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1	Org/Role	Individual	Section <i>(some pg no's different in final policy doc)</i>	Comment	Suggested Amendment	Comments from Business Partners/ HR Advisers
2	General					
3	MLC	Tony Wild	General	Robust and practical. Very familiar with this type of document having worked in the Finance Sector for 34 years.		Noted
4	Headteacher Castle Rushen High School	Andrew Cole	General	Thank you for providing us with the draft consultation, which I have read and noted with interest. In my personal view it is a well planned, robust and clear policy with a good level of guidance attached. I think it has much to commend it and could form the basis of simplified, clear guidelines for use in a place of work, including schools such as this one and also including use with students of the school and their parents (e.g. to inform our school council's anti-bullying protocol).		Noted
5	MEA	Mark Mellon	General	I am responding to your email to Chief Officers dated 30 January 2014 relating to the above matter, Mr King has asked me to respond on his behalf. The policy and guidance document is comprehensive and provides a pragmatic way forward for dealing with fairness at work issues.		Noted
6	Private	Individual	General	I support the revised Policy and it is clear that a lot of effort has gone in, and research carried out, in order to produce it as it is a very good document. However, I do have a few comments regarding the content. <i>(These comments are included in the relevant sections below.)</i>		Noted
7	MHK	Bill Henderson	General	In general the document seems to be comprehensive and well laid out. All the principles have to be supported. Overall an excellent document.		Noted
8	MHK	Bill Henderson	General	One point of the bullying and harassment I am concerned about is the situation of the psychological bully/harassment scenario, where a staff member is subjected to very subtle forms of pressure, such as being given the anti-social shifts all of the time, holiday requests being unfairly refused and being 'spoken to' in front of other members of staff.		Such instances which can be substantiated and are not a subjective perception would be 'unfair' and could be challenged under this policy. See 2.1.1 'Managers' bullet 2 and Appendix D 3. To be included in Training.
9	Private	Individual	General	May I firstly congratulate the team involved in producing a considered and forward looking document. As someone who had an accusation of bullying over 10 years ago, when there were no protective policies where my health and professional status were compromised greatly, I value the progress that has been made.		Noted

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1	Private	Individual	General	There are two areas where I (and others) have experienced unfairness that are sensitive and difficult to account for that I wish to express. (i) Discrimination against 'manxness'. In meeting and discussions it is often stated that all the problems result from Manx people being backward, stupid, isolated and politically and socially unaware, and the new people know all the answers and see it clearly. The speaker often means "people who make up the community of the Isle of Man" not Manx people. The Manx people in the room are always in the minority and rarely challenge this. As a Manx person and a reflective individual, I am more than aware of problems and looking for effective solutions, however I feel if the word Muslim, black or obese people were substituted it would be deemed unacceptable. (ii) Favour given to the traditional family. Childfree people are still expected to stand back and allow people with children to get the pick of prime holidays and events. We understand that this is a life stage that needs supporting but more often this is repeated, when the same people expect the same allowances now for grandchildren. Still expecting holidays, sports days, xmas, concerts and emergency childcare for grandchildren. It is assumed that the rest of us don't have friends, neighbours, nieces and nephews who would like us to share these prime activities too. Also if your relationships are not known or made explicit in the workplace, you are expected to share extensive personal details if you want care leave, compassionate leave or bereavement support. Whereas people in recognised relationships often get leave for quite distant relatives without much justification or investigation. As more people living here are isolated from their families, those of us who are not traditional family are often the only ones who can offer support to young parents or elderly people. Many of my generation left the island in the early 1980's for work and didn't return, and those of us here are often responsible at least in the first instance before family can get here, for several non first line relatives eg aunts uncles.	I am asking that other things such as reliability, flexibility, length of service, attendance should be considered when making these decisions, not just family structure on paper. As our community is changing these are societal changes we may need to address.	(i) Discrimination in any form is not acceptable and should be challenged. (ii) The changing nature of family life, society and far flung family members have been raised twice (see next comment below) in this consultation To be discussed in Training.
