TRANSPORT FOR THE NORTH

Dignity at Work Policy

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1. Introduction

1.1 The Dignity at Work Policy, Application & Purpose

This Dignity at Work Policy shall apply to all workers of Transport for the North ('TfN'). The term 'worker' shall include employees, agency workers, consultants, self-employed contractors, volunteers and interns.

This policy will be applied fairly, consistently and in accordance with:

- the ACAS Code of Practice on Disciplinary and Grievance Procedures
- the right to be accompanied under section 10 of the Employment Relations Act 1999
- relevant provisions of the Equality Act 2010.

The policy is designed to ensure that any allegations of harassment and/or bullying are dealt with effectively, should they occur in the workplace. Colleagues should be aware that all complaints of harassment, victimization and/or bullying will be dealt with speedily, sympathetically and confidentially.

This policy does not cover disputes relating to discipline, pay & grading, attendance/capability, performance or redundancy. Any such concerns should be raised in accordance with the relevant procedures, i.e. TfN's Disciplinary Policy, Pay, Grading and Job Evaluation Policy, Absence and Welfare Policy, Performance Improvement Policy and Security of Employment (Redundancy) Policy respectively.

This policy should not be used where complainants wish to disclose concerns relating to malpractice or wrongdoings within TfN where those concerns are in the public interest. Anyone wishing to raise such concerns should refer to TfN's Whistleblowing Policy.

1.2 Definitions – Harassment & Bullying

Harassment can be described as unwanted behaviour based on grounds of sex (either of a sexual nature or on the grounds of a person's sexual orientation), race, colour, ethnic origin, disability, religious belief, age, gender reassignment, which affects the dignity of colleagues at work; or creating an intimidating, hostile, humiliating or offensive environment for that person. It includes unwelcome physical conduct, verbal or non-verbal conduct and could amount to unlawful discrimination. Unwanted conduct includes conduct which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.

Sexual harassment occurs if "A engages in unwanted conduct of a sexual nature", which "has the purpose or effect of violating B's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for B".

Bullying includes persistent behaviour directed against an individual or group of individuals which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s).

TfN will not condone any behaviour which causes fear or intimidation and/or reduces the dignity of a colleague or group of colleagues including:

- verbal abuse or offensive jokes or pranks related to a person's sex, race, gender reassignment, disability, sexual orientation, religious beliefs, age etc.; lewd or suggestive comments; requests for sexual favours or repeated requests for dates
- unnecessary body contact; threatened or actual assault or violence
- deliberate exclusion from conversations or work activities on the basis of race, gender, disability, sexual orientation, age etc.
- display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti
- using e-mail or the Internet for the purpose of bullying or making abusive or offensive remarks related to a person's characteristics such as their race, gender, disability, sexual orientation, religion, age, etc. or to send pornography or inflammatory literature
- conduct that puts a colleague at a disadvantage or subjects them to less favourable treatment because of their menopause symptoms.

This is not an inclusive nor exhaustive list. Some forms of harassment plainly constitute gross misconduct for the purposes of TfN's Disciplinary Policy and will normally merit summary dismissal where proven and following appropriate investigation. Examples of this category would be:

- threatened or actual sexual or racial assaults; and
- suggestions or threats by managers that either favours or disadvantaged individuals of a certain sex or racial origins and/or could affect someone's job security or prospects.

Other forms of harassment may constitute gross misconduct depending on the circumstances of the case.

Bullying can take many forms. Examples prohibited by this policy include:

- verbal abuse, such as shouting or swearing at colleague
- threatening or insulting colleagues
- abusing power or using unfair penal sanctions
- jokes, practical jokes, initiation ceremonies or inappropriate birthday rituals
- physical abuse such as hitting, pushing or jostling
- rifling through, hiding or damaging personal property
- ostracising or excluding colleagues from work events or organisational social activities.

This is not an inclusive nor exhaustive list.

2. General Principles

2.1 General Points

All colleagues have a responsibility to conduct themselves in a manner that does not cause offence or harm to any of their colleagues and comply with this procedure. Furthermore, certain types of harassment may be unlawful as outlined at **Appendix 1**.

