

Dignity and Respect at Work Policy

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1. Scope

- 1.1 This policy applies to all employees, contractors, agency staff, Trade Unions and anyone else engaged to work at Harrow Council, whether by direct contract with the Council or otherwise.

If the complainant or alleged harasser is not employed by the Council e.g., if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that Harrow Council could not dismiss the worker but would instead make a decision to terminate the contract and require the agency to remove the worker, if appropriate, after investigation and appropriate proceedings.

- 1.2 The Council is committed to protecting the dignity and equality of opportunity for all employees at their place of work and will treat seriously all complaints of discrimination, bullying, victimisation and harassment.

This policy covers discrimination, bullying, victimisation and harassment in the workplace and in any work-related setting outside the workplace (including working from home), for example business trips or any work-related social events in each case insofar it relates to a protected characteristic referred to in the Equalities Act 2010.

- 1.3 This policy seeks to create a work environment free of discrimination, harassment, victimisation and bullying, where everyone is treated with dignity and respect.

- 1.4 The purpose of this policy is to encourage a working environment in which discrimination, harassment victimisation and bullying are always unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly.

Complaints will not be ignored but investigated swiftly and confidentially ensuring the rights of all are protected. This responsibility applies to all managers of the council.

2. Our commitment

- 2.1 Discrimination, harassment, victimisation and bullying can have very serious consequences for individuals and Harrow Council as a whole:

- Discrimination, harassment, victimisation and bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide.
- Effects on the organisation can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the reputation of the organisation.
- Any employee culpable of discrimination, harassment; victimisation or bullying may face disciplinary action, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected.
- Harassment may be a criminal offence.

- 2.2 Harrow Council recognises it has a duty to take reasonable care to protect all employees health and welfare and to provide a workplace free from harassment.
- 2.3 Harrow Council will not tolerate bullying and harassment of any kind. All allegations of discrimination, harassment, victimisation and bullying will be taken seriously and investigated. If appropriate, disciplinary action will be taken.

3. **What is discrimination, harassment, bullying and victimisation**

3.1 **Discrimination**

Types of discrimination

- 3.2 Direct discrimination is where a person is treated less favourably than another because of one of the following:
- Age
 - Disability
 - Gender Reassignment
 - Marriage and Civil Partnership
 - Pregnancy and Maternity
 - Race (which includes but not limited to colour, nationality and ethnic and national origins);
 - Religion or Belief
 - Sex
 - Sexual Orientation
 - (collectively "**Protected Characteristics**" insofar as set down in the Equalities Act 2010 or any amendment thereto).
- **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant Protected Characteristic such that it would be to the detriment of people who share that Protected Characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.
 - **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a Protected Characteristic.
 - **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular Protected Characteristic when they do not, in fact, have that Protected Characteristic;

3.3 **Harassment**

In the Equality Act 2010 harassment is defined as 'unwanted conduct related to a relevant protected characteristic (sex, disability, race, gender reassignment etc.), 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'.

3.4 **Victimisation**

Victimisation is subjecting a person to a detriment, as perceived by that person, because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or

given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload or otherwise less work.

3.5 Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, belittle or injure the recipient. Some examples of bullying behaviour are:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical of someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment

4. How discrimination, harassment and victimisation can occur

4.1 Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person.

Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

4.2 Behaviour; depending on the circumstance of the event; which any person; would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g., sexual touching.

4.3 It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases; depending on the circumstance of the event; first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the individual's behaviour and conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

4.4 Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a Protected Characteristic.

4.5 Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated.

4.6 There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their line manager who will take appropriate action.

4.7 Discrimination, harassment and victimisation of customers, suppliers, vendors or visitors or others will appropriately be considered under this policy.

