

Revised Respect Policy

1. Introduction

1.1. This section explains what is expected of relationships between House staff and Members and their staff. It covers:

- the aims of the Respect policy;
- the principles which should be followed;
- definitions of what may constitute bullying and harassment should this arise;
- the procedures to be followed should you feel you have been bullied or harassed by a Member or their staff;
- further information on where to go for help and advice.

1.2. The policy does not apply in respect of alleged harassment or bullying by House staff in relation to other House staff—that is dealt with under the Valuing Others policy¹. Any complaints from Members about the conduct of House staff should be addressed in the first instance to a manager of the member of staff concerned.

1.3. The policy was agreed by the House of Commons in July 2014. A guide to this policy for Members is available.

2. Aims of the policy

2.1. Members, their staff, and House staff work together to make the House of Commons function effectively. This work is typically undertaken in a constructive manner and there is clear commitment on the part of the House of Commons Commission and Management Board to ensuring that everyone is, at all times, treated with dignity, courtesy and respect.

2.2. However, as in any workplace, conflict, disagreements or disputes may occasionally arise. This policy aims to ensure that any workplace conflict is handled promptly, fairly and effectively. Should problems arise, the policy sets out the process for managing those situations where House staff feel that they have experienced unacceptable behaviour on the part of Members or their staff.

3. Principles

3.1. House staff, Members and their staff are all expected to treat each other with dignity, courtesy and respect.

3.2. If any problems arise with Members or their staff, the expectation under this policy is that the majority of cases will be resolved informally. Where, however, the matter cannot be resolved informally, the policy includes provisions for raising and dealing with the matter formally.

3.3. Staff who believe they have been subject to such behaviour which they are unable to resolve quickly themselves, or who are unsure whether their situation is covered by this policy, should in the first instance discuss this with their line manager, or another source of support and advice (See section 15).

3.4. Any complaints from staff of bullying or harassment on the part of Members or their staff will be taken seriously. Complaints may not be raised anonymously.

¹ <http://intranet.parliament.uk/employment/house-of-commons/conditions-of-service/staffhandbook/part-1-introduction-to-the-house-of-commons/chapter-six/>

3.5. It will normally be in everyone's interest to make every possible effort to resolve the issue at an informal stage. Where this is not possible or appropriate and where a formal complaint is made to management, this will be treated as a grievance. However, given the special circumstances in these cases, the procedures in this section must be followed rather than those in Chapter 21 of the Staff Handbook.

3.6. Managers have a clear responsibility to understand the issue being complained about, to seek to resolve the problem informally where possible and appropriate, to ensure that the Member concerned has an opportunity to give their comments and to ensure that actions are taken where necessary to deal with any factors which impact on the situation or the well-being of their staff.

3.7. Any complaints must be made in good faith. While employees will be fully supported when they are involved in raising concerns of harassment or bullying, complaints that are found to have been made maliciously will be dealt with under disciplinary procedures.

3.8. Any complaints must be dealt with confidentially at all times. They should only be discussed with managers and those who are legitimately involved in the process, such as HR.

3.9 Any workplace conflict will be handled promptly, fairly and effectively without undue delay.

3.10. The Management Board will monitor statistics relating to this policy, including the number and outcome of complaints raised, but sensitive information such as the identities of complainants will not be passed on.

4. Definitions of harassment and bullying

4.1. Guidance on harassment and bullying can be found in Chapter 6, Section 4 of the staff handbook. This follows guidance provided by The Advisory, Conciliation and Arbitration Service (ACAS) to employers and employees about the effective management of bullying and harassment at work.

4.2. Definitions of both bullying and harassment as well as some examples of what such unacceptable behaviour might involve are set out below.

Bullying: may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment: is unwanted conduct related to a protected characteristic (i.e. age, sex, race or nationality, disability, religion and belief, gender reassignment, marriage and civil partnership, pregnancy and maternity, or sexual orientation), which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

4.3. Possible examples of bullying and harassment based on the ACAS definitions of such behaviour include:

- Spreading malicious rumours or insulting someone
- Ridiculing or demeaning someone—picking on them or setting them up to fail
- Exclusion or victimisation
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances—touching, standing too close, display of offensive material, asking for sexual favours, making decisions on the basis of sexual favours being accepted or rejected

- Deliberately undermining a worker by overloading and constant criticism

4.4. These definitions and examples should not be seen as exhaustive or overly prescriptive, and any allegations of bullying or harassment need to be considered in context. If you believe that you have been subject to bullying or harassment by a Member or their staff you should consider taking the steps set out in section 5.