Line managers have a specific duty to ensure that harassment does not occur in the areas for which they are responsible. They should harness and foster a supportive and inclusive working environment where colleagues feel comfortable in instigating conversations or engaging in discussions about any protected characteristic and the menopause, and they should ensure that offensive or potentially offensive material is not displayed in the workplace.

Where possible, alleged instances of harassment and/or bullying should be resolved at an informal level between the individuals concerned. Any colleague should, if they feel able to do so, make it clear to the person causing offence, that such behaviour is unacceptable to them and contrary to TfN policy and must stop. In many instances this may be sufficient. The alleged perpetrator may be unaware that their behaviour is causing offence and as such misinterpretations can be easily rectified.

Alternatively, you may wish to ask a fellow colleague to do this on your behalf or to be with you when confronting the perpetrator(s).

If a complaint is resolved informally, the alleged perpetrator(s) will not normally be subject to disciplinary sanctions, however, in exceptional circumstances and following consultation with the colleague, TfN may decide that, notwithstanding that the colleague raised/resolved the matter informally it is necessary to investigate further and take more formal action.

Where it is not possible to resolve a concern informally outside of this process, the colleague should raise the matter formally and without unreasonable delay with their line manager, where that manager is not the subject of the complaint, or to a member of the HR & Skills team if the complaint is against or involves their line manager.

All parties involved in any meetings conducted under this policy are advised that these matters shall be dealt with in the strictest confidence. Any records relating to action taken under this policy will be retained within the employee's personal file for a period which is reasonable and shall be treated as confidential data. A party found to have breached the confidentiality of this process by disclosing matters discussed therein, without prior permission and/or lawful entitlement, may face disciplinary action.

Where any allegations of harassment and/or bullying are substantiated, this may also be dealt with through the TfN Disciplinary Policy, if appropriate. Similarly, it will be a disciplinary offence for anyone to victimise or retaliate against a colleague or treat a colleague less favourably for bringing a claim of harassment or bullying, or for acting as a witness in relation to such a complaint. A false accusation of harassment or bullying can have a serious effect on innocent individuals, should investigations show that a false accusation has been made in bad faith, appropriate disciplinary action, which could include dismissal, will follow.

For the purposes of identification within this policy, the colleague raising an allegation of harassment and/or bullying will be referred to as the complainant and the subject of the allegation will be referred to as the respondent. Where

both parties are referred to collectively, they shall be referred to simply as the colleague or colleagues or party/parties. Where a complainant raises an appeal, they shall be referred to as the appellant.

This policy does not form part of any contract of employment and may be amended at any time subject to consultation with TfN's recognised trade union.

2.1.1 Prevention of Sexual Harassment

TfN is committed to providing a working environment in which all employees, workers, contractors, consultants, agency workers, volunteers, interns and visitors are treated with dignity and respect.

TfN will take all reasonable steps to prevent sexual harassment in the workplace and in any work-related environment, including business travel, training events, conferences, social events, meetings and online communications.

To support this commitment, TfN may implement appropriate preventative measures including policy review, communication, training, awareness activities, risk assessments, reporting mechanisms and investigations where concerns are raised.

All colleagues, managers and leaders are expected to contribute to a safe, respectful and inclusive working environment and to challenge or report behaviour that may constitute sexual harassment.

2.1.2 Third-Party Harassment

TfN will not tolerate sexual harassment of its employees by third parties, including customers, stakeholders, suppliers, contractors, consultants, agency workers, partners, visitors, members of the public or any other individual encountered in the course of work.

Any employee who experiences or witnesses sexual harassment by a third party should report the matter as soon as reasonably practicable.

Where concerns are raised, TfN will take appropriate and reasonable steps to investigate the matter and, where necessary, take action to reduce the risk of recurrence. Such action may include raising concerns with the third party's employer or organisation, modifying working arrangements, restricting contact, ending business relationships where appropriate, or implementing other measures considered reasonable in the circumstances.