10	Private	Individual	General	I would also like to discuss an area that, although doesn't really fit into the context of this policy, there is still some room for improvement. It relates to the "fairness" idea in broad terms and that is the area of favour being given to those in or with the traditional family. This is something I have experienced personally and found it to be most inequitable. Childfree people are still expected to take a back seat and allow people with children to get the best of all worlds whether it be peak holidays, events or special leave. More allowances are made for those with children and traditional families than for those without at this stage. It is assumed that those who don't fall into this category may have similar needs or requests because it doesn't appear to "fit". Also if your relationships are not known or made explicit in the workplace, you are expected to share extensive personal details if you want special leave or support. Whereas people in recognised relationships often get leave for quite distant relatives without much justification or investigation I found myself in rather a different position. As an example only, my grandma died a couple of years ago. All of her children had predeceased her leaving just us the grandchildren to assist her. The one living nearest being estranged to her and not involved at all. When she died, myself and my cousin (neither of us living nearby) found ourselves having to arrange a funeral and clear her council bungalow as well as the actual grief process itself. We were given a very short period by the council to clear the property. I needed 5 days to go off island, help my cousin sort out the details of the funeral which couldn't be done at a distance, clear the house, sort out her affairs, attend the funeral and get myself back home and with my head straight. I had not had any special leave in the previous 4 years at all. I was offered 1 day! I had to fight and argue and was granted 2 days and told to take the rest as leave or flexi. By comparison, in the same organisation a married colleague was granted 2 days special leave to attend a funeral of one of their spouse's relatives (and not a close relative either).	These sort of issues with traditional v non traditional families need to be addressed by a forward thinking organisation. I thought this may be a useful time to share a potential issue for the future although as I said it doesn't necessarily fit with "this document" itself.	See above discuss in Training
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12	Private	Individual	General	1. The Draft Policy, to me, is not easy to read. It continually refers you to other sections or appendix's which makes for interrupted flow when reading. One of the more complex examples of this is: 4.1 "Members of staff who believe that they have been subject to inappropriate behaviours, such as discrimination, harassment or bullying (See Section 2 'Promoting Positive Relationships at Work' and Appendix A for 'Definitions') may complete the relevant section of the Pro Forma (Appendix I) or write a letter to raise a complaint formally. (The Pro Forma is also available to download as a Word document on the HR Policy website: http://www.gov.im/hr/hrpolicies.xml - Fairness at Work web page to be uploaded) Guidance on the procedure for lodging a formal complaint is set out in Appendix G."		Noted - Simplified text to improve ease of reading
13	Private	Individual	General	Having to resort to making a complaint under either Policy is not an easy task. As a complainant/victim you are already feeling undermined and vulnerable and I should imagine that, once they are aware of the complaint, the respondent is also confused and anxious. Even though on the outside you put on a brave face the situation does have an effect on you. Part of the healing process, for me, was being able to read in black and white that I had been unfairly treated along with being able to see how the author had reached their conclusions. I am concerned to read that in the Draft Policy the proposal is that: "The investigator will produce an objective report for the Line/Designated Manager i.e. the manager who commissioned the investigation with a summary of the findings to the complainant and the respondent." This draft policy proposes that neither the complainant nor the respondent can see the full report and conclusions. This brings about the question what is there to hide? – in Court proceedings the Judges decisions are fully reported to all parties and the same at Tribunals. Why should the complainant and respondent not be privy to the full facts? 3. Furthermore, by not having a copy of the full Report how can either party fully understand how any conclusions have been established and thus be "satisfied that their complaint has been treated seriously in accordance with" the "policy"? Therefore, how can either party produce a full and detailed response to the findings if they wish to Appeal the decision as provided for at point 5 of the Draft Policy.		An internal investigation or hearing is not a court or legal proceeding. The issue of who can see what is always a thorny issue requiring consideration of the protection of third party information under data protection legislation. The 'objective report' will ensure that data protection requirements are observed. A full report with witness statements will be available if the matter goes to disciplinary, but not if the matter is found to be 'unfounded'. See Appendix G 11. iv. (If an individual made a subject data request they would get a copy of the report with any third party information redacted)
14	Private	Individual	General	1. Even though the findings of the Investigating Officer into my complaint were dated 6th September 2013 I am still waiting for a meeting to finalise the complaint to advise me as to what action – if any - has been taken. I note that in both Policies a timescale of 4 to 6 weeks is put on the investigating officer to complete their investigation. However, in neither Policy is a timescale put on the line manager or designated manager to finalise and draw to a conclusion the complaint. It is now coming up to 6 months since the Report for my complaint was produced This lack of finalisation of a complaint cannot be seen to be indicative of a healthy work environment and cannot be fair to either party.	When a timescale is put on the investigating officer why is no timescale placed on the line manager?	See Appendix G 11.iii.change to include 10 working day turnaround time.
15	Private	Individual	General	I have just read the draft Fairness at Work Policy. It's an excellent document and so much better than the previous policy.		
16	Private	Individual	General	Firstly, it's good that this is being looked at. I think the approach is considered and forward thinking and certainly makes some improvements. I found myself in the awful position of being bullied some years ago now and, at that time, although there were policies and procedures they were still relatively new and I don't think they were as helpful as this is looking to be.		
17	DCCL	Sian Christian	General	I can confirm that no comments were received in respect of the policy by the deadline requested.		
18	Private	Individual	General	A good Policy: clearly structured and what is/is not acceptable is clearly set out. This Policy would have made a big difference at Nobles Hospital if it had been in place over the last 5 years. It is an improvement on the current policy.		

