



Dignity at Work Procedure

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Trust People Strategy Embracing Diversity – Promoting Inclusivity, YAS Diversity and Inclusion Strategy Diversity and Inclusion Policy Statement YAS Behavioural Framework Raising Standards (Disciplinary) Policy Good Practice Guide to Conducting Investigations and Hearings Maximising Performance Policy and Procedure Freedom to Speak Up Policy Whistleblowing Policy Grievance Policy Code of Conduct				

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1.0 INTRODUCTION

- 1.1 The purpose of this procedure is to set out the working practices that employees of Yorkshire Ambulance Service NHS Trust should follow for raising concerns about indignity at work. It aims to be a supportive tool for managers and employees in ensuring consistency and transparency in our internal procedures. This procedure should be read in conjunction with the Trust's Dignity at Work Policy.
- 1.2 Bullying, harassment or victimisation can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer or, on occasion, become irreparable. Examples of unacceptable behaviours are attached in **Appendix 1**.
- 1.3 During all stages, and particularly during the formal stages of this procedure, managers should consider the health and wellbeing support that can be offered to employees. This should include complainants, alleged perpetrators and other employees who may be involved e.g. witnesses. See section 7 of this procedure.
- 1.4 It is recognised that bringing an indignity complaint can be a very stressful experience for an individual as well as for those against whom the complaint is made; employees should also consider whether their complaint can be dealt with quickly and informally in the first instance.
- 1.5 The **Dignity at Work Flowchart Process in Appendix 2** outlines, at a glance, the process to be followed in responding to indignity issues arising.
- 1.6 Both employees who make complaint which are dealt with at any of the 3 stages of this procedure and alleged perpetrators have the right to be accompanied by a recognised trade union or workplace representative not acting in a legal capacity. Representation at meetings does not extend to participation in facilitated discussions or mediation, both of which are voluntary undertakings and where representation of the parties may not be conducive to informal resolution. See **Appendices 3 and 4** to this procedure.

2.0 CONSIDERATIONS WHEN RAISING A CONCERN

- 2.1 The Trust commits to responding quickly, positively and proportionately to any known or reported instance of bullying, harassment or victimisation. Employees are actively encouraged to report an incident, as early as possible and no more than 3 months after any first alleged incident so that events can be accurately recalled and matters addressed as promptly as possible.
- 2.2 Any relaxation of the 3 month timeline will be decided by the Head of HR and this will generally apply only to cases where there is evidence of a 'continuing course of conduct' by the alleged perpetrator.
- 2.3 An employee who believes they have been subjected to bullying, harassment or victimisation should, if they feel able to do so, without delay tell the alleged perpetrator that their conduct is offensive and that they wish it to stop immediately. This is

important as individuals are sometimes unaware of the impact of their behaviour/actions on others.

- 2.4 Complainants who require support are encouraged to raise any such concerns initially and informally with their line manager or, in cases where the complaint concerns the line manager, with the senior line manager in the first instance.
- 2.5 Whilst in no way designed to discourage employees from raising a concern, individuals are first asked to consider seriously whether the behaviour which they have experienced amounts to bullying, harassment or victimisation. For example employees should seriously consider whether an argument or altercation with a colleague or manager constitutes bullying, harassment or victimisation, or if it is simply one of the following:
- a professional disagreement
 - assertive or reasonable instruction from, or discussion with, their manager/supervisor, regarding their behaviour or performance in the workplace
 - firm but fair management action.
- 2.6 In many cases, an appropriate resolution can be achieved without a formal written complaint. Details of the issue and any action taken will be discussed, in as far as possible, with the complainant, who will be kept informed throughout the process.
- 2.7 When a manager feels it is necessary to invoke the Maximising Performance or Disciplinary Procedure to address performance and conduct issues respectively, the Trust recognises that sometimes bullying, harassment and victimisation claims can be made by employees as a counter claim. Behaviour which is considered bullying by one person may be considered firm management by another. A manager's decision to invoke other Trust policies and procedures will be supported if the reasons to do so are fair, reasonable and justified.
- 2.8 In some cases concerns may be raised by individuals who have not been directly subjected to bullying, harassment or victimisation. They may have witnessed inappropriate behaviour or have had concerns raised from colleagues who have experienced inappropriate behaviour. In these cases individuals should seek advice from their line manager or Human Resource Services who will advise on the process to be followed.