2.2 Clean Verbatim Notes & Witness Statements

All meetings under Stage Two and Three of this policy will be recorded to enable clean verbatim notes to be produced. The clean verbatim notes from witness investigation meetings may be shared with one or both parties

(complainant and respondent), where the hearing manager determines this would be appropriate.

Any clean verbatim notes from witness investigation meetings taken during the dignity at work process, whilst obtained in connection with this process, may also be used within other processes, such as disciplinary proceedings, where TfN considers the information to be of relevance to the issues for determination. The witness will be advised of this possibility at the outset and any evidence they provide will be understood to confer their consent to such future use. The witness will, however, be given an opportunity to review their clean verbatim notes prior to their release to any other parties.

If the hearing manager agrees to the release of some or all witness statements (clean verbatim notes), information that they consider to be sensitive or confidential and/or that relates to third parties may be redacted to protect the privacy rights of individuals who are not directly involved in this process (and the confidentiality of any associated matters under consideration).

The hearing outcome report/letter will be sufficiently detailed to enable the parties to fully understand the evidence gathered as part of the investigation and the rationale for the hearing manager's decision. The hearing manager will therefore balance the benefit of sharing witness statements and/or clean verbatim notes with the potential detrimental impact on employment relations and business functionality.

2.3 Respectful Behaviour

Employees (and their representatives) are required to conduct themselves in a respectful manner at all times during all stages under this policy and ensure that they adhere to TfN's Code of Conduct as appropriate.

2.4 Reasonable Adjustments

Where an employer knows or ought to know that an employee is disabled, they are required to ensure that policies are applied fairly and reasonably and in a manner that it fair to all participants. Accordingly, TfN will consider whether reasonable adjustments are required in the application of this policy to ensure that disabled employees participating in this process do not suffer substantial disadvantage because of their disability.

2.5 Notifications, Outcome Letters & Other Communications

Where, within this policy, there is a reference to a written communication in relation to processes requiring invitations, outcomes, applications or notifications said written communications must be sent by email rather than postal delivery. TfN considers that this to be a more time and cost-efficient means of communication.

3. Temporary Suspension

In exceptional circumstances, TfN may temporarily suspend the complainant and/or the respondent on full pay whilst any investigation, hearing and appeal

stages are on-going. This action is not to be regarded as punitive or indicative of wrongdoing on the part of either party. The exceptional circumstances may include:

- where the allegations, if found, could amount to gross misconduct
- where continued presence in the workplace could otherwise undermine the reputation of TfN
- where continued presence could compromise unhindered internal investigations into the allegations raised.

Such a step is subject to approval by the Head of Human Resources (or nominated deputy) and consequent upon agreement by the Chief Executive (Head of Paid Service). It should be noted that alternative measures will be considered prior to the imposition of a temporary suspension as set out in paragraph 4. The reason for any such step, up to and including any period of suspension, will be kept confidential from the wider workforce, in the alternative an agreed form of explanation may be considered.

Any period of suspension will be kept to a minimum length of time and regularly reviewed to ensure it remains necessary and/or appropriate. The colleague(s) will be kept appraised of the progress of the investigation and informed as to when their suspension has been reviewed. Any such suspension under the circumstances described is not a disciplinary measure nor is it indicative of any wrongdoing.

Where an employee is suspended, access to communication tools (laptop and Mobile) may also be temporarily restricted, the employee will however be required to be contactable during normal working hours and available to attend any meetings and/or interviews that are necessary in connection with the ongoing dignity at work investigation.

4. Temporary Reassignment of Line Management/Duties

Where a complainant of harassment and/or bullying is raised by a colleague against their line manager, TfN may consider it reasonable to implement a temporary change to reporting lines and/or responsibilities/duties. Such measures are not an indication of wrongdoing but are intended to:

- Ensure a fair and impartial investigation process
- Protect the wellbeing of all parties involved
- Maintain professional working relationships during the dignity at work process.