5. Procedures

5.1. The following sections set out what you should do if you feel that a Member has behaved unacceptably.

What to do if you think you have been subject to bullying or harassment?

5.2. Early intervention is often the most effective way of resolving issues of bullying and harassment, and the majority of cases are likely to be resolved when they are first raised.

5.3. As a first step you will need to reflect on whether what you have experienced falls under the types of behaviour described in section 4. It is worth bearing in mind that the House of Commons, like many workplaces, is a pressurised environment and not every brusque response in a highly charged political situation constitutes bullying or harassment. If, however, you think that what you have experienced does constitute bullying or harassment, or you would like help in order to decide, you are strongly encouraged to consult one of the possible sources of help, support and advice available to you. Individual circumstances will vary, and it is important that you talk to someone you are comfortable discussing your situation with.

5.4. Within your department this might be your line manager, countersigning manager or the Head of your Department or it could be another Head of Department; alternatively (or in addition) you might want to talk to one or more of the range of other trained staff in the House. If you are a member of a trade union you might want to consult your union representative. These situations can be extremely stressful, so do not hesitate to contact the House's welfare officers who can offer support and counselling.

5.5. To assist you as you do this you should write down anything you feel might be relevant to your complaint, recording as much information as you can about what occurred, where, when and any witnesses, and keeping copies of any relevant letters or emails, and you should continue to keep a record. You will generally want to avoid being alone with the person you believe is bullying/harassing you, and you should ask your manager for support in this where appropriate.

5.6. If you decide you want to take action about what has happened, the following procedure should be followed.

6. Internal resolution (stage 1)

6.1. The most effective way to deal with bullying and harassment is often by raising the issue with the person concerned and asking them to amend their behaviour towards you

- If you feel able to, approach the person concerned and make it clear that his or her behaviour towards you is unwelcome and you want it to stop. You can ask a colleague to accompany you
- Alternatively, write to the person concerned. Keep a copy of what you have written and any reply

- Another option is to ask a line manager² to contact the person concerned on your behalf, to put your side of the story to them, to hear their response, and then to advise you on how best to proceed

6.2. Note that if the concern is about the behaviour of a Member's staff, it may be more appropriate to raise the issue with the Member, who will in any event need to be involved if formal action is taken at a later stage.

6.3. In any of these approaches, you should set out exactly what the problem is, clearly and concisely. You should also be as objective and reasonable as possible.

6.4. The aim here should be to obtain a quick response, leading to a successful resolution of the situation. If you are satisfied with the response you have received there is no need to do anything further.

6.5. If the issue is not resolved immediately, you should inform your line manager of the problem (if they have not already been made aware or been involved in the initial actions), and tell them whether you wish to pursue the matter or take other advice.

6.6. Your line manager will consider the issue informally in consultation with you, the Senior Responsible Owner (SRO)³ for the policy or their deputy, HR⁴, the Member involved, and/or any other relevant person as necessary (see paragraph 15). In order to consider:

- whether any management action is needed to ensure that the legal requirements of duty of care for you and all employees are met, e.g. are there resourcing, capacity or other issues which need addressing; what support/protection is needed for you if appropriate;⁵
- whether there are any direct interventions that can be taken, on a case by case basis, to resolve the problem e.g. discussion with Whips, Committee Chair (if appropriate) etc;
- whether mediation will help.

6.7. If some further action is considered to be required, the steps necessary will be taken by your line manager with you and the Member (or their staff) as appropriate, with a view to facilitating a resolution.

7. External mediation

7.1. A neutral third person—a trained mediator—can often help in situations where someone feels that they are being bullied or harassed. Mediation is a voluntary process where the mediator helps two (or more) people to find a solution that they can both agree. The mediator does not take sides or tell the parties what to do, nor do they make judgements about right or wrong.

7.2. Mediation can be used at any stage, but is often more effective if used early on. It is most likely to be successful if both parties understand what mediation involves, enter into the process voluntarily, and want to repair the working relationship. Mediation is encouraged as an effective resolution process wherever it is an appropriate action to take.

