite and to take a positive, responsive and considerate approach with each other
- report any incidents observed which cause concern to an appropriate manager
- make it clear to colleagues that they find such behaviour unacceptable and challenge this behaviour either towards themselves or if witnessed against others
- support colleagues who suffer such treatment.

5. Sources of Information, advice and support

It is recognised that all parties involved in a dignity at work complaint may find the situation stressful or difficult. The following are sources of information, advice and support. It should be emphasised however that any discussion with regard to a dignity at work complaint should be kept confidential.

- **Confidential Contact (see Annex 3).** Whilst work colleagues are an important area of support as indicated below, staff can speak to specific employee volunteers who can act as a first point of contact for those who feel they are experiencing difficult working relationships, including bullying and harassment, have witnessed bullying or harassment or who have been accused of it. Their role is to meet with individuals confidentially and provide appropriate support such as:
 - Listening to concerns and exploring issues involved
 - Help the individual to analyse the problem
 - Signpost to PBNI's policy and procedure
 - Talk through the courses of action open to them either informally or formally (but not recommending a particular option)
 - Support individuals through their chosen action
 - It will not be about deciding for the individual or giving legal advice.
- **Work colleagues** – Work colleagues can be an important area of support. They can listen to issues or problems and provide help and encouragement.
- **Line Management** – Line Management is an obvious source of support. Informal discussion with Line Management is encouraged; with effective and frequent communication potential issues can be resolved early.

- **Human Resources** —HR Business Partners will provide confidential support to potential complainants, employees against whom complaints have been made and managers by objectively explaining options under the procedure and suggesting sources of support. There is a Human Resources Business Partner allocated to specific teams/areas of the business.
- **Trade Union** – A Trade Union can provide help, support and guidance on any issues in relation to the Dignity at Work Policy and Procedure. The Trade Union representative will support the complainant or the subject of the complaint at any time including prior to either informal or formal procedures commencing, and in some circumstances, can discuss the employee’s concerns with the line manager. Managers should welcome union involvement as a proactive measure as in many cases this can help resolve the issues informally and locally without escalation to the formal process. The trade union representatives can also be a confidential source of support for managers during any stage of the process. *See also paragraph 6.1d in regards to Trade Union representatives contacting the Human Resources Department to discuss appropriateness of such action.*
- **Inspire** - Staff may want to discuss their concerns in confidence with a professionally trained counsellor. Such support and counselling is available through the Employee Assisted Programme (EAP). This provides free, independent and confidential counselling support. This is complementary to existing policies and procedures and is an important additional resource to support employees. Counselling is provided by both telephone and face to face. Staff can call the free phone number provided at any time of day or night, seven days a week. A trained professional counsellor will be there to talk with individuals and, if required, arrange a face to face appointment. Private discreet counselling rooms are located province wide and appointments are arranged. The free phone number/leaflet and website address can be found on the PBNI intranet/Human Resources/Policies-Procedures-Guidance.

6. **Process**

In the first instance, dealing with unacceptable behaviour informally is often the most effective method for resolving issues. In many cases the subject of the complaint will not be aware that they are causing offence or the behaviour may have been misinterpreted, and when the person knows that it is unacceptable will change their behaviour.

The aim of the informal process is to encourage both the complainant and subject of the complaint to resolve their issues and prevent any escalation of the situation, and to work together to build a constructive working relationship.

If, however, the alleged unacceptable behaviour is so serious or the informal stage has not been successful then the formal process should be followed.

6.1 Informal Action

- a) Any member of staff who believes they are being bullied or harassed is encouraged to resolve the issue informally wherever possible. Taking time at the early stages to try to resolve issues is very important. In many cases, an informal approach can resolve matters satisfactorily, particularly if action is taken quickly.
- b) The member of staff may wish to raise the problem directly with the alleged perpetrator. The member of staff should approach the other party informally, in a constructive manner, at the earliest opportunity to explain that they perceive their behaviour to be unacceptable. In addressing the issue with the other party, it will help understanding if the member of staff is able to:
 - Describe the behaviour or comments that upset them
 - Explain that the behaviour is unwelcome, improper and against the organisation's policy
 - Describe the effect it has on them
 - State that they find the behaviour offensive and ask that it stop
 - Ask the person to change their behaviour

In some circumstances the employee may find it difficult or embarrassing to raise the problem directly with the person creating the problem on their own and they may wish to seek the support of their line manager or a trade union representative, another colleague or a confidential contact. The manager (or other individual providing support) may meet separately with the subject of the complaint to outline the alleged behaviour and the impact this has had on the member of staff as set out in 6.1b above. A joint meeting may then be arranged with both parties (if they wish) to discuss the matter, to enable them to express their points of view, agree a resolution and to facilitate the development or restoration of a good working relationship.