3.0 STAGE – 1 - INFORMAL PROCESS

- 3.1 If an individual is unable to resolve the issue either through direct approach or via the manager out-with this procedure, they are encouraged to raise the matter in accordance with this policy at Stage 1; the informal process. Employees should raise the matter with their manager or a senior line manager who has not been a party to or involved in earlier dialogue on the matter. The employee should be clear with the manager that they are raising the matter in accord with Stage 1 of this policy and procedure. The manager will receive the complaint, discuss with the employee their experiences, seek to understand what remedy the employee is seeking and explain to the individual, the next steps. These will involve the manager meeting with the alleged perpetrator, explaining that a complaint has been received, outlining its nature, understanding their perspective on the matter and deciding what course of action might achieve full resolution expeditiously.

- 3.2 The matter will be considered and, unless the issue raised is of serious proportions, a facilitated discussion or mediation will generally be offered to both parties. A facilitated discussion would be undertaken by the manager dealing with the Stage 1 informal complaint. See **Appendix 3** for guidance on facilitated discussions. Workplace mediation may also be useful in improving working relationships in instances where there is a misunderstanding, conflict, disagreement, personality clash, communication problem or allegation of bullying, harassment or victimisation which would fall short of potential gross misconduct. See **Appendix 4** for the Trust's mediation process.
- 3.3 The aim will be to deal with any Stage 1 informal complaint in a non-confrontational manner, resolving it in as short a time as possible and in any event within 21 calendar days of receiving the complaint. Any extension to this timeline must be fully justifiable and explained to the complainant.
- 3.4 In order for any discussion or mediation to be constructive, it is suggested that the individual raising the issues shares the following information with the alleged perpetrator:
- describes the behaviour/conduct which they found offensive and how it made them feel
 - says where and when it happened
 - describes how it affected their work
 - listens to, and considers, the response and perspective of the alleged perpetrator
 - asks for the behaviour to stop and explains what they want them to do differently in the future
- 3.5 Actions are agreed by those present and the manager makes clear the next steps and confirms the actions and as necessary, the next steps, constructively in writing to both parties. This approach creates the opportunity to resolve bullying, harassment or victimisation problems quickly and confidentially, without the formality of a formal procedure and is therefore considered more effective at maintaining positive relations in the workplace.
- 3.6 It may be useful for the employee to keep a diary/log of when the alleged bullying, harassment and victimisation took place, including dates and times and names of any witnesses should there be any, as this evidence may be required at a later, formal stage, should the behaviours persist.
- 3.7 If following completion of the Stage 1 informal process, the behaviours continue, or if the issues raised are potentially of serious proportions or could, constitute gross misconduct, the matter may be escalated to the formal stage 2 of this procedure. It will be a manager's decision whether the case proceeds to the formal Stage 2. This may be initiated either by the manager or be requested by the complainant. The employee has a right of appeal in the event the appointed manager decides not to accede to the employee's request to proceed to the formal Stage 2. Appeals must be lodged within 14 calendar days of the employee being notified of the appointed manager's decision.

4.0 STAGE 2 - FORMAL PROCESS

- 4.1 Referral to the Stage 2 formal procedure should be made at the earliest opportunity following either failure at the Informal Stage 1 or as soon as possible after the alleged first incident. Any request to invoke the formal Stage 2 procedure will be considered on a case by case basis by the appointed manager with advice from HR Services, who

may, exceptionally, take account of incidents which have allegedly occurred more than 3 months historically. This will generally be in circumstances where any evidenced behaviours are part of a 'continuing course of conduct' on the part of an alleged perpetrator.