Any such temporary change will be handled sensitively and proportionately, taking into account the nature of the complaint, the working environment, and the needs of the individuals concerned and the business.

Following the conclusion of the dignity at work process, the hearing manager will make recommendations as to whether and to what extent any temporary arrangement may be made permanent or may revert to the original. Any such recommendations will be considered by relevant functional director in consultation with the Head of HR and Chief Executive (as appropriate).

5. Mediation

As an alternative dispute resolution method, TfN promotes the use of mediation where the complainant and the respondent consider this to be a suitable alternative means of resolving their workplace issues. Mediation entails a supported discussion between a complainant and respondent, with the parties supported by an internal (or in exceptional circumstances, external) impartial mediator.

Mediation is a fully voluntary and confidential process, and anyone engaging in the process can withdraw at any time. Mediation should only be undertaken when both parties are comfortable with adopting this approach in an effort to resolve their workplace dispute or disagreement. Mediation is most effective when used at an early stage of conflict. Engaging in mediation does not prevent either party from taking a formal route at a later Stage.

Mediation should not be used for issues that should be formally investigated (e.g. harassment or discrimination). Any employee wishing to enter into mediation should notify an HR & Skills Representative.

6. Overlapping Dignity at Work & Disciplinary cases

Where an employee raises a complaint under the Dinity at Work Policy during an ongoing disciplinary process which may relate to matters or individuals relevant to the disciplinary process, TfN may temporarily suspend the disciplinary process in order to deal with that complaint. Alternatively, TfN may elect to deal with the disciplinary and dignity at work processes concurrently where TfN considers it reasonable to do so; in any event, each case will be dealt with in a fair and reasonable manner and will seek to avoid unnecessary and unreasonable delay.

7. Dignity at Work Procedure

Where it is not possible to resolve a harassment and/or bullying concern informally outside of this process, a complainant should raise the matter formally and without unreasonable delay with their line manager, where that manager is not the subject of the complaint, or to a member of the HR & Skills team if the complaint/allegation is against or involves their line manager.

The stages of the dignity at work procedure, along with the appropriate timescales, are detailed below:

- Where the complainant or their representative are unable to comply with the proposed scheduling of any meeting held under this process they should provide sufficient notice of this to enable an alternative date to be set. Any alternative date proposed by the complainant should be no later than five working days after the original date proposed for any such meeting. Where a hearing manager has been appointed they will approve a suitable alternative date; where a hearing manager has not yet been appointed the decision will be taken by the Head of HR, and in their absence, a nominated deputy.

- If the complainant and/or their representative, fail to comply with the timescales notified to them and do not request an extension within the timescales notified, TfN may continue with any such meeting and/or any investigation, where TfN considers it appropriate to do so. Only where exceptional circumstances are made known to the appropriate manager, at the appropriate time, will TfN consider a further or longer extension. The exceptional circumstance may, for example, relate to a party's disability and TfN may grant a further extension as a reasonable adjustment to the policy.
- If having raised a complaint under the Dignity at Work Policy, it is agreed that the issue should be addressed through a different procedure, (for example, where TfN/the complainant considers that the matter should be dealt with under the whistleblowing, mediation or disciplinary procedure, or such procedures as appropriate) in such circumstances the dignity at work procedure will be halted and/or vacated.

8. Dignity at Work Stages

8.1 Stage One Meeting (Informal Resolution)

Stage One of the policy provides an informal approach to resolving concerns in a constructive and supportive manner. At this stage, the focus is not on determining fault or attributing blame, but rather on achieving a mutually agreeable resolution between the parties.

Stage One is not suitable for matters which may be complex, where there may be a significant amount of evidence or documentation to be considered or where there are allegations of bullying, harassment, or victimization may require investigation. It is intended and designed to be an informal facilitated discussion between the complainant and the respondent who are both in agreement that they wish to utilise the process to achieve a swift, soft touch resolution to minor issues. Representation is therefore not appropriate as part of the Stage One process.