7.3. If mediation is considered to be an option, and both sides agree this would be helpful, the SRO for the policy will be consulted by your line manager or other senior manager dealing with

² References in this guidance to a line manager or line management means immediate line manager or above.

³ The Senior Responsible Owner (SRO) has overall responsibility for the Respect Policy. The current SRO for the policy is John Benger; in their absence matters can be referred to the Deputy SRO for the policy who is Myfanwy Barrett.

⁴ For the purposes of this document 'HR' refers to staff in the Department of Human Resources and Change. Information on the relevant staff will be contained in separate management guidance.

⁵ Support available to Members will be included in separate guidance.

the issue. The SRO will consider (in conjunction with you, HR, the Member concerned and your line management) whether the conditions for mediation are met. This includes whether both you and the Member concerned agree to it; whether the problem is appropriate for and capable of being resolved via a mediation process; whether there is a commitment on both sides to seeking resolution; etc. If it is a suitable option, then an external mediator agreeable to all parties will be engaged by HR and mediation action taken as appropriate.⁶

7.4. If your complaint is not resolved via mediation or through other actions, you will need to consider whether to pursue your complaint further. If you wish to do so, you will move to the next stage.

8. Internal resolution (stage 2)

8.1. If you wish to pursue your complaint you will need to lodge a formal grievance in writing. For complaints raised under the Respect Policy, the following procedures should be used in place of those set out in the Grievances chapter in the Staff Handbook.

8.2. Your grievance should be addressed to the SRO for the policy and should include details of the complaint, with any supporting material if available. You should also set out what you wish to happen to resolve the matter. You can ask a colleague or your Trade Union Representative to help you with your letter and/or attend any follow-up meeting or hearing.

8.3. Managers should note that members of staff have the right to be accompanied by a Trade Union Representative or fellow employee of the House of Commons during paid working hours for any interview or hearing which forms part of the formal grievance procedure. Section 4.6 of Chapter 21 in the staff handbook explains the role they can play in these proceedings.

8.4. The SRO will decide, in consultation with HR, whether to handle the grievance personally or to nominate a Head of Department to do so either with him or alone.

8.5. The SRO or nominated Head of Department will invite you to a grievance hearing within 14 days of receipt of your grievance. The purpose of the grievance hearing is to listen to your grievance and to go through the issues with you. You will be given a minimum of seven calendar days' notice, in writing, of the hearing, unless a shorter period is agreed.

8.6. An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken.

8.7. The person hearing the grievance will:

- hold the grievance meeting with you to consider the circumstances, any evidence available to support your complaint, the actions already taken and whether any further steps are possible to resolve the problem;
- confirm to the Member concerned (and their staff where appropriate) that a complaint has been made (which they should already be aware of from stage 1); provide them with a copy of the complaint made against them; and request their comments for consideration;
- if there are any witnesses, such as colleagues, ask them to supply evidence either face to face or in written format. On occasion witness statements may be given via telephone so that the process is not prolonged;
- consider (in consultation with HR and line management) whether any further management actions are required to meet duty of care requirements;

⁶ Further information about mediation is available from your HR Business Partner and the HR Advisory Service. ACAS also produce a guide about mediation, available at: www.acas.org.uk. If it is a suitable option, then an external mediator agreeable to all parties will be engaged by HR and mediation action taken as appropriate.

- consider whether the grievance is being made in good faith;
- take any appropriate steps to explore with you and the Member concerned (and others, on a case by case basis, e.g. Whips, Committee chair etc, assuming all parties are content with this approach) whether a resolution is possible in light of the meeting with you and any evidence gathered; and
- consider again whether mediation (or further mediation) is appropriate and if it is, and both parties agree, take action to put this in place.

8.8. When these actions are complete, the person hearing the grievance will:

- write to you setting out the issues you complained about, the actions taken to try and resolve the complaint, and confirming: the options and support available to you; any further actions to be taken; and any management decisions taken with regard to the grievance;
- write to the Member concerned (and their staff where appropriate) confirming the position on options/actions to resolve issues (an apology where appropriate) and any decisions taken by management such as alterations in staff complement or workstreams, training, mediation etc;
- ensure that any actions necessary and decisions are carried out.
- give you written notification of their decision within 14 calendar days of the date of the hearing.