- 4.2 If the employee wishes to pursue the matter formally, a Dignity at Work Monitoring Form (see **Appendix 5**) must be completed. This should provide as much detail as possible and clearly outline the resolution being sought to resolve the issue. This should be sent to HR Services. HR Services will then liaise with the appointed manager (normally the senior line manager) who will then make a decision with advice from HR, as to whether to proceed.. Firstly, the complainant and secondarily, the alleged perpetrator, will be informed about the Stage 2 formal complaint, and the appointed manager's decision.
- 4.3 The Dignity at Work Monitoring Form will set the parameters of the complaint. This, along with any accompanying evidence and/or potential witnesses to be interviewed, will be shared confidentially with the individual appointed to lead the Stage 2 investigation.
- 4.4 The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond.
- 4.5 If there is a case to answer, either informal action or a disciplinary hearing may be convened within the scope of the Trust's Disciplinary Policy.
- 4.6 If a formal hearing is necessary, it is expected that the employee making the complaint will attend as witness.
- 4.7 The Stage 2 formal process will be concluded within 28 days of the Stage 2 investigation being allocated to the manager. Any departure or extension required to this timeline must be fully justifiable and explained to the complainant.
- 4.8 Following the completion of the formal Stage 2 procedure, the complainant will be given the option of meeting with the individual leading this Stage. The lead will outline the findings of the investigation and what action, if any, is being proposed in respect of the complaint.
- 4.9 If the complainant is not satisfied with the process of investigation (including any management decision not to undertake an investigation), a Stage 3 Appeal may be submitted. As above, appeals must be lodged within 14 calendar days of the employee being notified of the appointed manager's decision.

5.0 STAGE 3 - APPEAL

- 5.1 An appeal may be submitted to HR using the Dignity at Work Appeal proforma at **Appendix 6**. The Head of HR will identify an appropriate manager to carry out the Stage 3 appeal.
- 5.2 The appeal will take the form of a desktop review of all documentation and the findings at earlier stage(s). The person leading the appeal or the investigation officer may choose to meet again with any party/ies involved in the complaint to clarify evidential matters or rationale supporting earlier decisions.

- 5.3 At the expiry of Appeal Stage 3 enquiries, the person leading will meet with the appellant and explain their decision and supporting rationale. This will subsequently be confirmed in writing. The Appeal Stage 3 decision is final.
- 5.4 The Stage 3 appeal process will be concluded within 28 days of the Stage 3 appeal being allocated to the manager. Any departure or extension required to this timeline must be fully justifiable and explained to the complainant.

6.0 CONFIDENTIALITY

- 6.1 Confidentiality is important to all the parties concerned in any complaint. The Trust will, as far as possible, protect the complainant's wish for confidentiality within the Trust's legal obligations. All actions relating to his procedure will be dealt with in the strictest confidence.
- 6.2 Where it is appropriate to refer the case and alleged perpetrator to a disciplinary hearing, the person making the complaint will be informed of this and subsequently of case closure but, to maintain confidentiality, they will not be informed of case details or the outcome of the disciplinary hearing.

7.0 ADVICE AND SUPPORT FOR EMPLOYEES

- 7.1 Any employee affected by bullying, harassment or victimisation may feel vulnerable and isolated. It is the Trust's responsibility (and therefore the managerial responsibility) to ensure that all complaints are taken seriously and investigated swiftly and in confidence. All parties, complainants, alleged perpetrators and witnesses, should be treated with respect and offered appropriate support.
- 7.2 Employees should not fear that they will be victimised for raising a complaint. Any person who is found to have victimised or retaliated against another for complaining about or giving evidence about bullying/harassment will be subject to disciplinary action.
- 7.3 Yorkshire Ambulance Service provides Occupational Health and also confidential Employee Assistance and Counselling Services. For Occupational Health support and referral, employees should seek management approval but are encouraged to self-refer and contact the Employee Assistance and Counselling Service at any time and in the strictest confidence on free phone number **0800 0116 738** at any time.
- 7.4 Recognised Trade Union Representatives provide a valuable role in supporting their members in the workplace. ACAS acknowledge that "*Unions have always valued resolving workplace disputes in the workplace rather than in the courts wherever possible. The prime purpose of unions is to represent their members at work and seek negotiated solutions to problems*". <http://www.acas.org.uk/index.aspx?articleid=3111>
- 7.5 Trade Union Representatives understand the principles of mediation and will be able to provide advice and support for their members at any time when this policy and procedure is invoked.

