

Committee	Board of Management – HR&R Sub-Committee		
Date paper prepared	22/03/2022	Date of committee meeting	30/03/2022
Subject	Organisational Policies		
Author	Judith Fenton, HR&OD Lead		
Action requested	For Approval		
Purpose of the paper	Three HR policies and procedures presented for approval		
Brief summary of the paper	<p>The following policies are presented to the HR&R Subcommittee for review and approval:</p> <ol style="list-style-type: none"> 1. Equality, Diversity and Inclusivity Policy: this is a UHI policy so is largely presented for information and to note, particularly as the principles there-in need to be captured within linked policies. 2. Dignity at Work Policy: this policy is a development of the policy approved for interim use and now aligns with the Equality, Diversity and Inclusivity Policy (see previous). It is presented for approval. 3. Probationary Policy and Procedure: this is a new policy and procedure. Shetland UHI has opted to include probationary periods within contracts of employment for new starts. To support this decision, this policy and procedure has been developed for staff. It will achieve consistency both in terms of the use of probationary periods, and in terms of the quality of these. Shetland UHI is committed to affording new starts the best opportunities to engage with and grow in their roles with us. Quality probationary periods can aid in retention. They can also identify challenges or concerns early on. The process is two-way. This policy is presented for review and approval. 		
Consultation	SMG February 2022; LNCC Approval February 2022		

Resource implications	None identified
Risk implications	Failure to understand and follow these policies, particularly in relation to equalities carries a risk.
Link with strategy	Links to strategy are outlined in the policy, particular links to our vision and mission.
<u>Equality, Diversity and Inclusion</u>	This policy aligns with the UHI Equality, Diversity and Inclusion Policy, presented for note, and ensures compliance with relevant legislation, particularly in relation to Equalities Legislation, and best practice.
Island Community Impact	Summarise how any actual or potential (positive or negative) impacts on island communities have been considered in the development of the paper.
Paper status	<input checked="" type="checkbox"/> Open – The paper may be circulated to non-members of the committee and published online without restriction. <input type="checkbox"/> Restricted – The paper must not be circulated to non-members or published online until after the committee meeting. <input type="checkbox"/> Confidential - The paper must not be circulated beyond the committee members and should not be published online. [Please note papers may still be subject to Freedom of Information requests – see below].
<u>Freedom of information</u>	Open If closed/ withheld, select date this will become 'open': Enter a date.

Equality, Diversity and Inclusivity Policy

Lead Officer (Post):	Principal and CEO
Responsible Office/ Department:	SMT
Responsible Committee:	Operations and Estates
Review Officer (Post):	Operations Manager
Date policy approved:	01/08/2021
Date policy last reviewed and updated:	25/01/2022
Date policy due for review:	01/08/2022
Date of Equality Impact Assessment:	15/05/2019
Date of Privacy Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available

Policy Summary

Overview	This policy shows our commitment to equality for our students, staff, visitors, contractors and others who engage with us through any activity.
Purpose	To specify the Equality, Diversity and Inclusivity Policy of Shetland UHI, identify protected characteristics under the Equality Act (2010); outline the principles, responsibilities and commitments of the institution in realising the statutory obligations of the Equality Act (2010).
Scope	This policy applies to all current and prospective students and employees. This includes temporary staff, agency staff, consultants, Board Members, volunteers and collaborators at the University of the Highlands and Islands and all Academic Partners.
Consultation	The Policy Ownership Group includes representation from all Academic Partners and HISA. The policy received endorsement from Partnership Council prior to approval being sought from Board of Management.
Implementation and Monitoring	The policy will be implemented by all Academic Partners and the University of the Highlands and Islands. The policy will be monitored by relevant local staff on an operational basis and on a strategic basis by the Policy Ownership Group.
Risk Implications	Failure to comply with policy may result in a breach of the Equality Act (2010).
Link with Strategy	Policy relates to statutory compliance and governance arrangements.
Impact Assessment	Equality Impact Assessment: Complete – No further action required.
	Data Protection Impact Assessment: n/a