- 4.8 A single incident can be harassment.
- 4.9 Provided that complaints are made in good faith, i.e., the complainant genuinely believes that what they are saying is true, individuals have a right not to be victimised for making a complaint and Harrow Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised the complainant.
- 4.10 Making a complaint that is known to be untrue, or giving evidence that is known to be untrue, may lead to disciplinary action being taken against individuals concerned. Please see section 12.
- 4.11 All discrimination, harassment and victimisation is misconduct and is a disciplinary offence which will be dealt with under Harrow Council's disciplinary policy.
- 4.12 Discrimination, harassment or victimisation will constitute unlawful discrimination where it relates to one of the Protected Characteristics.
- 4.13 Serious discrimination, harassment or victimisation may amount to other civil or criminal offences, e.g., a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

5. Examples of discrimination, harassment or victimisation

Discrimination, harassment and victimisation is misconduct that is physical, verbal or non-verbal.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g., promotion, access to training;
- threats for rejecting sexual advances;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic;
- jokes about, or the derogatory treatment of staff because of their physical appearance or cultural background, racist name calling, discriminatory remarks which cause a member of staff to feel threatened, racially motivated behaviour which interferes with job performance or creates a threatening work environment.
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g., magazines, calendars or pinups; spreading malicious rumours or insulting someone;
- ridiculing someone;

- unfair treatment of an employee subjected to an unfounded/malicious allegation;
- isolation or non-cooperation at work;
- making vexatious, malicious and/or unsubstantiated claims regarding colleagues and managers abilities or conduct; and
- excluding someone from social activities.

6. What is Not “Bullying” “Victimisation” “Discrimination” or “Harassment”?

- 6.1 The distinction between a manager who is firm but fair and a manager who is harassing and bullying employees is an important one.
- 6.2 As part of the everyday management process, managers are required to provide employees with feedback concerning their performance, for example, conduct and punctuality. If any of these areas have been unsatisfactory, the feedback may be critical of the employee concerned. If criticism is delivered in a constructive way it can be beneficial to the employee, providing them with the opportunity to reflect on their behaviour and make any necessary improvements.

Destructive criticism on the other hand can have a detrimental effect. Therefore, it is essential that when feedback is given it is specific and examples can be given.

Constructive criticism will focus on:	Destructive criticism may involve:
<ul style="list-style-type: none"> • Actions and behaviours, focusing on what the employee has or has not done • Facts with specific examples of behaviour that has been inappropriate, and an explanation of why it was not appropriate • Future improvement, for example requiring the employee to do something differently or make changes 	<ul style="list-style-type: none"> • Aggressive behaviour, such as shouting/ yelling; • Personal insults or put downs; • Allocating blame rather than responsibility.

- 6.3 Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

7. Responsibilities and Accountabilities

We all have a responsibility to create and maintain a work environment free of bullying, discrimination, harassment and victimisation. You can do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking" / partaking in "workplace banter";
- having regard for and treating an informant respectfully and that they do not suffer any detriment;
- treating your colleagues and all employees with dignity and respect;
- taking a stand if you are of the opinion inappropriate jokes or comments are being made;

- making it clear to others when in your opinion you find their behaviour unacceptable;
- interceding, if possible, to endeavour to stop discrimination, harassment or victimisation and giving support to recipients; and / or
- reporting discrimination, harassment and victimisation to your line manager or human resources and supporting the investigation of complaints; and in each case, not prejudging or victimising the complainant or alleged harasser.

7.1 Corporate Management Team's Responsibilities

- Responsible for setting the standards and role modelling the behaviours it expects of its employees and for promoting a culture in which employees treat others with dignity and respect and are protected from bullying, harassment, discrimination, or victimisation.

7.2 Employees also have a responsibility to:

- ensure that they are fully aware of and adhere to policies and procedures relating to acceptable conduct;
- not to harass or bully other colleagues.
- bring the matter in relation to harassment or bullying to the attention of their manager.
- Ensure that complaints are made in good faith
- Ensure that complaints are made in good faith.

7.3 Managers

Where possible, attempt to resolve any disagreements with colleagues informally in the first instance. Managers have a responsibility to:

- set a good example by their own behaviour
- ensure that there is a supportive working environment;
- maintain the confidentiality of and to ensure the continued wellbeing of an informant;
- make sure that staff know what standards of behaviour are expected of them;
- take immediate action to stop bullying, discrimination, harassment and victimisation; whether or not a complaint has been made and provide support to the employee.
- ensure any unfounded/malicious allegation is dealt with under the [Disciplinary Policy](#); and
- report promptly to human resources any complaint of bullying, discrimination, harassment or victimisation, witnessed by them and/or made known to them.
- Allegations of bullying and harassment received either informally or formally through this policy must be taken seriously and dealt with promptly and sensitively.
- Not to harass or bully staff.