Mediation: A guide for trade union representatives is available from [http://www.acas.org.uk/media/pdf/m/7/Acas_TUC_Mediation_Guide_AUGUST_2010_\(Final\).pdf](http://www.acas.org.uk/media/pdf/m/7/Acas_TUC_Mediation_Guide_AUGUST_2010_(Final).pdf)

7.6 Other sources of support for complainants and others involved in the process i.e. alleged perpetrators and witnesses, include:

- Line managers/team leader
- A designated welfare or contact officer
- Diversity and Inclusion Unit
- Internal Workplace Mediation Service
- Health and Wellbeing Team
- Freedom to Speak Up Guardian
- Human Resource Services
- Staff Equality Networks
- Work colleagues/workplace friend

APPENDIX 1 - Examples of Unacceptable Behaviour

The following is not an exhaustive list but helps to define what types of behaviour are considered unacceptable in the Trust. Such behaviours may be considered to be harassment, bullying or victimisation depending on the context but all are unacceptable and will be investigated initially in accord with this policy.

Bullying, harassment or victimisation can take the form of physical, verbal and non-verbal conduct. This may include:

- Physical or psychological threats;
- Oppressive supervision or other misuse of power and position;
- Inappropriate derogatory remarks about an individual's performance;

Note: Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment, do not amount to bullying, harassment or victimisation in isolation.