1. Policy Statement

- 1.1 Shetland UHI, the University of the Highlands and Islands and all Academic Partners are committed to equality of opportunity and non-discrimination in all aspects of work and study. We recognise that individually we all have differences of some sort, from which we can share and learn. The broader a range of people we employ, the wider a perspective we can adopt; a diverse workforce not only ensures that we are legally compliant but makes good business sense.
- 1.2 As a provider of education and employment, Shetland UHI values diversity and is committed to encouraging everyone to realise their full potential. To this end, Shetland UHI continues to work with students, staff, external agencies and the wider community to develop a positive and enabling culture of work and study.
- 1.3 In particular, Shetland UHI, the University and all Academic Partners strive to ensure that all people engaging with us have the opportunity to:
- Study
 - Take up employment
 - Be actively involved in their community without discrimination
 - Be treated in a courteous, caring and sensitive way in all engagement with us

We also expect that contractors, businesses and others who engage with us aspire to these same values.

- 1.4 Achievement of the above goals requires the promotion of practices to overcome any existing structural barriers (systems or processes that make entry to education or employment more difficult for a person/group), geographical isolation, and the provision of opportunities which reflect the linguistic and cultural diversity of the region. It also involves continuing to attract new and diverse people to the Highlands and Islands, to add to the culture and economy, and help the University and all Academic Partners reach our full potential.
- 1.5 The Equality, Diversity and Inclusivity Guidelines should be referred to for practical information to support the policy.

2. Definitions

- 2.1 **Protected Characteristics:** The Equality Act (2010) (“the Act”) prohibits unfavourable treatment on the basis of the following nine protected characteristics. The University of the Highlands and Islands and all Academic Partners recognise that identity can be complex and fluid and strive to keep up with best practice in supporting individuals and groups.

Age: This refers to a person belonging to a particular age group, which can mean people of the same age (e.g., 32-year-olds) or range of ages (e.g., 18–30-year-olds, or people over 50).

Disability: A person has a disability if they have physical or mental needs which have a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Some disabilities may require reasonable adjustments to be made to remove or minimise barriers to participation (see 2.7: Reasonable Adjustments for Disabled Persons).

Sex: Refers to whether a person is a man or a woman.

Gender Reassignment: Gender reassignment is when a person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Race: Refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

Religion or Belief: Religion has the meaning usually given to it, but belief is defined as religious and philosophical beliefs, including lack of belief (e.g., atheism). Generally, a belief should affect your life choices, or the way you live, for it to be included in the definition.

Sexual Orientation: A person's attraction towards their own sex/gender, another sex/gender, all sexes/genders or none.

Marriage and Civil Partnership: In Scotland, marriage is no longer restricted to a union between a man and a woman, but also includes same-sex couples.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples. In society, civil partnership is generally recognised simply as 'marriage'.

Marriage and civil partnership are listed in the Act as a protected characteristic. The Act provides protection against discrimination only in respect of the need to eliminate unlawful discrimination in employment.

Pregnancy and Maternity: Pregnancy is the condition of being pregnant or expecting a baby.

Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

- 2.2 **Gender Identity and Gender Expression:** The Equality Act recognises sex as a binary characteristic (i.e., Male/ Female), and protects those who undergo or intend to undergo gender reassignment (i.e., from one gender to another). The Shetland UHI recognises that gender identity and gender expression are not necessarily fixed or binary; we will treat bullying and harassment on these grounds as seriously as if they relate to any protected characteristic as defined in the Act.
- 2.3 **British Sign Language (BSL):** Shetland UHI recognises that BSL is a language in its own right (with its own vocabulary and syntax) and does not necessarily relate to disability as defined by the Equality Act. We are required to meet the requirements of the Scottish Government's BSL National Plan, to raise awareness of BSL and improve support for BSL users over 2018-30.
- 2.4 **Gaelic Language:** The Gaelic language is indigenous to the Highlands and Islands, among other areas. As such it is not covered under the definition of race/nationality as defined by the Equality Act 2010. Shetland UHI recognises responsibilities under the Gaelic Language Scotland Act (2005) to ensure that discrimination is not incurred by Gaelic speaking individuals and communities.
- 2.5 **Short term disability:** Students may be eligible for Disabled Students Allowance support due to short term disability that may not fulfil the criteria of the Disability protected characteristic (see 2.1). Students who feel they are affected by a short-term disability should discuss this with the local student support staff.