- c) Where the complaint is about an employee's direct line manager, the complaint may be raised with someone from the next level of management. The next level manager will meet the subject of the complaint and may arrange a meeting of that individual with the complainant, if the individual and the complainant wish, at which both parties may be accompanied by a trade union representative or a colleague.
- d) As indicated above, trade union representatives may assist in the resolution of a complaint at the informal stage and in some circumstances it may be beneficial for a union representative to discuss the employee's concerns with the line manager even before any informal process has commenced between parties. Such an intervention should be taken as a positive step by line managers to try to resolve the matter informally. Union representatives should however discuss the appropriateness of such action with Human Resources in the first instance.
- e) Where a manager is approached by an employee under the above section but believes that it is not appropriate for him/her to become involved, that manager should seek the advice of the Human Resources Department.

- f) It is recommended that the manager takes a note of the meeting(s), both to record any action points and for reference in the event that the matter progresses to the formal stage. An agreed record of the informal discussion(s) should be provided to the employees.
- g) The Human Resources Department can provide advice and guidance to all parties involved in the process.

6.2 Mediation

- a) As an alternative to raising a complaint through the formal procedure or at any stage of the procedure, an employee or employer may request that the matter is dealt with through mediation, and in such circumstances the HR Department should be contacted.
- b) Mediation works by using a neutral mediator to assist the parties involved to reach a satisfactory solution that both sides are able to agree to. Mediation does not impose a solution or make judgements or determine outcomes. The mediator does not take sides, apportion blame or judge who is right or wrong. The mediator will ask questions that help to uncover underlying problems, assist the parties to understand the issues and to help clarify the options for resolving the issues.
- c) The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. By agreeing to use the process participants are giving a commitment to work through the issues in a constructive manner. It is also about focusing on working together going forward, not determining who was right or wrong in the past.
- d) Mediation can be used at any stage but is most effective before positions become imbedded. Mediation is however completely voluntary and will only take place with the agreement of both parties. Participants should enter into the process because they want to and not because they are being told to.
- e) Mediation will take the form of a relatively informal meeting, or series of meetings, involving the employee(s) concerned.
- f) The meeting(s) may be initially held with the parties separately.
- g) The meetings will be confidential between the participants. Mediation is regarded as a safe and constructive way of speaking and listening. The process encourages openness and honesty from participants and ensures that views are considered. What has gone on in mediation cannot be used in any formal procedure.
- h) If the complaint is resolved through mediation, the mediator will assist the parties to draft a written agreement that will be signed by both parties as acceptance of its terms.

6.3 Formal Process

- a) It is best that complaints are raised at the earliest opportunity. While understanding that it can be difficult for some employees to raise matters formally, complainants should recognise that it can also be more difficult to successfully investigate allegations the further back in time they occurred. With this in mind a time limit on raising complaints has been set.
- b) Where a resolution has not been reached at the informal stage or the complainant feels that the bullying or harassment is of such a serious nature they may invoke the formal procedure.
- c) The employee should set out their complaint in writing (see 6.4d below) as soon as reasonable after the event giving rise to the complaint. Any complaints which are not raised within 3 months of the event occurring, or final event where there is a sequence of events, will be considered out of time. Allowances to this time limit will be made where there are exceptional circumstances e.g. in cases of sickness absence, or where there an attempt at informal resolution has been ongoing.