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19	Private	Individual	General	The Council of Ministers' Agenda for Change document presented to Tynwald in January 2013, and referred to in Mr Callister's letter of 30th January 2013 [2014?], included a commitment to make Government smaller, simpler and less bureaucratic. Mr Bell, our Chief Minister, has stated that this "is what the public expects and that is what we are now proposing, starting at the top with the Council of Ministers". By reducing the number of Ministerial Departments, Mr Bell is clearly doing "what the public expects". How does this Draft Policy fit in with this when: i. it proposes that the investigating officer will now, on top of the full report, have to "produce a summary to the findings". How is this simpler and less bureaucratic? ii. a 25 page document has been turned into a 42 page document. How is this simpler and less bureaucratic?		Confirm date on letter was incorrect. Policy itself is 10 pages long. The balance of the document consists of Guidance to accompany the policy. Comments received in the previous consultation requested additional clarity and guidance and this was provided in the new document. As may be seen from other comments in this consultation, it appears that this guidance has generally been well-received.
20	NUT Regional Office Expert	K Flint DEC D Hassett	General	<i>(Observations from NUT Regional Office Expert in Bolton)</i> The above policy has been sent to the Regional Office. I'm sure you will already have some ideas for a response, but there are a few points that occurred to me looking through it. Generally I would make the point that the policy is very helpful, and the procedures set out will hopefully resolve any issues.	There is mention in the policy of managers bringing it to the attention of their staff, but I think it would also be worthwhile arranging training for all staff before the policy is implemented. Logistically this can raise issues, but I think it would be a worthwhile exercise.	Working in partnership the trade unions and management, with training material devised by LODD, will roll out the new policy and training across Government Departments.
21	DSC	Chief Officer	General	On behalf of the Department of Social Care – the Chief Executive has nothing to add/change to the draft policy Fairness at Work Policy and Guidance.		Noted.
22	DED	C Corlett	General	An executive summary of this fairly lengthy document would be useful.		Noted.
23	Private	Individual	1.2	Being proactive and intervening early whether raised or not. I think this is crucial. Had this been done in the circumstances I encountered, I probably wouldn't have found myself in that position at all. However, the situation was something akin to "he always behaves like that", "he always shouts and screams, it's just his way". By the time I had a problem, the monster was very big to slay!		Noted.
24	DED	C Corlett	1.2	Whilst this is an internal document it is probably desirable to set the policy in the statutory framework provided for by IOM employment law and to mention statutory protection and remedies even if in passing. These are subject to time limits which take no account of any internal resolution efforts.		This policy is an internal document focussing on promoting FAW and resolving issues that arise in this context. FAW Policy to be rolled out with a FAW Web Page (similar to Man. Sickness Absence page') which will include introductory text and weblinks to all related material/tools and legislation eg 'Promoting Equal Opps Handbook'
25	DED	C Corlett	1.3	Include agency workers?		Agency workers who are treated unfairly by Government staff would have recourse to the policy insofar as the perpetrator/s would fall within the scope of the policy. Agency workers who may be accused of acting unfairly would be subject to the internal policy and procedures of their Agency which is their employer.

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26	MHK	Juan Watterson	1.3	Whilst I am pleased that the scope of the policy covers politicians, there is a lack of clarity as to how the process works in respect of any allegations brought against them. There are, generally two types of interaction. If a member is a Minister or Member of a Department it may be more appropriate to pursue a concern in conjunction with the accounting officer to the Minister (in the case of a Member), or the Chief Minister (in the case of a Minister). Alternatively, where Members of Tynwald are accused of bullying staff in a Department, mediation may be undertaken by the Minister, but any formal complaint should probably lodged with the Tynwald Standards and Members' Interests Committee, whose remit includes "3. The Committee shall consider and report upon any matter that may from time to time be referred to the Committee by the Court, or by a Member which relates to the conduct of a Member, with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876 as amended."	I have copied in the Clerk of Tynwald with a view to his raising with the Committee how this policy can be integrated with the work that the Tynwald Standards and Members' interests committee undertakes.	See response from Clerk of Tynwald below
27	Clerk of Tynwald	Roger Philips	1.3	Thank you for referring this matter to me. There are obvious difficulties associated with the position of Members in relation to staff. I am not sure that the Tynwald Standards and Members' Interests Committee would want to involve itself closely in a staff dispute relating to the treatment of a departmental official. Members are, of course, not employees and so treatment of staff by them is difficult to categorise. The Fairness at Work Guidance will be hard to apply to Members who are not in the relevant Department.		Noted.
28	DED	C Corlett	1.3	Despite the stated intention that the policy cover a very wide range of workers, elsewhere in parts of the document the terminology reverts to using the term "employee" or "member of staff".	"Worker" (which includes "employees") may be the best term to use throughout unless there are good reasons for confining the application of some provisions of the documents to a narrower group such as employees.	Wording amended throughout to refer to 'member/s of staff' for consistency.
