

National Assembly for Wales Dignity and Respect Policy

Aim

This policy aims to ensure that:

- everyone feels safe, respected and comfortable when they engage with the National Assembly for Wales;
- the people who work here feel safe, respected and comfortable in their working environment;
- the culture of the National Assembly for Wales is a diverse and inclusive one that reflects the people of Wales;
- behaviour that adversely affects the dignity of others has no place in this institution;
- complaints will be dealt with confidentially and fairly to all those involved;
- the options and procedures for reporting breaches are clear.

Who can be held to account for their behaviour as a result of this policy?

- Members elected to the National Assembly for Wales (Assembly Members);
- staff employed by Assembly Members and political groups;
- Contractors, including external advisers, and their staff and sub-contractors
- Office-holders appointed by the Assembly (whether or not the office-holder receives payment)
- Interns and those undertaking work experience (whether or not they receive payment).

Assembly Members behaviour can also be called to account for a wider spectrum of behaviour under the [Code of Conduct for Assembly Members](#).

This policy, and the Code of Conduct for Assembly Members, govern Assembly Members' behaviour **at all times, in all places and in all contexts**

(including where the Member is acting as a private individual, e.g. is on holiday).

The behaviour of staff employed by Assembly Members and political groups is governed by this policy while they are at work or where the activity is closely related to their work, whether that is on Assembly premises, in a Member's constituency or regional office, or elsewhere.

The behaviour of contractors, including external advisers, and their staff and sub-contractors providing services to the Assembly Commission, is governed by this policy while they are on our site or providing services to us.

Interns and those on work experience, whether paid or otherwise, are expected to uphold the high standards of conduct described in our policies while working for the National Assembly for Wales.

Assembly Commission employees have in place a Dignity and Respect policy which is agreed through the trade union partnership. It shares the same principles as this policy in that employees are expected to uphold the highest standards of conduct and are held to account under existing grievance and disciplinary procedures.

We expect anyone who uses our premises to respect those who work here and to uphold the high standards of conduct set out in this policy. If there are complaints about the conduct of anyone undertaking work at, or visiting, the National Assembly, constituency offices or wherever we are conducting business, we will investigate and where appropriate, we will take these issues up with their employer. Where appropriate, we will report the matter to the police.

Who can complain about behaviour that breaches this Policy?

Anyone can complain. You can use this policy to complain about inappropriate behaviour that you believe has taken place, whether or not you have been subjected to it yourself.

Who do we mean by “we” and “us” in this Policy?

We mean the Assembly Commission – the body that provides services to Assembly Members and the Assembly as an institution.

What is inappropriate behaviour that breaches this policy?

Inappropriate behaviour means any behaviour that adversely affects the dignity of another person. It includes harassment, sexual harassment, bullying, intimidation and unlawful discrimination. Instances of inappropriate behaviour may constitute criminal offences, such as criminal harassment, common assault or sexual assault. But it is wider than that. **It covers all unwanted behaviour – that is, behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident.**

Everyone who works at the National Assembly for Wales is expected to show a high degree of respect for the dignity of others and to be capable of assessing whether behaviour risks being perceived as inappropriate by the recipient. The same applies to contractors providing services to the Assembly, including expert advisers, and their staff and sub-contractors. **Therefore, you can complain under this policy even if you (or the recipient of the behaviour) has not told, or shown, the person concerned that it is unwanted.**

If the recipient does make clear that the behaviour is unwanted, then to repeat or continue it will constitute a more serious breach of this policy.

It is important for people who can be held to account for their behaviour under this policy to understand that those on the receiving end of certain sorts of behaviour may find it threatening, humiliating or offensive. It is not necessary for there to be intent to harm or cause offence for inappropriate behaviour to exist. Thought must be given to how words and actions may impact on others. Inappropriate behaviour can take many forms. The most obvious are physical contact and words (spoken or written). But other examples include images – including those on computer and video clips – gestures, facial expressions, mimicry, jokes, pranks and acts affecting a person's surroundings.