6.4 Raising a Formal Complaint

- a) The complainant should set out the complaint in writing and forward it to a Director with responsibility for their area, providing as much detail as possible. If the Director has a conflict of interest the matter will go to an alternative Director. The Director will be the Decision Officer (and will be referred to as such in this procedure).
- b) For cases involving Senior Management grades the complaint should be forwarded to the Chief Executive who will be the Decision Officer.
- c) Complaints involving a Director or the Chief Executive should be forwarded to the Chairman of the Board who will be the Decision Officer.
- d) The complaint should be in writing (using the template set out in Annex 1 – Dignity at Work Statement) and should set out clearly:
 - That it is a complaint under the formal Dignity at Work Procedure.
 - Concise details of the nature and the circumstances of the complaint including supporting evidence and witness details where appropriate.
 - What action, if any, has been taken to resolve the matter.
 - Ideally should detail what the desired outcome is.
 - Additionally, copies of any documentary/written evidence should be provided with the Dignity at Work Statement.
- e) The Decision Officer will provide the individual(s) named as the subject of the complaint with a copy of the written statement and any documentary evidence provided unless there are valid reasons (for example the potential for the threat of physical violence or intimidation) given by the complainant, as to why it would not be appropriate in the circumstances of the case.

- f) Where a complaint is in relation to a member of the Human Resources Department the Decision Officer will make an external appointment to carry out the HR function outlined in this procedure.

6.5 Investigation

- a) The HR department can provide advice and guidance to all parties involved in the process. (See also section 5 with regards to help/support and advice to all parties involved in the dignity at work process).
- b) In cases where the allegations are undisputed, the Decision Officer may decide that a formal investigation is not necessary.
- c) If a formal investigation is not necessary the complainant will be advised of this by the Decision Officer and will be invited to attend a formal meeting as set out under Section 7.
- d) Should the individual(s) named as the subject of the complaint accept the allegations without dispute he/she should consider the consequences of such an admission/course of action with a union representative or HR representative before being formally recorded. An agreement of admission and advice on consequences will then be signed by the subject of the complaint and union representative or HR representative as applicable, and this will be provided to the Decision Officer.
- e) Where an investigation is necessary, the Decision Officer shall appoint an appropriate manager to act as the Investigating Officer. Normally this appointment shall be made within 5 working days of receipt of the referral. The role of the Investigating Officer is purely an informative role and he/she is not responsible for decision making.
- f) The Decision Officer will send written notification of the Investigating Officer appointment to the complainant, and the individual(s) named as the subject(s) of the complaint, with a copy of the Dignity at Work Policy and Procedure.
- g) Prior to beginning the investigation, the Investigating Officer must agree the terms of reference for the investigation with the Decision Officer. (See Annex 2 – template Investigation Report). **The Investigating Officer must also liaise with a representative from the Human Resources Department who will provide guidance and advice on the investigation procedure at any stage in the process.**
- h) The Investigation will include separate interviews with the complainant, the individual(s) named as the subject of the complaint, any witnesses, as well as examination of documentation. Where appropriate documentation received prior to the interviews will be shared with the employee who is the subject of the complaint before the meeting takes place.
- i) A representative from the HR Department will be present during the interviews to take comprehensive notes (a Note-taker). The interviewee will be asked to verify, in writing, that the notes are an accurate record within 10 working days otherwise the

notes will be deemed accurate. A copy of the notes will also be provided to the union representative

- j) The Investigating Officer will invite the complainant to attend an interview. The invitation should be in writing and inform the complainant that he/she may be accompanied by a trade union representative or work colleague.
- k) The Investigating Officer will invite the subject of the complaint to attend an interview. The invitation should be in writing and inform the subject of the complaint that he/she may be accompanied by a trade union representative or work colleague.
- l) Depending on the level of information required the Investigating Officer may decide to address matters with any witness(es) by e-mail, telephone or interview. The Investigating Officer will give advance notice to the witness of the intention to address matters by e-mail or telephone and he/she will have the opportunity to seek the advice of a trade union representative. If an interview is to take place the Investigating Officer will issue a written invitation to the witness informing him/her that they may be accompanied by a trade union representative or work colleague.
- m) During the investigation the complainant and individual(s) named as the subject of the complaint will be given the opportunity to:
 - Set out their case
 - Raise questions on any aspect of the procedure
 - Present/identify evidence which merits consideration
 - Get access to documentation that may be used in the course of the investigation
 - Identify witnesses
- n) The Investigating Officer should aim to complete the investigation within a reasonable timescale. It is acknowledged however that the length of investigation will depend on the nature and number of allegations being investigated, or other unforeseen circumstances may arise that will impact on the length of the investigation. Should there be any significant delay the Investigating Officer will inform all parties and the investigation will be concluded as soon as is reasonably practicable.