29	Private	Individual	1.3	This policy applies to everyone. Very important. A frustration for me at the time was that being a civil servant I had one set of policies and procedures whereas my aggressor had different policies and procedures. Even at the point of investigation, there were arguments about which should be used. Not something you want at an already difficult time.		The Fairness at Work Policy will apply to all staff employed by IOM Government. The divergence to different policies happens if the issue goes to Disciplinary/Capability when the Procedures for the individual's particular Ts and C will apply.
30	DED	C Corlett	2	Suggest expanding the list of protected characteristics but get rid of "or any other factor" which could leave you vulnerable to a worker suggesting you take a non desirable characteristic into consideration.		Amended
31	Private	Individual	2.1.1	ALL members of staff have a duty to adhere to this. I note that the document refers to ensuring that this is brought to staff attention and it is responsibility of Boards Departments or whatever to ensure they are aware. However, I don't think this is something which can be overpromoted so think every angle should be explored to ensure this message gets to all staff.		Co-ordinated training will be rolled out across Government
32	NUT Regional Office Expert	D Hassett	2.3	There is a note that the policy can apply outside working hours where there is inappropriate behaviour towards colleagues. Social outings and social media are specifically mentioned. I think it is appropriate that the policy applies in these settings, provided this is only extended to the treatment of colleagues. Experience suggests that there will need to be some specific awareness-raising around this, and people will need to have it spelt out that their actions outside work can have consequences. It may be worth pointing out that there is likely to be some negative reaction from staff towards this. There is an argument that what someone does in their own time is nothing to do with the employer, but if this includes harassment of colleagues then I believe it is appropriate for the employer to intervene, in the same way that if a pupil was harassing a teacher away from school we would expect action to be taken.		This will be included in the training mentioned above. The point you make about cyber bullying is pertinent and we will certainly consider this when we do the final review of the policy after the consultation period has closed. OHR & GTS are currently working on a new Policy on 'Electronic Communications' which will clarify what is/is not acceptable cyber behaviour. Our aim is for the EC and the FAW policy to interlink – one to clarify boundaries, and the other to set procedures for managing transgressions.

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33	MLC	Michael Coleman	2.3	My only concern with the document is Section 2.3 which would appear to replace Section 4.2.2 in the document entitled Prevention of Bullying, Harassment and Victimisation at work. Recently as part of I project I was required to interview staff at Nobles Hospital and I think I came across two inappropriate uses of this Section. In one case a number of clinicians had asked someone at Director level, outside the hospital management, to raise some of their issues with regard to patient safety that were apparently not being accepted by the hospital management. This person was "warned off" by an individual at a similar level on the telephone quoting "a grievance about being undermined". In this case the section was being used in a peer-to-peer situation. The second case involved a clinician who received a letter actually quoting Section 4.2.2. from his Clinical Director stating that they would pursue a grievance unless the clinician stopped criticising the clinical procedures being performed. In this case the section was being used by a Clinical Director against a subordinate.	I do not have a view on the specifics but I felt that the use of this Section was inappropriate and that better management should have been used. It seems to me that the Section is really designed for employee against employee or superior rather than superior against employee, or peer but in a different part of government. I am of the view that the use of this section for superior against employee should be preapproved by OHR, and its use in the second case is totally inappropriate.	The examples you quote appear to indicate a breakdown in communication and trust. The new policy ought to be robust enough to be applied in any situation for staff at any level. As suggested it would appear that better management might have prevented the issues you highlight from escalating. It is not considered appropriate for OHR to become the arbiter of when the policy may or may not be applied. To be included in training
34	MEA	Mark Mellon	2.3	My only comment concerns the (growing) challenges associated with inappropriate comments made on social networking sites.	It may be worthwhile placing more emphasis on this issue throughout the document, although I note that reference to social networking is made in section 2.3 on page 7	See Above - also to be included in training
35	DED	Chris Corlett	3 final 2 lines	Suggest caution as there may be exceptional circumstances where a local, informal approach is inappropriate.		If we include 'exceptional circumstances' we will need to define these, which will grow the policy further. The operative word is that in the first instance we should 'try' to resolve problems informally in the first instance.
36	NUT Regional Office Expert	D Hassett	3.3	Paragraph 3.3 of the policy outlines sources of support. In the same section, there is mention of informal discussions facilitated by third parties. While these may be helpful, I think there needs to be clarity on whether union reps could be invited to attend the meetings.	I would suggest that this is amended to say that people can also seek support from their trade union and from staff welfare services.	Trade Union and Staff Welfare support is listed in Appendix H. Additional guidance to clarify the mediation and facilitated meeting process will be included. The principles upon which mediation is based rests upon focussing upon reaching an agreed way forward within a private, confidential, safe and non confrontational environment. It is not a 'winner' or 'loser' scenario. For this reason it will not be appropriate for trade union representatives and /or work colleagues to attend mediation.
