

National Assembly for Wales Dignity and Respect Policy - Accompanying Guidance on inappropriate behaviour

Making a complaint

If you have decided to make a formal complaint, our [website](#) explains the relevant complaint routes open to you, depending on who you are complaining about.

Complaint procedures

As the Dignity and Respect policy explains, there are different complaint routes, depending on who you are complaining about. The policy refers to investigations being carried out and this guidance seeks to clarify how those will be undertaken:

- For complaints against Assembly Members, these will be carried out by the independent Standards Commissioner under the Code of Conduct.
- For staff employed by Assembly Members these will be carried out under established Grievance procedures. These procedures are agreed by the Remuneration Board but are revised in partnership relevant trade unions.
- For staff employed by the Assembly Commission, these will be carried out under established Grievance procedures which are agreed in partnership with our Trade Union Side.

Contact Officers

We recognise that not everyone coming forward will wish to formally invoke a complaint procedure from the outset – sometimes not at all. Should you wish to discuss your concerns or a potential complaint, we have in place trained Contact Officers. They provide a source of confidential information and support.

Contact Officers **will not** become actively involved in a complaint. However, they will:

- Discuss your concerns with you;
- Advise you on the appropriate route if you wish to pursue a complaint and what to expect if you follow a formal complaint;
- Explain how an investigation will be conducted;
- Provide you with advice on how to access any emotional support you might require - whether you work at the National Assembly or not.

Contact Officers are required to abide by the confidentiality section in the Dignity and Respect policy.

Contact Officers will not record or hold any personal data about you and will not reveal your identity, or anything that could identify you, to anyone without your consent. If you get in touch with our Contact Officers in writing, this will only be retained until your enquiry has been dealt with, at which point it will be securely disposed of.

Contact Officers will be required to monitor patterns of inappropriate behaviour brought to their attention and will report these to the Assembly's Head of Human Resources **without revealing your identity or anything that could identify you**. When patterns of inappropriate behaviour relate to individual Assembly Members or political groups, staff members or teams, the Head of Human Resources will consider the issues and report them appropriately. The Head of Human Resources will deal with the information received from Contact Officers in accordance with data protection legislation and the Human Resources retention schedule.

Should you wish to contact one of our Contact Officers, their telephone and Email details are:

<u>Abi Phillips</u>	<u>0800 020 9550</u>	<u>Abigail.Phillips@Assembly.Wales</u>
<u>Carys Rees</u>	<u>0800 020 9550</u>	<u>Carys.Rees@Assembly.Wales</u>
<u>Bethan Jones</u>	<u>0800 020 9550</u>	<u>Bethan.Jones10@Assembly.Wales</u>
<u>Wayne Cowley</u>	<u>0800 020 9550</u>	<u>Wayne.Cowley@Assembly.Wales</u>

Telephone lines are staffed from 9.00 to 16.30, Monday to Friday but you may Email whenever you like. If you telephone any of our Contact Officers, they may need to call you back so that the conversation can take place in a private setting. Carys and Bethan also welcome calls or correspondence in Welsh.

Concerns about reporting your manager, employer or political party

We recognise that a conflict arises for an individual thinking of reporting concerns about their manager, employer or political party. These concerns may be about recognising that there could be reputational consequences for the Assembly, an individual complaining or being complained about, or a political party. However, we would encourage you to come forward to discuss your concerns confidentially with one of our Contact Officers.

Types of inappropriate behaviour

The National Assembly for Wales Dignity and Respect Policy makes clear that inappropriate behaviour, which will breach the policy, means **any behaviour that adversely affects the dignity of another person**. 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.

In this guidance, we describe some particular kinds of inappropriate behaviour which will breach the policy. If an investigation finds that the kinds of behaviour have occurred, they will, generally speaking, also be punishable by disciplinary sanctions, such as warnings or even dismissal, and/or the criminal law. **But it is important to remember that these are only examples – any behaviour that affects the dignity of another person will breach the policy.**

Discriminatory behaviour

Behaviour that adversely affects a person's dignity may be based on that person's age, sex, sexual orientation, gender identity, marital or civil partnership status (or lack of it), race, colour, nationality, ethnic origin, association with a minority, language, disability or medical condition, religion or belief or lack of it, trade union membership or lack of it, domestic circumstances, property, birth or other personal characteristic of the individual. Where it does so, that behaviour will be inappropriate and in breach of this policy.

In many cases, it will also constitute unlawful discrimination or harassment contrary to Equalities legislation (which gives legal protection in relation to many of the characteristics listed above). That can give rise to disciplinary consequences or legal liabilities.

A single act of inappropriate behaviour based on many of the characteristics listed can amount to unlawful discrimination. A single act can also be enough to constitute harassment contrary to Equalities legislation. And a single act will normally breach the policy.

Sexually inappropriate behaviour

A particular form of inappropriate behaviour occurs when a person engages in unwanted behaviour of a sexual nature towards another person. As well as being inappropriate behaviour contrary to the policy, it may constitute unlawful discrimination, sexual harassment contrary to Equalities legislation, or the criminal offences of common assault or sexual assault. Therefore it can have disciplinary consequences, and/or give rise to civil and criminal liabilities.

Behaviour 'of a sexual nature' can cover verbal, non-verbal or physical behaviour, including, for example, unwelcome sexual advances, standing too close, sexual jokes, displaying pornographic photographs or drawings, asking for sexual favours, making decisions on the basis of sexual favours being accepted or rejected, or sending emails with material of a sexual nature, as well as touching and sexually-motivated violence.

Criminal harassment

Unwanted behaviour can amount to the criminal offence of harassment (as well as breaching the policy) if it is inflicted on the same person more than once. (It can also amount to harassment if it is done only once to one person, but is also done to another person, as this shows a pattern of behaviour). Any behaviour which causes alarm or distress to the recipient, and which a reasonable person would see as likely to have that effect, is harassment.

Bullying

Bullying another person would be inappropriate behaviour in breach of the policy. By “bullying”, we mean persistent unacceptable behaviour (or a single grossly unacceptable act), which is perceived by the person(s) experiencing it to be offensive, abusive, intimidating, malicious, insulting, undermining or involving an abuse of power. It may overlap with other kinds of inappropriate behaviour, whether described in the policy or this guidance or not, and some of which may carry criminal or civil-law liabilities. Bullying can also carry employment-law consequences, whether it is bullying between employees or by employers towards employees.

Bullying usually takes place over a period of time. It is normally more than an occasional display of anger or argument. However, as stated above, a single act can amount to bullying, if it is sufficiently serious.

Covert or hidden bullying is also inappropriate behaviour. Covert acts of bullying can include, for example:

- Constantly undervaluing somebody’s efforts;
- Excluding someone;
- Making someone’s life difficult, e.g. withholding important information, refusing training; repeated allocation of low-grade, unreasonably-demanding or other inappropriate work; or setting unreasonable workloads or deadlines.

Appropriate management versus inappropriate behaviour

There can be a particular grey area in an employment context, between certain kinds of inappropriate behaviour and legitimate management actions. For example, no one particularly likes criticism of their performance at work, and so such criticism would be “unwanted”. However, it would be entirely appropriate behaviour for employers and line managers to take action to deal with conduct, performance, attendance or other employment issues amongst their staff – **provided** that the way in which they do so is in accordance with employment law and the relevant organisational policies and seeks to respect the dignity of the staff member while addressing any problems effectively.

END