6.6 Completion of the Investigation

- a) Once the report is completed the Investigating Officer will liaise with the HR Department to satisfy him/herself that procedures have been followed. Human Resources will not make a judgement on the substantive content of the report.
- b) The Investigation report informs the decision-making process and the Decision Officer will rely on the investigation report as being a sound basis for a fair decision. When the Investigating Officer is content with the report and is assured that procedures have been followed the report should be sent to the Decision Officer.

- c) The Investigating Officer will also provide a copy of the report to the complainant and to the subject of the complaint unless there are valid reasons (for example the potential for the threat of physical violence or intimidation) as to why it would not be appropriate in the circumstances of the case to allow full disclosure). Appendices of the report will include witness statements and any documentation examined.
- d) Following receipt of the Investigating Officer report the Decision Officer may request further investigation. Further investigation will normally be carried out by the original Investigating Officer. The Decision Officer will inform the parties involved in the dispute in writing.
- e) Following receipt of the final Investigating Officer report the Decision Officer will invite the complainant to attend a meeting and will advise the subject of the complaint of this next stage.

7. The Meeting following Investigation

7.1 Before the meeting

- a) The Decision Officer will write to the complainant inviting him/her to attend a meeting. The letter issued by the Decision Officer will:
 - Inform the complainant of the date, time and venue of the meeting within 10 working days.
 - Outline the allegations raised
 - Inform the complainant of the right to be accompanied by a trade union representative or work colleague, asking the complainant to confirm who that person will be
 - Inform the complainant of the Decision Officer's intention to call witnesses and confirmation of who those will be*
 - Ask the complainant to confirm whether or not he/she intends to call witnesses and if so to provide details of those who will be attending*
 - Inform the complainant that a representative from the HR Department will be in attendance. The role of the HR representative is to take comprehensive notes and advise the Decision Officer on points of process or relevant employment matters.

**NB please see paragraph 7.2 (b) with regard to calling witnesses.*

- b) The complainant should supply the Decision Officer, no later than one working day prior to the meeting:
 - Copies of any documentation which he/she intends to produce
 - His/her intention to call witnesses and confirm who those witnesses will be.
 - Advise of their intention be accompanied by a trade union representative or work colleague and confirm who that person will be
- c) In circumstances when the complainant's representative is not available on the proposed date he/she can suggest an alternative time and date for the meeting so

long as it is reasonable and it is not more than 5 working days after the original date. This 5 day limit may be extended by mutual agreement.

7.2 During the Meeting

- a) A meeting will always include a representative from the HR Department in an advisory capacity. The role of the HR representative is to take comprehensive notes and advise on points of process or relevant employment matters.
- b) The Decision Officer or the complainant (or their representative) can call witnesses during the meeting as previously notified.
- c) The Decision Officer will present a summary of the issues raised, including the findings of the investigation, and will call any witnesses as notified.
- d) The complainant or their representative will be invited to present his/her final comments at the meeting and call the employee's witnesses as notified.
- e) The complainant or the Decision Officer can ask questions of the witnesses and the complainant and the Decision Officer will have the opportunity to sum up.
- f) The meeting may be adjourned for a short period during the meeting with the agreement of the Decision Officer.
- g) The meeting may be adjourned, for an agreed timescale, to permit further investigation if deemed necessary. Further investigation will normally be carried out by the original Investigating Officer.
- h) At the end of the meeting the Decision Officer will inform the complainant that he/she will give his/her decision and reasons regarding the decision to both parties (the complainant and subject of the complaint) in writing, within 5 working days.

7.3 After the Meeting

- a) The Decision Officer will reach a decision based on the balance of probabilities that the subject of the complaint did or did not act or behave in the way cited. The Decision Officer may decide that:
 - There is no case to answer and the matter is closed
 - The matter should be dealt with under some other Board Policy and Procedure
 - Harassment, bullying, victimisation or discrimination has occurred and the matter should proceed under the Disciplinary Policy and Procedure
 - Other appropriate actions are deemed necessary
- b) As outlined above the Decision Officer will give his/her decision to the complainant within 5 working days and the letter will:
 - Include a clear statement of the issues raised
 - Detail the decision and the reason for this
 - Outline any actions that may be appropriate
 - Include the right of appeal and how to exercise that right
- c) The decision will also be sent to the individual(s) named as the subject of the complaint.