37	OHR	S Millar	3.4	Introduce 3.4.1 etc with a sentence eg 'Any of the following may be used:'	Change order of meetings and have 3.4.1 Mediation as the third option. Also clarify what facilitated meetings will entail - how are these to be different from mediation? Include this clarification in the Guidance notes.	Agreed - Changed order as suggested. Clarification via Guidance notes expanded as suggested clarifying difference between facilitated meetings and mediation.

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38	Private	Individual	3.4	Structured informal approach. I think this could really work in a lot of situations and this is a great addition.		Noted
39	Private	Individual	3.4.2	Meetings facilitated by OHR. Again, think this could be useful and a valuable addition to the current situation and provisions.		Noted
40	DED	Chris Corlett	3.4.2	What if someone wishes to bring an advocate?		This would not be appropriate. Internal procedures do not provide for attendance by advocates. Mediation is not attended by any external representatives
41	NUT Regional Office Expert	D Hassett	4	Section 4 of the policy refers to formal complaints.	Overall this is fine, but paragraph 4.1 should be amended to suggest that members of staff who want to make a complaint may wish to contact their trade union for support and advice. This is usually helpful to the person making the complaint, and it also helps us in supporting the member if we have been involved right from the start. It can also help the employer, as we may be able to help in writing the complaint to make it as focused as possible.	Included a sentence to refer staff to support available from TU and Contact Officers
42	Private	Individual	4.2	When considering natural justice, I presume a manager that will ultimately determine a case cannot also act as the investigating officer. If this is so, it would be helpful to confirm this within the policy as there appears to be some confusion around this principle when considering capability/disciplinary issues.		Changed first sentence in 4.2 to read: "The Designated Manager who receives the complaint will appoint an investigator to conduct a fair, independent and impartial investigation to establish the facts."
43	Private	Individual	4.2	The fourth paragraph talks about taking into account past decisions about similar cases. I agree with this approach for consistency and fairness, but is the Policy meant to refer to cases right across Government and, if so, who would hold this information (presumably OHR), who would have a right to view it and at what stage of proceedings (for example, would a person who was the subject of a complaint under the Policy be in a position to view past decisions as soon as they were made aware of the complaint so that they could understand the potential or likely consequences if found guilty)?		OHR will hold information of past decisions in which they had been involved or upon which they have been consulted. The information held by OHR would be in the form of anonymised data on a spreadsheet and would not be available for review. This Policy is trying to move away from the starting point where conflict in the work place which results in a complaint immediately sets out to identify a bully who if found guilty will be punished – the fact that a complaint has been raised should flag that there is conflict and that it is the responsibility of everyone to resolve this as soon as possible, preferably informally.

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44	Private	Individual	4.5	The fourth paragraph states 'Where investigating officers consider that a criminal offence may have been committed they have a duty to disclose the information to the Police.' Although falling under the heading of confidentiality, does this mean that an investigating officer would be required to disclose information to the Police if in the course of the investigation they considered a criminal offence may have been committed (and therefore as well as being the investigating officer the person is also making a decision based on the evidence they are collecting) or is the wording just intended to inform investigating officers that if the Police become involved they are under a duty to disclose the information they have collected as part of the investigation to the Police when requested to do so?		Both may relevant depending upon evidence ref to CS Regs re Information for guidance on best practice http://www.gov.im/lib/docs/hr/iomcs/Handbook/informationsharingprotocolsigne.pdf
45	OHR	Jon Callister	4.8/5	One of the criticisms of the BHV policy was that it had its own separate investigation, reporting and appeals procedure, which preceded any disciplinary investigation, hearing and appeal procedure. The FAW policy does the same. Did the Working Group not consider a means of minimising this bureaucracy? At the very least could we not have a procedure that if the investigation recommends disciplinary proceedings, that we move straight to a disciplinary hearing, without appeal, because the appeal can take place, if necessary, following the hearing.		See 4.7 In the event that the formal action results in the initiation of the Disciplinary Procedure, it will <u>not</u> be necessary to conduct a new investigation, the Investigation Report produced under the FAW Policy will form part of the evidence and will be presented at the disciplinary hearing by the Investigating Officer who investigated the complaint under this policy.
46	Private	Individual	4.8	Under Learning from Experience, it states that a set of anonymised case decisions may be maintained by OHR. If this was to be the case, who would be able to view the documents, when and how?		The data gathered would be in the form of statistics, the analysis of which would enable OHR to highlight any emerging trends or areas for concern. The information gathered would be for OHR only, to assist with monitoring and reviewing the effectiveness of the policy.