Students with a short-term disability are not entitled to use the legal powers of the Act in the same way as someone who has a disability as defined by the Act, e.g., in relation to discrimination, harassment and victimisation.

Short term disability example: A student suffers a spinal injury and is expected to make a full recovery; however, they will need to use a wheelchair and other assistive measures for 6 months. This may include assistive technology, equipment to study from home and classes scheduled on the ground floor where lifts are unavailable.

2.6 **Discrimination** occurs when prejudices, stereotypes and assumptions prompt actions that result in less favourable treatment of individuals or groups. The Act prohibits discrimination on the grounds of protected characteristics, with types of discrimination listed and described below. There are two different categories of discrimination under the Act, with further sub-categories:

2.6.1 **Direct Discrimination** occurs when someone is treated less favourably than another on grounds of their perceived or actual protected characteristic.

- a. **Associative discrimination** is direct discrimination against someone because they are associated with another person who possesses a particular protected characteristic.
- b. **Direct discrimination by perception** means treating one person less favourably than someone else because you incorrectly think they have a particular protected characteristic.

There are specific criteria for direct discrimination arising from disability, gender reassignment and pregnancy/maternity, which are available in sections 15-18 [here](#).

Direct discrimination example for students: Assuming that a student may not be able to reach a certain level of work because they have a disability or rejecting a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. In these cases, the act itself is unlawful, whether or not someone intended to discriminate.

Direct discrimination example for staff: Deciding not to employ someone, dismissing them, refusing to promote them, denying them training, giving them adverse working conditions or denying them benefits based on their perceived or actual protected characteristic.

- 2.6.2 **Indirect discrimination** occurs when an organisation has rules or policies, conditions or requirements that are applied to everyone but leave a person with a particular protected characteristic at a disadvantage.

Indirect discrimination example for students: A college will only allow students to go on placement if they have more than 95 per cent attendance. A student with a disability has missed a lot of classes for health reasons and are told they cannot go.

Indirect discrimination example for staff: A contract clause which applies to all employees saying that they could be required to work late or travel away from home for work at short notice. Although this applies to everyone in the same way, this could potentially put parents or those with care responsibilities at a disadvantage, as they would need to make childcare arrangements at unreasonable notice.

- 2.7 **Reasonable Adjustments for Disabled Persons:** When a person requires additional support to participate in an activity due to a disability, public bodies have a duty to make reasonable adjustments to enable participation: this may be to work, study or use facilities.

There is no set definition of 'reasonable': this is relative to an organisation's resources and organisational demands: a large company may be expected to spend extensively, where a smaller company may not. The extent to which an adjustment is reasonable cannot be formally defined outside of a tribunal.

Initial requests for reasonable adjustments should be discussed with your line manager (for staff) or Senior Lecturer (for students), and formally made through Occupational Health or Student Services (or equivalent departments). Relevant medical evidence may be requested in support of the request for reasonable adjustments.

Reasonable adjustment examples: Provision of a large screen for a partially sighted staff member; relocation of a class to the ground floor to enable a wheelchair-user to participate; or additional time in assessments for a dyslexic student.

- 2.8 **Positive Action:** Anyone recruiting staff, students or volunteers can legally justify 'positive action' if a particular group is underrepresented, to help ensure that a body is informed by the widest set of circumstances, experiences and identities. This involves taking action to increase the likelihood of underrepresented groups participating.

Positive Action examples: A rural institution may have disproportionately low numbers of Black, Asian and Minority Ethnic staff. In the event of a tied interview result, the interviewer could legally justify recruiting a black candidate over a white candidate, so that the body can make decisions that are less likely to disadvantage or marginalise subsequent black staff.