7.4 Trade Unions

- Trade Unions have a responsibility to behave in ways which support a working environment that is not intimidating.
- Trade Union should play their part in making the Council's policy a reality and be prepared to take appropriate action if they observe or have evidence that someone else is being bullied or harassed.
- Ensure that complaints are justified and made in good faith.

- Trade Unions should not harass or bully other colleagues, managers and employees.
- To help inform the workforce of the policy and to encourage employees who may have problems, to use the facilities and support mechanisms available within this policy.
- To advise members of their rights and responsibilities under the policy and to be available to represent individuals at appropriate meetings.
- Provide feedback on any concerns experienced with regard to compliance with this policy.
- Where appropriate, to work in partnership with Managers to address issues which are raised under this policy

7.5. Human Resources

- Human Resources and Organisational Development has responsibility for the implementation of this policy and coordination of an appropriate communication/ training strategy together with ensuring that appropriate monitoring arrangements are in place.
- Advising Managers on the fair and consistent application of this policy.
- Reviewing any incidences of bullying and harassment and initiating action as appropriate
- Reviewing and amending the policy and relevant documentation as necessary
- Initiating awareness raising when policy is reviewed.
- To liaise with HR colleagues in other relevant organisations in cases involving individuals from a separate organisation.
- Not to harass or bully staff.

7.6 Wellbeing and Dignity Champion

- A Wellbeing and Dignity Champion is an employee of the Council who has undertaken specific training to assist fellow employees who may be experiencing bullying, discrimination, victimisation and or harassment. This training includes counselling and listening skills.
- The role of the Wellbeing and Dignity Champion is to provide guidance as to the professional support available to the employee.
- Provide feedback to the HR Teams in relation to any concerns experienced with regard to compliance with this policy.
- Not to harass or bully staff.

8. How to raise concerns

- 8.1.1 In the event that an individual considers that they are experiencing bullying, discrimination, harassment and victimisation they have a number of options open to them.
- 8.1.2 Employees can seek advice from a Trade Union representative, fellow employee, Wellbeing and Dignity Champion, from their line manager, any other manager at the Council, from a member of the HR Equality Diversity and Inclusion (EDI) Team or from a member of the other HR&OD Team;
- 8.1.3 In the event an employee feels confident to do so it may be possible to resolve matters informally as follows:
- The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.
 - The employee should tell the person what behaviour they find offensive and unwelcome and say that they would like it to stop immediately.

- The employee may want to add that, if the behaviour continues, they intend to make a formal complaint to their manager or human resources.
- It is recommended that a note is made of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and the employee wishes to make a formal complaint.

8.1.4 Employees can also raise concerns in confidence with the HR Employee Relations team or the HR EDI team.

8.2 Raising Concerns Confidentially

- We hope staff will feel comfortable raising their concern openly, but we also appreciate that staff may want to raise it confidentially.
- Issues in relation to individual concerns should be raised with a member of the HR or EDI team. Support will be provided in dealing with your concerns.
- Concerns by more than one member of staff in relation to issues regarding a Team/Service area/Directorate e.g., a team culture of harassment or bullying can be raised with the EDI team. This means that employee's identity will be known to members of the EDI and or the HR Team.
- Staff identity will be kept confidential until a formal or agreeable process/actions to deal with the issues raised or unless required to disclose it by law (for example, by the police).

8.3 Mediation

Mediation may be used to address concerns if considered appropriate by the manager and it is agreed by all parties to the complaint. Mediation is a voluntary process. A trained mediator meets both parties individually before advising on next steps of the mediation process.

Mediation is not appropriate in all circumstances and works most effectively when both parties are open to an effective and workable resolution to a dispute. An agreement comes from those in dispute, not from the mediator.