8.9. If the grievance is still not resolved to your satisfaction and you wish to pursue it further, you have two options:

- if your dissatisfaction relates to decisions or actions taken by management during the internal resolution stages, then you can lodge an appeal with the SRO against the decisions/actions taken;
- if your dissatisfaction is specifically about the substance of your original allegation about a Member's behaviour, then you can lodge a complaint with the Parliamentary Commissioner for Standards requesting an investigation (which should be notified to the SRO for information).

8.10. If you lodge an appeal against management decisions/actions, HR will decide who should deal with this. The grievance appeal procedure in Section 5 of Chapter 21 of the staff handbook will be followed. On conclusion of the appeal process, the person hearing it will notify all parties of the outcome and actions taken in light of further decisions or recommendations made. The decisions made at this point are final and there is no further right of appeal.⁷

8.11. If you decide to complain to the Parliamentary Commissioner for Standards, you should proceed to the next stage, as detailed in section 9.

8.12. Note that the Commissioner can only consider complaints about the behaviour of a Member. If your complaint is about the behaviour of a Member's staff, this would normally be dealt with separately by management action, e.g. if appropriate and justified, to deny the individual access to House staff and services. The Commissioner would normally only consider a complaint relating to the behaviour of a Member's staff if: the employee's behaviour was itself unacceptable; the Member was aware of the problem; and had failed to intervene to

⁷ The current Parliamentary Commissioner for Standards is Kathryn Hudson

prevent continued problems. In such cases, the complaint made would need to be against the Member concerned.

9. Commissioner for Standards—consideration (stage 3)

9.1. You should submit your complaint to the Commissioner in writing with full details of the problem; any evidence available about what has happened (including copies of any correspondence on the issue); and setting out why this has not been resolved to your satisfaction.

9.2. The procedures relating to the role of the Commissioner are subject to parliamentary privilege.

9.3. The Commissioner will consider whether the complaint is within her remit and whether there is sufficient evidence to justify an investigation by her. This involves her considering whether the Member concerned has behaved in such a way as to breach the MPs' Code of Conduct and that such a breach is sufficiently serious to cause significant damage to the reputation and integrity of the House as a whole or of its Members generally. In practice, the Commissioner could only be expected to investigate either complaints that there had been a single very serious incident, or complaints involving repeated incidents or a sustained and damaging pattern of behaviour. She would not be concerned by a complaint of a brusque response in a highly charged political situation.

9.4. The Commissioner may at this stage request further preliminary information, including confirmation from the SRO about: actions taken to date; any evidence and correspondence available which constitutes 'relevant material' for the Commissioner's consideration; and that the earlier stages of this process have been properly completed. The Commissioner may also consult with other House staff as she sees fit (e.g. the Diversity and Inclusion team). She may decide to interview you and you may, at her discretion, be accompanied. The Commissioner will then decide whether or not to accept the complaint for investigation.

9.5. If a complaint is not accepted for an investigation, the Commissioner will write to you, the Member and the SRO to give her decision. At her discretion she may also make observations or recommendations, where for example she considers that further actions could be taken to resolve the matter. The Commissioner's decision is final and there is no appeal process.

9.6. No further internal action in relation to the Member will be possible or appropriate following consideration by the Parliamentary Commissioner for Standards.

9.7. The SRO will decide (in consultation with HR and line management) whether any further management action is required in the light of the Commissioner's decision and any comments she has made.

10. Commissioner for Standards—investigation (stage 4)

10.1. If the Commissioner accepts a complaint for investigation, she will decide how this should be conducted. This may include exchanges of correspondence, the gathering of witness statements and interviews with you, the Member concerned and any other relevant witnesses. If the Commissioner decides to interview you, you may, at the Commissioner's discretion, be accompanied. The Commissioner may also draw on additional resources or expert advice as required—it is open to the Commissioner to commission such external advice if she thinks fit.

11. Complaint not upheld

11.1. If the Commissioner does not uphold the complaint she will write to you, the Member concerned and the SRO to give her decision. At her discretion she may also make observations or recommendations, where for example she considers that further actions could be taken to resolve the matter. The Commissioner's decision is final and there is no appeal process.