TfN's Head of HR (or nominated deputy) and consequent upon agreement by the Chief Executive (Head of Paid Service) reserves the right to negate Stage One of the Policy and immediately instigate Stage Two of the Policy in order to deal with such complaints/allegations as expediently as possible. The complainant also has the right to negate Stage One of the process and request that their complaint is instigated at Stage Two.

Where it is agreed that the matter progress to be dealt with under Stage One of the dignity at work process, the parties must be comfortable to meet together with the assistance of an impartial facilitator to discuss openly the complainants concerns and any response to those concerns and demonstrate a willingness to reach an amicable resolution.

The parties should seek to resolve their concerns as soon as reasonably practicable. A file note should be kept of the Stage one meeting(s) and shared with the participants and a copy placed on their personal files. All records shall be treated as confidential.

If the concern is resolved, no further action is needed. If it is unresolved and the complainant wishes to pursue the matter further, the complainant must put their dignity at work complaint in writing and forward to the HR & Skills Representative together with a request that the matter be dealt with under Stage Two of the dignity at work procedure as set out below.

8.2 Stage Two Meeting (Formal Meeting/Investigation)

Where a complainant is not satisfied with the outcome of a Stage One informal meeting, or where TfN and/or a complainant, wish for their complaint to be dealt with in the first instance at no less than Stage Two of the Dignity at Work Procedure, the complainant should submit detailed grounds of their complaint in writing to the HR & Skills Representative, and this shall, where possible, be submitted together with all documentation upon which the complainant intends to rely.

The Head of Human Resources (or nominated deputy) and consequent upon agreement by the Chief Executive (Head of Paid Service) will appoint a suitable hearing manager and the complainant will be notified as to the identity of the appointee in advance of the Stage Two meeting. The Stage Two meeting will be heard by a manager who has had no previous involvement in those matters which are the subject of the complaint.

In exceptional circumstances, TfN may appoint an external hearing manager at Stage Two where it is considered necessary to ensure fairness and impartiality. Any decision to appoint an external hearing manager, will be taken by the Head of HR (or nominated deputy) and consequent upon agreement by the Chief Executive (Head of Paid Service).

The HR & Skills Representative will arrange for a Stage Two meeting to be convened without unreasonable delay.

An HR & Skills Representative will be present during all Stage Two meetings to support and advise the hearing manager in relation to due process and procedural issues. The hearing manager will manage the process and will raise any questions they consider necessary. The HR & Skills Representative may, with the prior permission of the hearing manager, suggest or raise clarifying questions.

The written complaint and the supporting documentation will be made available to the respondent to enable them to respond to the allegations raised against them; this also ensures that the process is fair and reasonable to both parties.

The hearing manager will be entitled to gather written and oral evidence from the complainant and respondent and, in addition, they may also meet with and gather further evidence from witnesses whom they consider to be relevant to the matters in dispute.

The complainant and respondent will have the opportunity to state their respective cases and call any witnesses as appropriate.

8.2.1 The Right to be Accompanied

The complainant and respondent have the right to be accompanied in the Stage Two dignity at work meeting(s) by a work colleague or trade union representative (TU representative'). The TU representative may address the meeting, put forward the complainant/respondent's case, sum up their case or respond on their behalf to any view expressed at the meeting. The TU representative may confer with their member during the meeting, they may also address the meeting on behalf of their member; they do not have the right to answer questions posed directly to their member, or address the meeting, if their member does not want them to do so. The relevant TU representative should not prevent or obstruct any party from contributing to the meeting.

8.2.2 Further Points to Note

It is the responsibility of the respective parties (complainant and respondent) to share with their representative any documentation they have received from TfN in relation to the dignity at work process. Where a party is known by TfN to have a disability which could make this requirement disadvantageous to them, TfN will, where it is reasonable to do so, provide duplicate copies to the representative.

Following the conclusion of the Stage Two meeting the hearing manager will conduct such further investigation as they consider necessary to fully establish the facts of the case. Any further investigation will be conducted without unreasonable delay. Where, as part of this further investigation, additional evidence has been forthcoming which the hearing manager considers may impact upon the outcome of the Stage Two process, they may exercise their discretion to meet with either party where they consider it reasonable to do so for the purpose of seeking further clarification.