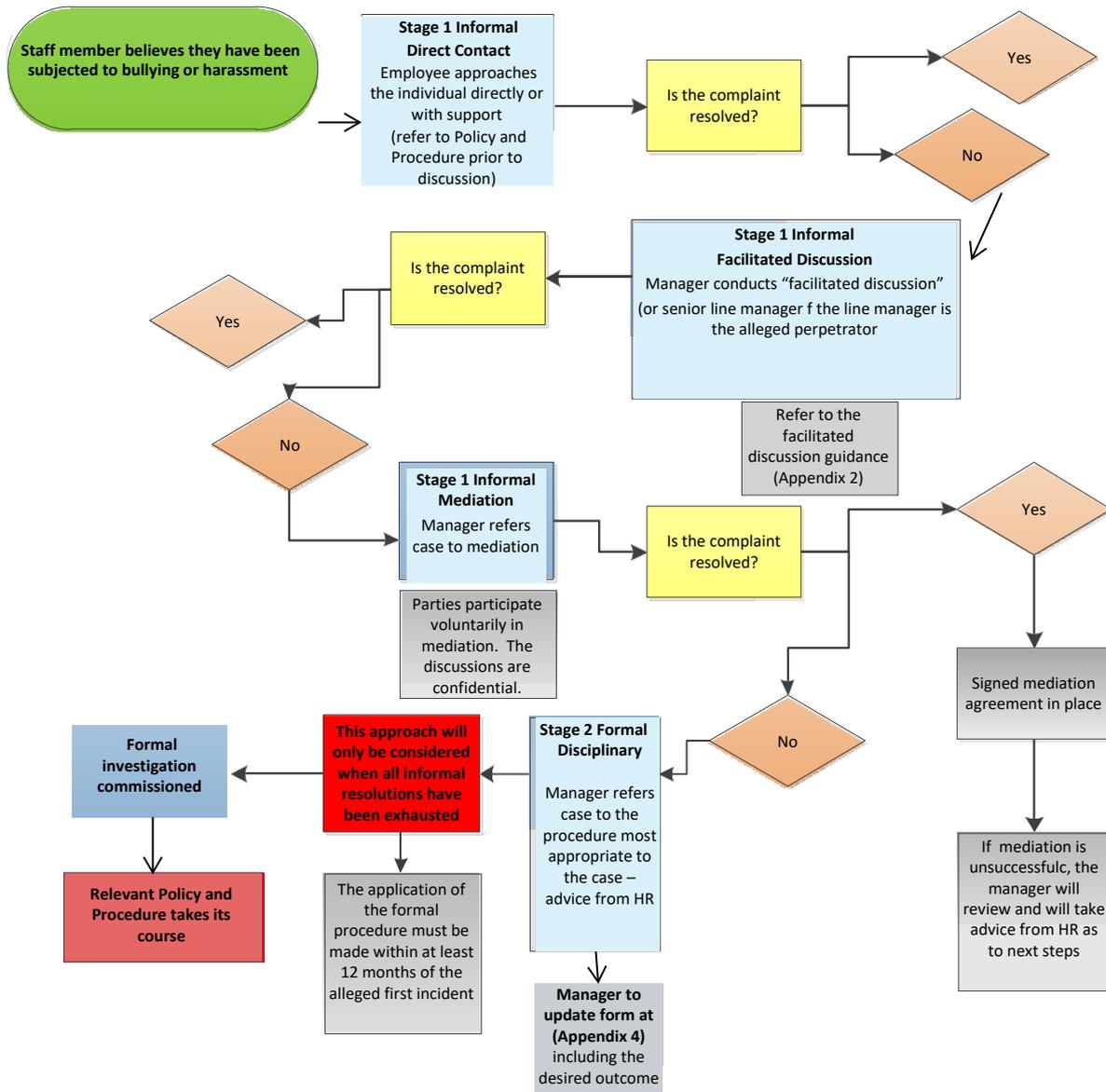
- Spreading malicious rumours or insulting someone. Where this is on the grounds of one of the protected characteristics under the Equality Act 2010, this could be unlawful.
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion, isolation, non-cooperation, exclusion from social activities available to the wider team.
- Unwelcome physical contact or sexual displays and advances – from standing too close, touching, horseplay, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected or serious sexual assault.
- Visual display of offensive material, posters, graffiti, obscene gestures including circulation of offensive emails or website links.
- Graffiti or other demeaning comments written on public documents, personal belongings, placed on notice boards or in the public domain (e.g. on social media sites).
- Use of inappropriate, offensive or discriminatory language which may or may not be directed at an individual (e.g. using it whilst talking about an incident attended) but is made in a place that is overheard by colleagues or others or in the public domain (e.g. social media sites).
- Verbal or written harassment through jokes, banter, ridicule, nicknames, offensive language, gossip etc. including text messaging, email correspondence and the use of internal or external internet message boards, chat rooms or social media sites.
- Making threats or threatening comments (either face to face, on the telephone or email, outside work or via a third party).

- Suggestive remarks, innuendos, leering, whistling or other offensive or unwanted comments about dress or physical appearance which are unrelated to the requirements of the individual's job.
- Mistreating personal or Trust property belonging to, or used by, another person.
- Deliberately undermining an employee or manager.
- Coercion ranging from the pressure for sexual favours to pressure to participate in activities within or outside the workplace which could not be reasonably expected of an employee.
- Requests for favours including implied or overt promises for preferential treatment or threats concerning present or future employment status.
- Deliberately undermining a worker by overloading, constant public criticism, setting unrealistic deadlines, constantly undervaluing effort or setting demeaning tasks.
- Public humiliation.
- Misuse of power/status.
- Swearing/shouting at an individual.
- Deliberately ignoring someone at work.
- Mimicking the effect of a disability.

Acts of bullying, harassment and victimisation are not limited to face to face interactions. This can also occur in written communications, emails, on the telephone, social media and via automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not consistently applied to other employees in the same or similar roles.

APPENDIX 2 – ‘At a glance’ Process for Dignity at Work Procedure

(requires re-work which I can direct following sign off of final Stage processes)



This flow chart omits the Stage 3 appeal and it should be included for fullness. As above, I can direct final copy production

APPENDIX 3 - Facilitated Discussion Guidelines

What is a Facilitated Discussion?