A college with disproportionately low numbers of female engineering students may target marketing at a certain group or make amendments to wording to encourage certain applicants e.g., advertising engineering courses at all-female schools, or changing entry requirements to include subjects that are over-represented by female secondary school pupils.

- 2.9 **Prohibited Behaviours:** As well as the above types of discrimination, the Act prohibits other forms

of behaviour:

2.9.1 **Harassment** denotes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can take many forms, including but not limited to physical contact, offensive language, gossip, slander, graffiti, obscene gestures, exclusion. Harassment can involve persistent conduct or behaviour that continues after the individual states they want it to stop. A single incident can also constitute harassment if it is sufficiently serious.

2.9.2 **Victimisation** is treating someone less favourably because of something they have done under, or in connection with, equalities legislation.

Victimisation examples for students: A member of staff shouts at a student because he thinks she intends to support another student's sexual harassment claim.

A student alleges that they have encountered racism from a member of staff, and as a result of making this allegation are ignored by other staff members.

Victimisation examples for staff: Refusal to promote an employee because he or she has previously invoked a grievance procedure or given evidence against the employer at a tribunal.

The employer brands an employee as a 'troublemaker' because they raised a lack of job-share opportunities as being potentially discriminatory.

2.10 **Public Sector Equality Duty:** as a publicly funded organisation, Shetland UHI has a statutory duty to fulfil both General and Specific Public Sector Equality Duties under the Equality Act(2010).

2.10.1 **General Duties** direct the way Shetland UHI treats its staff, students and visitors and reflect all UK public bodies' responsibility to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic and those who do not

2.10.2 **Specific Duties:** Section 153 of the Equality Act enables the Welsh and Scottish ministers to impose specific duties on certain domestic public bodies through secondary legislation: Scottish-Specific Duties relate to how public bodies carry out, evidence and present their commitment to enacting General Duties, and responds to ongoing changes identified by the Scottish Government.

Scottish-Specific Duties are listed and linked below. The University and partner Further Education Colleges have duties to:

- [Report progress on mainstreaming the equality duty](#)
- [Publish equality outcomes and report progress](#)
- [Assess and review policies and practices \(complete Equality Impact Assessment\)](#)
- [Gather and use employee information](#)
- [Publish gender pay gap information](#)
- [Publish statements on equal pay, etc.](#)
- [Consider award criteria and conditions in relation to public procurement](#)
- [Publish in a manner that is accessible, etc.](#)
- [Consider other matters](#)

2.11 **Equality Mainstreaming** aims to ensure that equality perspectives are central to an organisation's

culture and operational delivery, by incorporating these into all strategic decision-making processes. This aims to ensure that all areas of an organisation carry out their public sector equality duties when delivering day-to-day functions.

Equality Mainstreaming ensures that the needs of underrepresented groups, as well as those of members of historically marginalised or disenfranchised groups, are pro-actively considered when decisions are made. The experiences of frontline staff and service users should inform the decision-making process.

Shetland UHI is required to report on its Mainstreaming activities every four years, and to update these every two years.

2.12 **Equality Outcome Agreements** set out the equality activities that colleges and universities plan in order to better meet their general duties.

Shetland UHI is required to set new Equality Outcomes every four years, and to report on progress every two years.

2.13 **Equality Impact Assessment (EIA)**: assesses the potential impact of new or revised policies, practices or services against the requirements of general public sector equality duties.

Conducting an EIA is a legal requirement for public bodies in Scotland and helps to ensure that everybody's needs are taken into account before changes are implemented. This allows Shetland UHI to proactively identify and mitigate against barriers to participation, attainment or wellbeing, and hopefully avert potentially negative experiences.

Forms to carry out Equality Impact Assessments are available from Operations Manager/Health and Safety Representative.

3. Purpose

3.1 This policy allows the Shetland UHI to carry out its general and specific public sector equality duties, and work to improve the experience of all staff and students, regardless of an individual's protected characteristics.