47	Private	Individual	6	Normalising the work situation. I think this is really important as often the situation after a complaint can feel for either party, worse than prior to it. Anything which can be done in this regard is a benefit. On a personal level for example, I had to be moved. I wasn't particularly happy about this at the time, particularly as my complaint was upheld as it felt like as the aggrieved party although the organisation accepted I had been bullied, I was the one being made to "suffer". In reality, the organisation didn't have an option, the individual concerned worked in a specialist area and I was a civil servant. However, stepping back and with the passing of time, this was actually better for me. We couldn't have worked together again, and if we had, I think the same thing would've happened again. It was better for my health and actually worked out better for my development in the long run anyhow although it was just another issue in an already difficult situation.		Included a sentence at 6. to state that it might be ultimately in the best interests if one individual is moved and that this should not be perceived as their being 'punished.'
48	Private	Individual	7	Learning from experience. Critical review is a great idea, really good to see.		Noted
49	Appendices					
50	A					
51	Private	Individual	p 14 1.iii	Imbalance of power. The targeted person will be unable to defend themselves. Not sure if I understand this. It makes it sound like bullying can only happen from senior members of staff to those in more junior positions which simply isn't the case. It may be my misunderstanding but wonder if this needs further explanation and clarity.		Imbalance of power can occur across any level - Changed the word 'will be unable to defend themselves...' to 'feels unable to defend themselves...' also clarify that it can take place at any level. see CIPD Guide p 5. http://www.cipd.co.uk/hr-resources/guides/bullying-work-beyond-policies-culture-respect.aspx Include in training.

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52	NUT	D Hassett	p 14 iii	There needs to be a minor amendment at Appendix A on bullying. Point (iii) talks about where there is an imbalance of power. In the same section there is also a definition of vexatious complaints. Whilst the definition is ok, care needs to be taken to explain that while a complaint may be made which is found to lack sufficient grounds, the complainant may genuinely believe that they have been bullied or harassed. For me the key in deciding if a complaint is vexatious is the intent. If the intent is purely or largely to cause annoyance, then the complaint should be treated as vexatious. If however the complainant wants to raise genuinely held concerns about their treatment this should not be, even if there are later found to be no grounds to the complaint. It may be worth suggesting an amendment to reflect this.	I'd suggest adding "or persons" in the first sentence so it reads "The targeted person will be unable to defend themselves against the person or persons using the negative behaviours and cannot stop the other person or persons". This just reflects the fact that bullying may be by a group of people rather than an individual.	Point i. recognises the fact that negative behaviours may be directed against a person by one or more people. Wording on 7. Vexatious Complaint changed to reflect that the 'intent was to cause annoyance.'
53	DED	Chris Corlett	p 14	Explain the difference between bullying and harassment?		See definitions in Appendix A For discussion in Training Also Protection from Harassment Act 2000 http://www.legislation.gov.uk/ukpga/2000/41/section/1
54	DED	Chris Corlett	p 14	Appropriate to distinguish bullying from assertive management here?		See Appendix B 'Management, Healthy Conflict and Bullying'
55	DED	Chris Corlett	p 15	Re. the definition of "discrimination", there are other grounds e.g. transgender, maternity. Where does this definition come from?		Noted - Included additional groups. See Equal Opps Handbook for detailed definition of Sex Discrimination
56	DED	Chris Corlett	p 15	Re. the definition of "harassment", the list of protected characteristics is not consistent with those in the "discrimination" box.		Noted - amended
57	DED	Chris Corlett	p 16	Why may a single incident constitute harassment but not bullying?		Harassment is underpinned by Protection from Harassment Act 2000- definitions relate to protected characteristics. For discussion in Training
58	DED	Chris Corlett	p 17 Glossary	Re. the glossary, the term "deciding manager" is also used in this document. Further, there may be confusion between "deciding manager" and "designated manager". See also use of these terms on pages 38, 39 and 42.		Changed to 'designated manager' for consistency
59	MHK	Juan Watterson	p 15 3	I am concerned at the pre-emption of draft legislation that has not received any form of agreement by the legislature. I am particularly concerned at the adoption of "protected characteristics" which may be considered to unreasonably limit the areas of bullying or harassment that may be experienced by an individual.		Noted - for possible review once legislation is in place or if the need for review is identified once policy is in use.
60	DED	Chris Corlett	p 21	There are other possible types of harassment e.g. on ground of sexual orientation		Noted - Included additional types of harassment
61				Appendix B		
62	DED	Chris Corlett	p 21	do you mean to talk about "employees" or the wider group "workers"?		Amended - Consistent term used 'member/s of staff'
63				Appendix C		
64	DED	Chris Corlett	p 23	Key principles – as previously stated, informal resolution may not always be appropriate.		Principles do state 'whenever reasonable...'

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1	Org/Role	Individual	Section (some pg no's different in final policy doc)	Comment	Suggested Amendment	Comments from Business Partners/ HR Advisers
65	DED	Chris Corlett	p 28	The paragraph is in need of some rewriting.		Sentences transposed - error rectified
66				Appendix F		
67	Private	Individual	p 29	xi states mediation is not possible if 'violence or aggression may have taken place' [own emphasis added]. Considering different levels of violence or aggression, and also the fact that there would be no guarantee that violence or aggression had taken place, is ruling mediation out on the grounds that something may have taken place not premature?		Following advice from Staff Welfare - removed this exclusion.