All Stage Two meetings will be recorded to enable clean verbatim notes to be produced. The clean verbatim notes from witness investigation meetings may be shared with one or both parties (complainant and respondent); please refer to paragraph 2 'General Principles' for details of those matters the hearing manager will consider when determining whether the sharing of these notes is appropriate at this stage.

Following the conclusion of their investigation, the hearing manager will consider all relevant evidence as part of their decision-making process. Whilst the HR & Skills Representative will be on hand to provide assistance to the hearing manager if requested, the decision and composition of the decision outcome letter is the responsibility of the Stage Two hearing manager.

8.2.3 Stage Two Dignity at Work Outcome

The outcome of the Stage Two dignity at work process will be confirmed in writing by the hearing manager and sent to the complainant via email, normally within ten working days of the meeting taking place. If the hearing manager determines it is not possible to provide the outcome within this period, the complainant will be informed as appropriate and advised as to when the outcome may be expected. The respondent will similarly be kept informed if there is any delay in the delivery of the outcome.

Where the Stage Two hearing manager does not uphold the complaint in full or in part, detailed reasons will be set out within the outcome letter which will also inform the complainant of their right to appeal.

The respondent will also be informed of the outcome relating to the allegations raised against them, and it may be appropriate for the Stage Two hearing manager to meet with the respondent and/or their line manager, to support the delivery of the outcome and implementation of any recommendations; although no further action will be taken against the respondent under the dignity at work process there may be learnings and/or restorative recommendations.

8.2.4 Appeal against a Stage Two Outcome – Notification & Purpose

Where the complainant (i.e. the appellant) is not satisfied with the Stage Two outcome, they should notify the HR & Skills Representative in writing, of their intention to appeal. This must be done within five working days of receiving written notification of the Stage Two hearing manager's decision.

The appellant should clearly set out the full details of their grounds of appeal and should provide or confirm the documents upon which they intend to rely. It is anticipated that all documents upon which the appellant intends to rely will already have been provided by them as part of their original dignity at work complaint.

The Stage Three appeal process will constitute a review of the Stage Two hearing manager's outcome; it will not be a re-hearing of the Stage Two process. Accordingly, the appellant may raise issues regarding, for example, whether;

- the dignity at work hearing procedure was defective and this unfairly affected the Stage Two outcome, and/or
- the evidence did not support the decision reached, and/or
- new evidence has come to light which was not previously available to the appellant and therefore could not be considered during the Stage Two hearing and therefore should now be heard as part of this appeal process.

Where an appellant alleges that there has been a fundamental error in the original dignity at work investigation such as renders the Stage

Two outcome defective, the appellant must provide sufficient details to support that contention. In those exceptional circumstances the Stage Three hearing manager will consider whether the appeal should be extended to re-consider the investigative evidence also.

8.3 Stage Three Meeting (Appeal)

The Stage Three meeting will be heard without unreasonable delay, normally within ten working days of receipt of the grounds of appeal and relevant documentation.

The appeal will be heard by a Senior Manager who has not previously been involved at any stage of the procedure. The Head of Human Resources (or nominated deputy) and consequent upon agreement by the Chief Executive (Head of Paid Service) will appoint the Stage Three hearing manager.

Due to the size and administrative resources of TfN, this may entail the appointment of a manager of equal status to the Stage Two hearing manager if it is considered that dispensing with the need for a senior manager would be suitable, for example if other senior managers are not available within a reasonable timeframe.

An HR & Skills Representative will also be present to advise the appeal hearing manager and to ensure a fair and consistent process. The HR & Skills Representative should inform the appellant in writing that they have the right to be accompanied by a work colleague or a trade union (TU) representative.

The TU representative may address the meeting, put forward the appellant's grounds of appeal, sum up or respond on their behalf to any view expressed at the meeting. They may confer with the appellant during the meeting but do not have the right to answer questions directly put to the appellant on their behalf or address the meeting if the appellant does not want them to do so. The representative must not prevent anyone, including the appellant, from making their own contribution to the meeting.