3.2 We will conduct our statutory duties under the Equality Act 2010 as per section 2.10 of this policy, and demonstrate our commitment to mainstreaming equality and diversity by:

3.2.1 Developing policies, procedures and processes to achieve the general and specific public sector duties in accordance with the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

3.2.2 Monitoring the potential impact of our policies, procedures and practices on different protected groups to help tackle inequality, promote equality of opportunity and foster good relations. We do this through the process of Equality Impact Assessments.

3.2.3 Removing any potential barriers to access, participation, retention and achievement of students and staff by making reasonable adjustments where appropriate.

3.2.4 Creating inclusive learning and working environments and practices that promote respect for all. These environments aim to prevent and challenge stereotyping, prejudice, discrimination and harassment and disadvantage.

3.2.5 Reasonably anticipating and responding to the needs of students through collaboration with individuals, the student body and Highlands and Islands Students' Association (HISA).

3.2.6 Working in conjunction with HISA to take forward their work on equality and diversity and to seek student feedback relevant to equality of opportunity and experience.

3.2.7 Involving and consulting within the wider community, particularly those who share particular characteristics and those who represent their interests, to inform policy and practice.

3.2.8 Ensuring that equality, diversity and inclusivity are embedded within the Scottish Funding Council Regional Outcome Agreement process through consultation with key stakeholders across the Partnership.

- 3.2.9 Collecting, analysing and reporting on and improving the quality of student and staff protected characteristic data in line with public sector equality duties/sector best practice and Data Protection legislation.
- 3.2.10 Publishing equality outcomes reflecting how we plan to impact positively upon our communities.
- 3.2.11 Publishing a mainstreaming report, demonstrating our progress against our planned outcomes and showing what progress we have made to mainstream equality in our policies, practices and decision-making functions.

4. Scope

- 4.1 This policy applies to all current and prospective students and employees. This includes temporary staff, agency staff, consultants, Board Members, volunteers and collaborators.
- 4.2 The principles of non-discrimination and equality of opportunity apply to the way in which staff and students, as well as visitors, contractors, sub-contractors, temporary and agency staff, service providers, suppliers, former staff and students and any other persons associated with the functions of Shetland UHI treat one another.

5. Exceptions

- 5.1 This policy applies without exceptions, exclusions or restrictions.

6. Notification

- 6.1 This policy will be available on Shetland UHI's website.
- 6.2 All individuals with responsibilities outlined in Section 7 will be notified of changes.

7. Roles and Responsibilities

- 7.1 The Board of Management is responsible for approving the policy and for ensuring that Shetland UHI complies with its statutory obligations in terms of meeting the requirements of the Equality Act 2010 and the Public Sector Equality Duty for Scotland.
- 7.2 Senior Management Team is responsible for operational oversight of the policy. They must ensure that Managers, Staff and Students operate in an environment where they can fulfil their responsibilities in relation to the policy.
- 7.3 Line Managers are responsible for implementing this policy, ensuring that our commitment to equality is followed through and adequately communicated both internally and externally.

Line Managers are responsible for ensuring selection for recruitment, promotion, training and work allocation is carried out in a non-discriminatory manner and in accordance with the law.

Line Managers are responsible for ensuring that selection for admission and ongoing assessment of students is carried out in a non-discriminatory manner.

- 7.4 All staff and students have a responsibility to ensure the continuing success of this policy by:
 - Treating other people with respect
 - Bringing to the attention of management any suspected breaches of this policy
 - Working together to promote an environment that eliminates discrimination and harassment.
 - Seeking opportunities to identify, implement, share and reflect upon potential improvements to inclusive practice

- Seeking opportunities to include staff and students who may be or feel peripheral to the University and Academic Partner communities.
- 7.5 Contractors, temporary staff, agency staff, consultants, volunteers, collaborators and providers of services on behalf of Shetland UHI are responsible for adhering to the principles of this policy in the context of their engagement with Shetland UHI.