- d) The line managers of both the complainant and the subject of the complaint will also be advised of the Decision Officer's decision and any outcome(s) that may impact on the supervision of either party.
- e) Appropriate actions may include disciplinary action, counselling, further training or transfer. If a transfer is deemed an appropriate response it will be the perpetrator who should be transferred unless the complainant indicates they would prefer to transfer.

8. Appeals Process

- a) The complainant has the right of appeal against any decision under the formal Dignity at Work Procedure.
- b) Employees must exercise their right of appeal, in writing, to the Chief Executive within 10 working days of being notified of the decision. The employee should provide:
 - A statement of the case and grounds for appeal
 - The names of any witnesses he/she wishes to call and an explanation of why their evidence is required
 - A copy of any documentary evidence they intend to rely on at the appeal hearing
- c) The appeal hearing will normally take place within 10 working days of the receipt of the appeal request. This 10 day limit may be extended by mutual agreement.
- d) The employee has the right to be accompanied to the hearing by a trade union representative or work colleague.
- e) The Head of HR or the nominated deputy will be in attendance at the hearing and will advise the Chief Executive on points of process or relevant employment law.
- f) Should the Chief Executive decide that witnesses will be called he/she will provide notification to the employee and his/her representative no later than one working day before the date set for the appeal hearing.
- g) The Chief Executive or the employee (or their representative) can call witnesses during the meeting as previously notified.
- h) The Chief Executive will present a summary of the issues raised at appeal and call any witnesses if appropriate.
- i) The Chief Executive will invite the employee or their representative to present his/her case and call any witnesses if appropriate.
- j) The employee/representative or the Chief Executive can ask questions of the witnesses and the employee or their representative will have the opportunity to sum up.

- k) The hearing may be adjourned to permit further investigation if this is deemed necessary. Further investigation will normally be undertaken by the original Investigating Officer.
- l) The Chief Executive should give his/her decision/outcome of the appeal to the complainant and reasons in writing within 5 working days. The outcome of the appeal could be to:
 - Uphold the original decision
 - Over-rule the original decision
 - In both cases confirm what action will be taken will also be provided (if appropriate).
- m) A copy of the appeal decision will be sent to the individual(s) named as the subject of the complaint. The line managers of both the employee raising the grievance and the subject of the complaint will also be advised of the Chief Executive's decision and any outcome(s) that may impact on the supervision of either party.
- n) The decision of the Chief Executive shall be final and there will be no further internal right of appeal.
- o) Should the Chief Executive or Chairman of the Board have been the original Decision Officer, an appeal should be made to a panel of Members of the Board. In such cases employees must exercise their right of appeal, in writing to the Board Secretary within 10 working days of being notified.
- p) Where a panel of Members of the Board hear an appeal, the Board Secretary will be in attendance at the hearing. He/she will reserve the right to seek Human Resources advice as necessary. The same process as set out above will be followed at the hearing.
- q) The decision of the panel of Members of the Board shall be final and there will be no further internal right of appeal.

9. Record Keeping

- a) Written records will be treated as confidential and will be kept no longer than necessary and in accordance with Data Protection and the PBNI's Management of Information Policy/Retention and Disposal Schedule.
- b) Documents should be marked 'Official-Sensitive-Personal' in line with the PBNI Records Management Guidance and Procedure.
- c) A representative from the HR Department will support the Investigating Officer throughout the investigation process as appropriate, including advice on handling of confidential information obtained.

- d) In order to promote a standardised approach template 'invite to meeting' letters are available from the Human Resources Department.
- e) To maintain control of the on-going investigation process, any source information/documentation obtained will be held by the Investigating Officer until the investigation has been completed and the final report submitted to the Decision Officer.
- f) All such information (both manual and electronic) should be collated in a confidential investigation file and stored securely by the Investigating Officer.