Facilitated discussions are future focused. They provide a voluntary process in which a facilitator (normally the line or senior line manager) guides participants in reaching acceptable solutions to the issues they face. The process aims neither to erase what has happened, nor to determine who is right or wrong. It provides individuals with an opportunity to step back and engage in a respectful and confidential discussion and where they can, for example:

- re-establish trust and engage in meaningful communication
- speak freely and openly about their needs, interests and opinions and understand the other's point of view
- propose viable and lasting solutions to a conflict
- negotiate the terms of a verbal agreement or achieve a common understanding

What Happens When Both Parties Have Agreed to Proceed?

Once parties have agreed to proceed with a facilitated discussion, a time, date and venue for the meeting will be communicated. Consideration should be given to the suitability and privacy of the venue. Participants will be encouraged to think about what in particular they will discuss at the meeting. The facilitator's goal is to ensure that the participants are ready to listen, understand and collaborate with one another.

What Happens During the Facilitated Discussion?

First the ground rules are set to establish a respectful environment and the parties then have an opportunity to share their experiences without interruption. Next, core issues are defined and prioritised and the parties engage in a dialogue, working through the issue(s). Each issue is explored and the parties are encouraged to be curious to understand the issues fully, including from the other person's perspective, and be both positive and creative in achieving resolution. The facilitator will assist the parties in their efforts to hold a respectful and productive conversation. The agreed solutions will be written down, signed by and shared with each party but no further.

What Happens if the Process Is Not Successful?

If a resolution is not reached, then the parties will be encouraged to participate in mediation. See [**Appendix 4**](#).

Representation

As a facilitated discussion is an informal process, aimed to achieve informal resolution, there is no right to be accompanied.

Process

The complainant's line manager or senior line manager will normally facilitate the discussion.

Prior to the actual discussion, the manager will meet with each party individually to outline the known issues and the process to be followed. They will also answer any questions the employee may have.

The discussion would generally take no longer than 1 hour (excluding breaks), unless it is agreed by both parties to continue the discussion. The purpose of the meeting is for both

parties to listen and understand the other's point of view in order to develop a mutually agreed way of working together in the future without further upset or conflict.

Either party may request a break during the discussion.

As facilitator of the meeting, the manager will not participate in the discussion other than to encourage a conciliatory atmosphere. The facilitator will ensure full disclosure of all pertinent facts through posing questions, asking for clarification and possibly summarising the issues.

Each party will be expected to conduct themselves with restraint and to respect the other person's point of view. Personal remarks and aggressive behaviour will not be tolerated.

To start the meeting, the manager will first ask the complainant to briefly state their concerns and will ask the other party to remain silent until they have finished their opening remarks.

The manager will then ask the other party to respond to the concerns as briefly as possible and remind the complainant that they then should remain silent until the other party has finished.

The manager will then ask the complainant to state what they hope to accomplish through the meeting and what they expect as a fair and just resolution.

The other party will then state their view of the complainants' concerns, explain their position and offer what they feel is a fair and just resolution to the matter.

If, after discussion, there is no agreement or insufficient compromise, the manager will ask both parties to try one more time to reach an agreement. If no agreement is reached, the matter, or remaining matters, will proceed either to mediation or the next stage of the policy as appropriate. The outcome will be confirmed in writing to the two parties but no further.

If both parties are able to reach agreement on a way forward, the manager will confirm the outcome of the discussion in writing following the meeting. This communication will be limited to him/herself and the parties involved.

APPENDIX 4 - Mediation Process

Prior to Mediation

Prior to mediation, the complainant will meet with the Mediation Service Co-ordinator, who will arrange to meet with both parties individually. These meetings will take up to one hour. This is an important meeting as it will give both parties an opportunity to meet the mediator, explain the issues being brought to mediation, and provide opportunity to explore any concerns about the process. During this time the mediator will explain their own role in the proceedings and also explain how the mediation session works.