8.4 Stage I – Informal Action

8.4.1 In the first instance the line manager, after seeking advice from HR, should try and resolve the matter informally. Separate meetings should be convened with both parties. In the case of a bullying or harassment allegation it is inappropriate that both parties meet to try to resolve the situation until investigations have been conducted and conclusions drawn.

8.4.2 If, and only if, it is agreeable to the complainant, it may be helpful for an EDI/ HR Representative to facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent about the offending behaviour.

8.4.3 A formal complaint should only be considered as a final option if the unacceptable behaviour begins again or in exceptional circumstance where the nature of the incident(s) warrants a more formal approach.

8.4.4 The HR team will help to resolve difficulties by providing independent confidential advice and support. Intervention such as mediation or counselling can be provided at any stage in the process.

8.4.5 By choosing an informal resolution or mediation an employee does not prejudice their right to have a complaint investigated and considered formally should the issue not be resolved and the behaviour continues.

The manager should speak to the complainant and the individual who is allegedly displaying unacceptable behaviours separately, within 5 working days of concerns being raised to them by the complainant. The manager should advise the individual that their behaviour is currently being perceived, by a colleague, as upsetting or offensive and should clearly discuss and explore the following:

- The behaviour is that is of concern.
- Whether the behaviour contravenes the Dignity and Respect at Work Policy.
- How the complainant is feeling as a result of the behaviour.
- The individual's perception of the situation.
- The required standards of behaviour.
- The likely consequences of continuing the behaviour.
- How the situation will be monitored.

8.4.6 A note to file must be provided by the line/investigating manager, following the conclusion of the informal stage of the procedure. This should include notes of correspondence, meetings/discussions, and resolution(s).

8.5 Formal procedure

8.5.1 In the event an employee lacks confidence to deal with the matter informally and/or if an informal approach does not resolve matters, or it is felt that the situation is too serious to be dealt with informally, then an investigation will be conducted in line with Harrow Council's [Grievance Procedure](#):

- The complainant or their manager should refer the matter to HR and to the alleged harasser's manager (if both parties have different managers) to instigate a formal investigation.
- In very serious cases, a criminal offence may have been committed and employees may wish to report matters to the police.
- At any point during this grievance investigation after looking at relevant evidence, the investigating officer can recommend that the investigation is undertaken in line with the Council's Disciplinary Procedures.
- All allegations will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser.
- Both the complainant and the alleged harasser have the right to be accompanied by a work colleague or Trade Union representative at any formal meeting dealing with the allegation.
- All parties will be kept informed of the general progress of the process of investigation and the outcome of any grievance proceedings.
- The investigating manager will decide on a balance of probabilities, after considering all available evidence, whether or not bullying, discrimination, harassment or victimisation has occurred and the appropriate course of action.
- Should the Grievance outcome find there is a case to answer, the Disciplinary Policy/Procedure will be invoked, as appropriate.

- 8.5.2 The Council must protect the rights of both the respondent as well as the complainant during the investigation, and therefore confidentiality is crucial. The procedure for taking and admitting witness statements will follow the Grievance Policy/Procedure. Witnesses can request anonymity and this will be granted if appropriate, but ideally it is preferable for witnesses to be known in the interest of openness and natural justice.
- 8.5.3 Please refer to Harrow Council's [Grievance](#) and [Disciplinary](#) Procedure for further details.
- 8.5.4 There is a commitment that the investigation will be carried out promptly and every effort will be made to ensure it is completed within 6 weeks.

9. Investigating complaints of bullying and harassment

- 9.1 Managers investigating complaints of bullying, harassment, discrimination and victimisation will do so in accordance with the Council's [Grievance Procedure](#). Where the allegation is proven, the [Disciplinary Policy](#) will guide the outcome for the perpetrator. Proven cases of bullying, harassment, discrimination and victimisation will always be treated as a disciplinary offence, and the Council's [Disciplinary Policy](#) may be invoked at any stage where there is a case of bullying or harassment to answer.
- 9.2 Managers investigating claims of bullying and harassment should consider all the circumstances before reaching a conclusion. In any allegation, it is not the intention of the perpetrator that is key in deciding if harassment, victimisation, discrimination or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is disadvantageous or unwelcome to the person or people subjected to it or witnessing it.