Inappropriate behaviour will normally be a disciplinary offence under employment law and/or amount to a criminal offence, as well as breaching this policy. If the person who has behaved inappropriately is an employee of an Assembly Member or a Political Group at the Assembly, and a complaint

is made under this policy, disciplinary sanctions will be considered as part of the process.

If you believe what has happened warrants a criminal investigation, we would urge you to report the matter to the police. If you have not done so and, in considering your complaint, it appears that a criminal offence may have occurred, we will, with your consent, report the matter to the police. More information is given below, under Reporting and Procedures.

Particular kinds of inappropriate behaviour

Some particular kinds of inappropriate behaviour are described in the Guidance on Inappropriate Behaviour accompanying this policy. This is to help people better understand what kinds of behaviour will breach this policy. But it is important to bear in mind that **this policy covers all inappropriate behaviour that adversely affects the dignity of another person – that is, all unwanted behaviour.**

What can be done if you don't want to make a formal complaint, or are not sure whether you want to?

You can discuss the matter with one of our trained Contact Officers on a confidential basis. More details on the role of our Contact Officers are contained in the Guidance on Inappropriate Behaviour which accompanies this policy.

Unfounded complaints under this Policy

If you are a person who can be held to account under this policy, it would be a breach of the policy to make a complaint that you do not believe to be true.

Reporting and Procedures

If you consider that you have suffered behaviour that adversely affects your dignity, this policy sets out how you can make a complaint.

If the complaint relates to someone under 18, we will apply our child safeguarding guidance. This contains separate procedures to protect children and young people.

Also, as set out above, it is not only people who have suffered inappropriate behaviour who can do something about it. Others who believe that inappropriate behaviour has taken place can complain under this policy.

If the police are investigating the complaint, the procedures outlined in this policy may be put on hold while the police investigation, and any criminal proceedings arising from it, are ongoing. If so, we will inform you of that, and update you as to any developments under our control.

Investigations will be carried out in accordance with agreed procedures which support this policy and are detailed in the guidance associated with this policy.

Confidentiality

If you contact one of our Contact Officers to discuss your concerns about conduct which you find unacceptable or to find out how to make a complaint, that conversation will be confidential – we would not reveal your identity, nor any details of the issue which might lead to your identification, to anyone without your consent.

If you decide to make a complaint about a breach of this policy, it will also be dealt with in a confidential manner. This means that your identity and details of your complaint will be revealed only with your informed consent, and only to those people to whom it is necessary to do so in order to ensure that your complaint can be properly and fairly investigated. Any breach of this confidentiality will itself be regarded as a breach of this policy and action will be taken against the person responsible.

During a complaint through one of the routes associated with this policy, it will usually be necessary to reveal your identity to the person you are complaining about, to ensure that they are treated fairly. This will be discussed with you at an early stage, along with an explanation of how your complaint will be investigated and dealt with. At all stages of the process you will be able to decide whether to take your complaint further or not.

Your case will never be discussed except with people who are directly involved in it and those who are attempting to resolve it.

If your complaint concerns an Assembly Member, you may decide to complain to the National Assembly for Wales Commissioner for Standards. In any report the Commissioner writes about your case, your identity can be protected. This will be discussed with you at an early stage. However, as mentioned above, your identity is likely to have been revealed to the Member you are complaining about even if it does not appear in any report.

Fairness

A fair investigation and process will be provided for the person complaining and the person who is being complained about. Support is available for both, and is described in the guidance associated with this Policy.

Protection for complainants, witnesses and persons complained against

It will be a breach of this policy to treat anyone adversely for making a complaint under this policy, reporting inappropriate behaviour that they believe has been committed against someone else, or acting as a witness.

This principle also applies to the person against whom a complaint is made, both while the matter is under investigation and once it has concluded.

If the complaint is upheld, any sanctions applied as a result of a fair process, will not constitute adverse treatment. The same applies if someone makes a complaint that they believe to be untrue, and sanctions are applied to them as a result.

The reporting routes associated with this policy are provided on our [website](#).

Review of this Policy

This Policy will be reviewed at least every three years, and whenever appropriate in the light of events, to ensure it continues to reflect best practice and lessons learned.