The Mediator

All Trust mediators will be trained. The mediator will act impartially to help the parties involved, talk about their situation, exchange concerns and develop ideas about how to move the matter forward towards resolution. Their role is to hold the boundaries of the mediation so that each party has an opportunity to speak and express their concerns. The mediator is impartial and is not there to impose a solution but rather to enable the parties to explore areas of concern and to see if they can come up with solutions to move the relationship forward.

In seeking to improve the working relationship, the mediator will help the employees to focus on the future rather than the past. Where the mediator has concerns about a participant in the mediation or feels that as the mediation is progressing that the situation is 'not mediate-able', they will draw the meeting to a close. If no agreement is reached the matter will proceed to the next stage of the policy.

HR Services retain a list of trained mediators. Managers may access the services of a trained Mediator via the HR Business Partners.

What Happens in a Mediation Session?

The employee will need to allow up to one and a half hours for their one to one appointment. The mediation meeting, for all those concerned, could take up to three hours to complete. The mediation will begin with an opportunity for each participant to explain what is happening in the working relationship from their own perspective. There will be an open discussion where the mediator will help the participants to clarify the key issues and to explore ways of moving the working relationship forward.

If agreements are made, the mediator will write these down and give a copy to each participant to sign and keep. This signed agreement is not legally binding but rather an indication of the goodwill and commitment each individual has put into the mediation process.

Furthermore, if the problem persists and this affects the employee, team or service, management action may still have to be taken. This may include re-visiting the original mediation agreement or moving to the formal stage 2 process.

Representation

As mediation is an informal process, aimed to achieve informal resolution, there is no right to be accompanied.

APPENDIX 5 – PRIVATE & CONFIDENTIAL - Dignity at Work Monitoring Form

To be completed if a dignity and respect matter is being dealt with the formal Stage 2 Dignity at Work procedure

Please send the completed form to the Human Resources: yas.hrservices@nhs.net

Part 1: Details

Team/Directorate	
Name of individual making the complaint	
Job Title (of individual making the complaint)	
Tel number	
Email address	
Line Manager or Senior Line Manager if Line Manager is subject of the complaint	
Job Title	
Tel number	
Email address	
Name of alleged perpetrator	
Job Title	
Team/Directorate	
Details of specific incident(s) with date(s) (please ensure this is fully detailed within this section)	
Any informal action previously taken (e.g. stage 1)– when, what and by whom (please provide details)	
What remedy are you seeking to resolve this complaint for you? What action do you think management should take?	
Signature of complainant	I certify that this is a true and accurate version of events:
Date of signature	

Part 2: For completion by HR

Has a decision been made on who will lead the investigation of the Stage 2 formal complaint? <input type="checkbox"/> No/ <input type="checkbox"/> Yes (if yes, please provide name and job title of the individual):
Date allocated to investigation lead:
Findings of investigation lead (for population at completion; additional sheets or correspondence may be appended)

APPENDIX 6 – PRIVATE & CONFIDENTIAL - Dignity at Work Appeal Form

To be completed if dignity and respect matter is being dealt with at the Appeal Stage 3 of the Dignity at Work procedure

Please send the completed form to the Human Resources: yas.hrservices@nhs.net

Part 1: Details

Team/Directorate	
Name of appellant	
Job Title (of appellant)	
Tel number	
Email address	
Manager who led the Stage 2 formal Dignity at Work process (Name and Job Title)	
Outcome of the Stage 2 formal Dignity at Work process (summarise and provide relevant dates and/or append any associated correspondence)	
How did the Stage 2 process or outcomes fall below your expectations and what specifically are you appealing about?	
What remedy are you seeking to resolve this appeal for you? What action do you think management should take?	
Signature of appellant	I certify this is my understanding of the formal Stage 2 process and how I believe it fell short of my expectations:
Date of signature	

Part 2: For completion by HR

Has a decision been made on who will deal with the Appeal? <input type="checkbox"/> No/ <input type="checkbox"/> Yes (if yes, please provide name and job title of the person dealing with the Appeal):
Date Appeal allocated to the above person:
Findings of Appeal manager (for population at completion; additional sheets or correspondence may be appended)