68				Appendix G		
69	DED	Chris Corlett	p 30	Formal complaints etc. – think it would be useful to the refer Code of Practice on Disciplinary and Grievance procedures 2007 (published by the former DTI) and the statutory right of accompaniment under the Employment Act 2006. The internal procedure should be in compliance with these		COP refers to the right to bring a 'companion' to grievance/disciplinary hearings - this is clarified in no 4 App G as a TU or professional organisation rep or fellow work colleague. COP will be included on Web Page for additional guidance.
70	DED	Chris Corlett	p 30	Consider whether, members of staff, employees , workers etc. is appropriate.		Member/s of staff' for consistency
71	Private	Individual	p 30 1.ii.	Is the period of up to 3 months to make a formal written complaint not excessive? This would seem a long period of time when considering the issues the Policy intends to address and when considering natural justice again would memories of matters not have faded by the time such matters were eventually investigated? When it takes so long to lodge a formal complaint, I would imagine the only person likely to have kept detailed file notes of any informal discussions or actions (especially if they were verbal discussions only) up to that stage is the complainant and therefore the person who is the subject of the complaint may possibly be at a disadvantage when the investigation is held?		A complainant may already have tried to resolve this via informal means; it is considered that 3 months is a reasonable length of time to allow for the informal process. If the complainant was not satisfied with the outcome of the informal route, they could then pursue the formal process. This time scale reflects current practice.
72	DED	Chris Corlett	p 32	4 -6 weeks – rather long?		The time scale is accepted practice based on existing experience externally and internally - In practice it is often difficult to find an investigating officer/ one or other party may be off work sick/ on leave etc
73	Private	Individual	p.32 6.ii	The documents states that in 'certain specific circumstances' it may not be appropriate for the Investigating Officer to be from another section or division of the same Department. What are the 'certain specific circumstances'?		Changed 'appropriate' to 'practicable' and deleted 'specific'. The sentence now reads 'In certain circumstances' it may not be practicable for the Investigating Officer to be from another section or division of the same Department. 'Certain circumstances' might be if the Department was very small and there was no one who had not been involved in the matter.

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1	Org/Role	Individual	Section (some pg no's different in final policy doc)	Comment	Suggested Amendment	Comments from Business Partners/ HR Advisers
74	Private	Individual	p.32 6.ii	Following on from the above, would it not be better for the Investigating Officer to always be from another Government Department to try and eliminate any favouritism or prejudice from being shown?		Investigations should be dealt with at the most local level possible; an understanding of the environment etc can assist a speedy resolution - also possible learning for the Department.
75	Private	Individual	p.32 8.i	On the 8th line, reference is made to consultation by the Accounting Officer. Who would the Accounting Officer have to consult with?		Changed the last sentence in 8.i to read: 'At the discretion of the Accounting Officer and after consultation with the individuals concerned, consideration may be given to temporarily transferring either the respondent or the complainant to enable a complaint to be investigated.'
76	NUT	D Hassett	Appendix G p 32 para 8	There are a couple of areas that may need altering in Appendix G, which deals with investigating complaints. The first is paragraph 8, which mentions suspension during investigations. In principle this is fine, but I'd suggest including a statement that suspension is a neutral act and does not imply guilt. In the same paragraph, it is suggested that in extreme circumstances complainants may be represented in their absence by their trade union. Personally I'm never comfortable representing members in their absence, as there is a limit to how much we can say, and a risk that the member will say we should have argued differently. I know other people have a different view however, so to cover everyone it might be worth adding something to say that complainants will only be represented in their absence with the agreement of the union concerned and the complainant.		2 x Additions included as suggested. App G 8.i. and iv.
77	Private	Individual	P33 9.i	In relation to the statement 'This means account will be taken of decisions made in conducting similar investigations in IOM Government', the same questions are raised as per the latter comments above in respect of Section 4.2, page 10. If only the investigating officer was able to take into account decisions made in similar investigations, what comfort would be provided to the defendant that the investigating officer had considered all similar investigations and furthermore that the approach had been consistent? Is it intended that full disclosure of all documents considered would be given to the defendant (and possibly complainant) as well?		Deleted this sentence to ensure that investigations are not influenced by other investigation outcomes.