Such information/documentation may include:

- Invitations to investigation meetings
 - Correspondence and internal memos
 - Notes of meetings and telephone calls
 - Diary entries
 - E-mails
 - Background documents such as procedures, policies, contracts, job descriptions
- g) Following completion of the investigation (and submission of the final report to the Decision Officer) the complete file (including any electronic information) should be sent to the Human Resources Department (marked private and confidential).
 - h) The Human Resources Department will hold the investigation files in a central filing system.
 - i) A central register of cases will also be maintained by the Human Resources Department.
 - j) The Investigating Officer should ensure that he/she disposes of any duplicate documentation submitted (both manual and electronic) in a secure manner, and should not retain any detail with regard to the investigation once completed.
 - k) The final investigation report will be held by the Decision Officer until the formal meeting has taken place.
 - l) When the outcome of the formal meeting has been notified to the employee and others as appropriate, the Decision Officer will forward to the Human Resources Department:
 - The final investigation report
 - Any subsequent information recorded/received during the meeting
 - Any template letters issued to the employee raising the complaint, to the subject of the complaint, and witnesses
 - Correspondence detailing the decision/outcome.
 - m) The Decision Officer should ensure that he/she disposes of any duplicate documentation submitted (both manual and electronic) in a secure manner, and should not retain any detail with regard to the investigation and hearing.

- n) The information forwarded by Decision Officer will be added to the investigation file held in the Human Resources Department. The complete file will be deemed the organisational file for that particular case.
- o) Should an appeal be made by the employee documentation from the organisational file will be copied and provided to the Director or Panel of Board members as appropriate, and the employee who raised the complaint, as well as the Investigating Officer if further investigation is warranted. The organisational file will remain in the Human Resources Department.
- p) Any further information/documentation obtained as part of the appeal process will be forwarded to the Human Resources Department following the outcome of the appeal, and will be added to the organisational file for that case.
- q) Where an external appointment has been made by the Decision Officer in a case relating to a member of the HR Department, the external appointment will be advised that they should adhere to the PBNI's procedure on record keeping, including handling of confidential information obtained. In such circumstances, on conclusion of the case, the Decision Officer will retain the organisational file in accordance with the Data Protection Act 1998 and the PBNI's Management of Information Policy/Retention and Disposal Schedule.

PROBATION BOARD FOR NORTHERN IRELAND

Dignity at Work Statement

(Please complete and send to the Director for the relevant team/area)

Name

Grade

Location

I wish to raise a complaint in relation to the matters set out below. *(Please give concise details of your complaint including supporting evidence if appropriate)*

Some or all of the elements set out in the following checklist may be helpful in making sure that the written statement gives the necessary information.

- Who – the name of the person(s) who you are raising a complaint against under the Dignity at Work Procedure and to identify other people, for example witnesses, who might have important information.
- What – is alleged to have been done or not done, or done in an unacceptable way which has led you to make this referral under the formal Dignity at Work Procedure
- When – is about times and timescales – eg about the timing of an incident(s).
- Where may obviously refer to the location of an incident(s) but it may also be about an allegation that alleged behaviour was inappropriate or “out of place”.
- Why – is the matter being referred for consideration under the formal Dignity at Work Procedure? In many cases this will be obvious from the detail provided but in some cases there may be important additional information. Please indicate if you have tried to resolve the matter informally or via mediation. Where informal resolution has not been undertaken the reasons must be specified below.

Continue on a separate sheet if necessary

Signed

Date

Dignity at Work Statement (continued) Page Number:

Name

Grade

Location

Continue on a separate sheet if necessary

Signed

Date

Dignity at Work Statement (continued) Page Number:

Name

Grade

Location

I understand that an informal process is set out under the Dignity at Work Procedure however I do not wish to resolve my complaint informally or via mediation for the following reasons:

Please outline ideally what your desired outcome is.

Signed

Date

OFFICIAL SENSITIVE PERSONAL

Type of Investigation: Dignity at Work

Investigation Officer:

FAO of the Decision Officer

Date Report Submitted:

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1. INTRODUCTION

- a) Executive Summary (a brief overview of what the case was about and the subsequent conclusions)

1.1

1.2

1.3

1.4

b) Methodology

1.5 Central to this investigation was the collection and verification of information, statements and any supporting evidence and documentation provided by employee raising the complaint, the subject of the complaint and witnesses. Therefore the following individuals were interviewed:

Interviewee	Date	Grade	Capacity	Accompanied by & capacity
			Employee raising the complaint	XX Colleague
			Subject of the complaint	Declined Offer
			Line Manager	XX Trade Union rep.
			Witness	

1.6 The minutes from the interviews have been agreed and are provided in appendix 1 a - d

1.7 Interviewees were advised that the investigation process was confidential, and should not be discussed outside the investigation, with respect to the privacy of all parties involved.