10. Dealing with incidents of harassment and bullying involving external/third parties

- 10.1 Where the alleged harassment, bullying or victimisation involves an external/third party (e.g., contractors, agency staff, trade unions etc.), managers will take all reasonable steps to address the complaint in line with the principles of this policy, in consultation with the employee/worker making the complaint and the relevant organisation where appropriate. These steps may include, for example, reporting the incident to the individual's manager or reviewing or terminating a contract.

11. Elected Members/Councillors

Where the alleged harassment, bullying or victimisation involves councillors the procedures below applies:

[THE MODEL CODE OF CONDUCT \(harrow.gov.uk\)](http://harrow.gov.uk)

[How to complain about a councillor – Harrow Council](#)

12. Vexatious Claims

- 12.1 A vexatious complaint is one which is raised maliciously, irrespectively of whether this is in the context of another procedure, such as the disciplinary procedure. For example, a complaint may be considered vexatious where it is based on deliberate misrepresentations or

untruths, with the malicious intent of causing harm to the person against whom the complaint is made.

- 12.2 Similarly, the raising of a series of unjustified or frivolous complaints, or a number of complaints simultaneously against many different people, may be considered vexatious.
- 12.3 Harrow Council takes all complaints seriously but will not tolerate the behaviour of anyone who maliciously raises a complaint they know to be false. Vexatious complaints raised by employees, Unions and external parties may result in the implementation of the Disciplinary Procedure/other relevant procedure. The advice of the HR Team should always be sought in these circumstances.
- 12.4 However, employees should not be deterred from raising a genuine complaint in good faith, and all complaints will be fully investigated.

13. Confidentiality

- Harrow Council will treat complaints of bullying, discrimination, harassment and victimisation sensitively and maintain confidentiality to the maximum extent possible.
- Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, the complainant's identity and the nature of the allegations must be revealed to the alleged harasser, so that they are able to respond to the allegations.
- Some details may also have to be given to potential witnesses, but the importance of confidentiality will be emphasised to them.
- If the allegation is upheld, and a person who has been found to have committed the harassment is kept in Harrow Council employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person.

14. Working arrangements during and after a bullying discrimination, harassment and victimisation investigation

- All reasonable endeavours will be made to ensure that working arrangements require the parties concerned to have no or minimal contact at work while the complaint is under investigation.
- In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway should it be deemed that there is a risk associated with them remaining in the workplace.
- Whether an allegation is upheld or not mediation will be offered in order to restore positive working relationships.

15. Support

Bullying and harassment 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 de-motivated. 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. Consider how the available Wellbeing initiatives may support all parties involved in the situation. Support can also be obtained via the following routes:

- 15.1 The Council's EAP provider Health Assured provides an independent advice, information and counselling referral programme, which includes free telephone round-the-clock, confidential access to practical advice and emotional support from fully qualified professionals. Employees can also download the Health Assured Mobile App: My Healthy Advantage, staff code: MHA227238.
- 15.2 Trade Union – members of a Trade Union can speak to their local representative if they have any concerns. You can find the contact details for trade Union representatives [here](#).
- 15.3 The Dignity and Respect at Work Champions are available to provide support.
- 15.4 HR, EDI and managers - You can also speak to your line manager or to a member of the HR and EDI team.
- 15.5 Samaritans - A charity who can provide emotional support for employees who are struggling to cope and need somebody to listen to them. They can be found at www.samaritans.org.
- 15.6 ACAS (Advisory, Conciliation and Arbitration Service) - provide guidance on discrimination, bullying and harassment at work. You can contact the ACAS Helpline for free and impartial advice, whether you are an employer, employee or representative. The telephone number is 0300 123 1100. It is available Monday to Friday 8am to 6pm. You can also use the **ACAS Helpline Online** tool.

16. Appendix - 1 How to raise a concern – Flowchart