78	GOA	Janice Skinner	p33	Just off the back of a workign group meeting re the FAW policy, I think it would be an idea to promote the creation of a 'suspension policy' for incidences where employees are suspended, for whatever reason. Anecdotally, I have dealt with cases where individuals have been on suspension and that the process around it as well as the suspension itself has had a really detrimental effect on their mental health. There needs to be some recognition from the employer that they have a duty of care in these instances and a process put in place that will support the individual who is suspended, particularly if that suspension period (and they can be lengthy) could be put to better use for both the individual and the organisation by moving the individual into an area where they can continue to work (even another Department) and continue to provide something in return for their full pay. The use of Welfare could be promoted at the time of the suspension also. Lots of issues to iron out on this one but one I truly believe is worth pursuing. I will discuss this issue with my colleagues at the next GOA Executive Committee meeting and feedback further.		Requirement for a 'Suspension Policy' to be reviewed.
79	Unite	Liz Kewley	p33	As an organisation we really do need to have a look at the Suspension Policy and what follows on after it .		See above - to be reviewed

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1	Org/Role	Individual	Section (some pg no's different in final policy doc)	Comment	Suggested Amendment	Comments from Business Partners/ HR Advisers
80	Private	Individual	p34 11.i	The Policy states 'Where there is alleged misconduct, the relevant disciplinary procedure will be followed'. The Policy does not make it clear whether or not the relevant disciplinary procedure should start immediately or only after the time allowed to appeal has lapsed. If an appeal is lodged, would the relevant disciplinary procedure be stayed pending the outcome of the appeal?		To clarify this sentence amended to 'Where there is alleged misconduct, the relevant disciplinary procedure will be followed immediately.'
81	Private	Individual	p34 11.iv	Why would the full investigation report not be shared with the parties whatever the outcome the investigation? Presumably either of the parties could request disclosure of the documentation under the Data Protection Act and therefore it is available to them. Furthermore, without being provided with a copy of the full investigation report is an individual not slightly in the dark when considering whether or not to appeal the decision made?		Subject Data Access request could only be made in respect of the individual themselves. Any third party information would be redacted.
82	Private	Individual	p34 12.i	What is the definition of senior managers referred to in the first bullet pointed paragraph – is it SEO grade and above?		The Policy is applicable to all public sector workers and it would not be appropriate to specify grades.
83	Private	Individual	p34 12.i	How will the hearing be conducted? If a person did not wish to attend, can the matter be considered on papers submitted alone?		No, Papers alone would not allow for any discussion or clarification on the part of the parties.
84	DED	Chris Corlett	p 34	Appeals, first bullet point, – are the 3 senior managers from the Department? Should there be any exceptions to the 5 working days? 4th bullet point, must the decision be unanimous or is a majority decision permissible?		Included additional text to clarify. Discuss in training
85				Appendix H		
86	DED	Chris Corlett	p 36	The Trade Disputes Act (1985) is for collective disputes between an employer and workers not disputes between an employer and an individual worker.	Nevertheless MIRS can offer conciliation, arbitration etc. where there is a dispute between an employer and an individual worker.	Deleted Trade Disputes Act phrase and included conciliation/arbitration.
87	Private	Individual	p 36	Other Sources – although GPs are included on the list, and you would hope common sense would not see individuals wasting GP's time, should this be qualified a bit further within the Policy to say something along the lines of 'where the matter is having an adverse impact on your health, you may wish to discuss the situation with your GP'?		Included sentence as suggested.
88				Appendix I		
89	DED	Chris Corlett	p 37	Consider whether, Members of staff, employees, workers etc. is appropriate.		Member/s of staff' - consistency
90	Private	Individual	p 37	Name of Person who will accompany X to meetings (if known) Who is this person accompanying to meetings, presumably it is the person to whom the complaint has been made?		No, it is the name of the trade union representative or work colleague. Amended box to read 'Name of trade union representative or workplace colleague who will accompany you to meetings (if known)'
91	Private	Individual	Appendix I p 38	Remove sentence 'I understand that making a malicious or vexatious complaint will mean I may become subject to disciplinary action myself.'	Remove this sentence as it is not necessary - already in the FAW Policy, restating it unnecessary.	Sentence removed.
92	DED	Chris Corlett	p 40	Should the form be completed by the Chair? Should the form refer to "my decision" or "our decision?"		Section 8 text amended to clarify.

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1	Org/Role	Individual	Section <i>(some pg no's different in final policy doc)</i>	Comment	Suggested Amendment	Comments from Business Partners/ HR Advisers
93	Private	Individual	p 40 S9	What if the individual refuses to complete Section 9?		Refusal would be noted – no further action would be taken.
94	Private	Individual	P 40 S11	The model letter sets out details of the witnesses that will be interviewed. Is there not a risk that in setting out the details witnesses could be influenced before they are interviewed?		This model letter was taken from the existing B&H Policy – wording to remain in order to ensure transparency.
95				Appendix J		
96	Private	Individual	back pg	It would be really useful if there were more examples for each situation illustrated in Appendix J Flowchart, from early action – resolution/appeal – outcome overruled and decision revised, together with the appropriate completed pro forma form/model letter with bogus names		When the new Policy is rolled out across Government training will be provided which will provide examples as suggested.
97						
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