11.2. No further internal action in relation to the Member will be possible or appropriate following consideration by the Commissioner for Standards.

11.3. The SRO will again decide (in consultation with HR and line management) whether any further management action is required in the light of the Commissioner's decision and any comments she has made.

11.4. If the Commissioner concludes there may have been a breach of the MPs' Code of Conduct, she will consider whether the matter can be appropriately resolved through a rectification process. If the Member accepts that he or she has breached the Code of Conduct and has apologised and/or taken any other appropriate action agreed by the Commissioner, the Commissioner may at her discretion 'rectify' the complaint without reference to the Committee. Appropriate rectification action might include, for example, an apology to you.

12. Complaint upheld

12.1. If the Commissioner considers that there has been a breach which is not suitable for the rectification procedure, or that her inquiry raises issues of wider importance, the Commissioner will normally report the facts and her conclusions in a Memorandum to the Committee on Standards for its consideration. This will set out the evidence for upholding the complaint; and the Commissioner's view on how serious the breach is. [The Commissioner will give you and the Member an opportunity to comment on the factual parts of the Memorandum before it is finalised.]

13. Consideration by the Committee on Standards and/or the House

13.1. The Committee on Standards will review the Memorandum, decide on the appropriate course of action; and, if appropriate, report accordingly to the House under its normal procedures. [At its discretion it may wish to interview you and/or the Member as part of its consideration.] These procedures are subject to parliamentary privilege.

13.2. Note that you have no right to any involvement in the formal procedures of the House at this stage and will have no right of appeal against decisions taken by the Committee or the House. Proceedings will be published by the House in the normal way. If you have any questions about this you should consult the SRO for the policy.

13.3. No further internal action in relation to the Member will be possible or appropriate following consideration by the Committee or the House.

13.4. The SRO will decide (in consultation with HR and line management) whether any further management action is required in the light of the Commissioner's decision and any comments the Commissioner or the Committee have made.

14. Confidentiality

14.1. It is important that issues raised under this policy are treated confidentially and kept between those involved in resolving them. This gives the process the greatest chance of success and treats everyone involved with respect.

14.2. This means that you should only discuss your complaint with people in the context of trying to resolve the issues in line with the policy. These people must also treat the matter as confidential, as should anyone else who becomes involved in the process.

14.3. Complaints cannot be raised with Members anonymously. Some details, including your name, would need to be shared. This would only be to the extent needed to resolve the complaint, and would be discussed with you.

14.4. Any complaint made to the Commissioner for Standards will also be considered confidentially by her. However, any Memorandum submitted by her to the Committee on Standards will normally be published by the Committee at the conclusion of its proceedings,

together with its findings. This will include the names of the individuals directly involved in the issues covered by the Memorandum, subject to the Committee's right to redact evidence if it considers this appropriate.

15. Where to go for help and advice

15.1. Various sources of guidance, support and advice are available to you if you need to make a complaint under this policy. The following internal people are available to help you in confidence:

- Line Manager: Your Line Manager, or other senior manager can be approached in confidence for advice. They may approach the other party on your behalf, or just act as a sounding board for you. Your Line Manager or another senior manager is often the best person to take these problems to initially.
- HR Advisory Service (extension 2358)
- The SRO for the Respect Policy (John Benger, extension 3622)
- Harassment and Bullying Contacts (HBCs) (formerly harassment support officers): HBCs provide a confidential support service to staff who feel they are being harassed or bullied at work (see chapter 6, paragraph 4.14 of the staff handbook for further details)
- Welfare Officer: a welfare service is offered which offers confidential counselling and support to staff (see chapter 5, section 3 of the staff handbook for further details)
- Trade Union Representative
- Member of the Diversity and Inclusion team (extension 1412)

15.2 If a complaint is made against you under this policy the following people are available to support you in confidence:

- Personnel Advice Service (PAS) (extension 2080; pas@parliament.uk)
- Welfare Officer: a welfare service is offered which offers confidential counselling and support to staff (extension 1484)
- Speaker's Chaplain (hudsonwilkinr@parliament.uk)
- Nominated contacts in the Whips' Offices: Anne Milton (Conservative); TBC (Labour); Jenny Willott (Liberal Democrats)