It is the responsibility of the appellant to share, with their representative, any documentation and correspondence they have received from TfN in relation to the appeal. Where the appellant is known by TfN to have a disability which could make this requirement disadvantageous to them, TfN will provide duplicate copies to the representative as a reasonable adjustment to this process.

The Stage Two hearing manager will present their response to the grounds of appeal. The appellant and the Stage Two hearing manager will also have the opportunity to call supporting witnesses to the Stage Three meeting.

The Stage Three hearing manager will raise any questions they consider relevant to their decision making. The HR & Skills representative may, with the prior permission of the Stage Three hearing manager, suggest further clarifying questions. The Stage Three hearing manager will then ask the parties to summarise their supporting submissions, before adjourning the meeting.

Where appropriate, further investigation may be undertaken by the Stage Three hearing manager to clarify or verify information presented at the Stage Three meeting. This may include speaking to relevant individuals or reviewing additional documentation. Any further investigation will be proportionate and focused solely on the grounds of appeal. The aim is to ensure a fair and informed decision is made based upon all relevant and available information.

8.3.1 Stage Three Decision & Outcome

The Stage Three hearing manager will consider their decision in private. Whilst the HR & Skills Representative will be on hand to provide assistance to the Stage Three hearing manager as and when required, the decision and the grounds set out within the outcome letter will be the responsibility of the Stage Three hearing manager.

The outcome letter will be sent to the appellant via email normally within ten working days of the Stage Three appeal meeting, unless further investigation is required. If the Stage Three hearing manager determines that it is not possible to finalise matters within this period, the appellant will be advised as appropriate and given an indication as to when the outcome can be expected.

The Stage Two hearing manager will also be advised as to the outcome of the appeal hearing. Where the Stage Two manager's original decision stands and any restorative action or recommendations remain outstanding, the process will recommence in terms of delivering those outcomes.

Where the appeal has been successful in full or in part, the Stage Two hearing manager will be advised and, where appropriate, the Stage Three hearing manager may provide observations or recommendations to be shared with the Stage Two hearing manager to enable them to understand why their decision may have been overturned.

Where the appeal is successful in full or in part, the respondent will be advised. As with the outcome process relating to the earlier Stage Two process, it may be appropriate for the Stage Three hearing manager on this occasion to meet with the respondent and/or their line manager, to support the delivery of the appeal findings insofar as to those allegations made against them may have been upheld. The Stage Three hearing manager may suggest learnings and/or restorative recommendations.

Where the appeal has not been upheld the respondent will be advised of the outcome.

The decision of the Stage Three hearing manager will be final.

9. Re-forming Positive Relationships & Support

As a final step in handling such complaints, recommendations may be made by hearing managers as part of their outcome decision which may improve working relationships, enhance learning and improve communication.

It is recognised that all parties involved within dignity at work processes may experience an adverse impact on their personal health and wellbeing. An open dialogue should be encouraged with all colleagues who have been through the process. Support is available via TfN's Employee Assistance Programme (0800 072 7072) which is a free, confidential helpline available to provide 24-hour support to all colleagues.

Appendix 1

Harassment and The Law

Harassment on the grounds of protected characteristics is made unlawful under the Equality Act 2010.

Protected Characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity leave
- Race
- Religion or belief
- Sex
- Sexual orientation

Note: The menopause is not specifically a protected characteristic under the Equality Act 2010. However, for the purposes of all TfN policies and procedures it will be afforded the same standard of protection/status.

General harassment is covered in the following statutes:

- The Criminal Justice and Public Order Act 1995 that outlaws the use of threatening, abusive or insulting words, disorderly behaviour that is intended to cause harassment, alarm or distress.

- The Protection from Harassment Act 1997 that has been specifically developed to deal with stalking, makes following a course of conduct amounting to harassment both a civil and criminal offence. This Act also introduces a further criminal offence of putting a person in fear of violence.

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