1.8 Interviewees were further advised that in the event matters were to proceed to appeal there was the possibility that the report and its attachments would form part of a further inquiry.

1.9 Interviewees were also advised that in the event the case was to proceed to an external, forum, they may be required to attend.

1.10 XXXXX XXXXXX acted as note taker for the formal investigation interviews.

1.11 The following PBNI policies and procedures were consulted throughout the investigation and can be found on the Intranet:
(anything not on the intranet then provide as an appendix)

A copy of these documents are provided in appendix 2 e - g

1.12 Admissible supporting documentation provided prior to and during the investigation include;

Appendix 3 h - m

h	e-mail from XXX dated 17 th March 2009
i	Special leave application dated 6 th March 2009
j	
k	
l	
m	

Or

1.13 In addition to the investigation meetings the following documentation was collected as part of this investigation;

- Appendix 3 h – e-mail from XXX dated XXXXXXXXX
- Appendix 3 l – Special leave application dated XXXXXXXXX

1.14 The investigation report will look at the complaint raised by XXX analysing it in detail and drawing on information provided during the interviews. Overall findings will then be summarised in the conclusion to the report.

2. TERMS OF REFERENCE

- 2.1 The following terms of reference have been agreed with <<NAME>> the Decision Officer on <<DATE>>
- 2.2 It was agreed that <insert investigator> would conduct an investigation to establish a time line of events and any available evidence in respect of the case subject matter. The investigation officer will not make a decision on the next steps; this will be the remit of the Decision Officer.
- 2.3 The investigation to be completed within a reasonable timescale. Any significant delay will be notified to the Decision Officer immediately, with all parties then being notified as quickly as possible.
- 2.4 The investigation will consider the following allegations/complaints;
- Complaint/Allegation 1
 - Complaint/Allegation2

Note: The Investigating Officer should ensure that all allegations/complaints contained in the Dignity at Work Statement are referred to in the terms of reference in agreement with the Decision Officer, and he/she is clear about what must be investigated.

- 2.5 Findings and conclusions will be provided in the form of a report
- 2.6 Interviews will be conducted with XX, XX and XX and any other parties that the Investigating Officer found to be appropriate.
- 2.7 A copy of all records and notes will be supplied to the decision officer on completion of report.
- 2.8 Investigating Officer to arrange meetings, produce questions, take notes etc as necessary for the efficient advancement of the investigation and production of report.
- 2.9 The report will not contain any details on counter-allegations made by parties outside the scope of the original complaint.
- 2.10 The terms of reference will not be exceeded, without being redefined by the Decision Officer.

3. BACKGROUND AND TECHNICAL INFORMATION

Employee Raising the Complaint

3.1

Employee Subject of the Complaint

3.2

Witnesses

3.3

Further Background Information

3.4

PBNI Policy

3.5

4. FINDINGS AND CONCLUSIONS

4.1 Complaint/allegation 1 *in full*

- 4.1.1 Allegations (and evidence) made by (*Complainant*) against Colleague (*subject of the complaint*)
- 4.1.2 Response (and evidence) from (*subject of the complaint*) against allegations
- 4.1.3 Witness Evidence for/against allegation
- 4.1.4 Other Evidence for/against allegation
- 4.1.5 Conclusions

4.2 Complaint/allegation 2 *in full*

- 4.2.1 Allegations (and evidence) made by (*Complainant*) against Colleague (*subject of the complaint*)
- 4.2.2 Response (and evidence) from (*subject of the complaint*) against allegations
- 4.2.3 Witness Evidence for/against allegation
- 4.2.4 Other Evidence for/against allegation
- 4.2.5 Conclusions

4.3 Complaint/allegation 3 *in full*

- 4.3.1 Allegations (and evidence) made by (*Complainant*) against Colleague (*subject of the complaint*)
- 4.3.2 Response (and evidence) from (*subject of the complaint*) against Allegations
- 4.3.3 Witness Evidence for/against allegation
- 4.3.4 Other Evidence for/against allegation
- 4.3.5 Conclusions

5. APPENDICES

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- b)
- c)
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Appendix 2:

- a)
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Confidential Contacts

Name	Office Number	Mobile Number
Pauline McMillan	25664990	07769681338
Jill Grant	92616772	07827931082
Philip Cahill	90739445	07917544110
Catherine Corrigan	90602988	07884264570