8. Legislative Framework

- [British Sign Language \(Scotland\) Act 2015](#)
- [Children and Young People \(Scotland\) Act 2010](#)
- [Counter-Terrorism & Security Act 2015](#)
- [Data Protection Act 2018](#)
- [Equality Act 2010](#)
- [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)
- [Gaelic Language \(Scotland\) Act 2005](#)
- [Higher Education Governance \(Scotland\) Act 2016](#)
- [Islands \(Scotland\) Act 2018](#)

9. Related Policies, Procedures, Guidelines and Other Resources

- Local Complaints Policy (SPSO dictated)
- Disciplinary Procedures (Tertiary single document, forthcoming)
- Local Equality, Diversity and Inclusivity Guidelines
- Local Promoting a Positive Learning Environment Policy (tertiary single policy)
- Local Safeguarding Policy (Tertiary single policy)
- Local Student Code of Conduct (Tertiary single document, forthcoming)

10. Version Control and Change History

Reviewed	By	Noted
February 2022	HR and OD Lead	February 2022

Dignity at Work Policy

1. Context

- 1.1 Shetland UHI aims to sustain a culture which promotes equality, diversity, and inclusion for all and to ensure a positive working environment of well-being, reward and recognition, dignity, and respect.
- 1.2 Underpinning these strategic aims is our ambition to ensure that Shetland UHI is a great place to work by creating a positive, collaborative, safe and healthy working environment and to foster a culture of dignity and respect.

2. Purpose

- 2.1 The aim of the Dignity at Work Policy is to support and sustain a positive working environment for all staff, free from any form of unacceptable behaviour. Shetland UHI is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. It highlights options available to staff if they believe they are subject to bullying, harassment or other unacceptable behaviour and sets out the responsibilities for managing and supporting staff when concerns are raised under the Dignity at Work Policy.
- 2.2 Shetland UHI will operate a zero-tolerance policy for any form of harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of harassment. Any person found to have harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.
- 2.3 Dignity at Work Policy does not form part of and is not intended to vary the contract of employment or worker's contract. It may be amended from time to time, as necessary.

3. Policy

- 3.1 Shetland UHI is committed to protecting the dignity of staff, students and visitors and all members of the Shetland UHI community in their work and their interactions with others.
- 3.2 This policy details this commitment and explains what actions can be taken if its principles are not observed. Shetland UHI encourages individuals and managers to make every effort to resolve dignity at work problems informally in the first instance as this is often the most effective method of dealing with inappropriate behaviour, including bullying and harassment.
- 3.3 In addition, Shetland UHI expects all members of staff and the Shetland UHI community to treat each other with respect, courtesy, and consideration, at all times. We are all expected to behave professionally and have the right to expect professional behaviour from others.

4. Scope

- 4.1 The principles of this policy apply to all staff, and visitors to Shetland UHI (including those attending public events, customers, contractors, and suppliers).

- 4.2 This policy will apply when issues of inappropriate behaviour, bullying or harassment arise. The staff Grievance procedure should be used to deal with other employment concerns.
- 4.3 Dignity at Work may involve equalities issues and UK discrimination law provides specific protection against discrimination, harassment, and victimisation on a variety of grounds. Shetland UHI takes its responsibilities in these areas very seriously. The Equality and Diversity Policy provides more detailed information on these aspects of the law.
- 4.4 In situations where a complaint relates to several issues, Shetland UHI reserves the right to decide how it should be best dealt with under the procedures available. Prior to making a final decision however, HR advice will be sought and management will liaise with the complainant to explore the options and explain the rationale for the proposed way of dealing with the situation.
- 4.5 Members of staff who have a complaint against a student should raise the matter with their line manager and Student Support Services.
- 4.6 When a criminal offence may have been committed, the Dignity at Work Procedure may not be appropriate. These cases include, but are not limited to, serious assault or threat of serious assault. Staff members may wish to seek HR advice from the Senior Management Group and/or approach the Police directly.

5. Definitions

- 5.1 Bullying and harassment are defined by the Advisory, Conciliation and Arbitration Service (ACAS) as the following:
- 5.2 **Bullying** may be characterised as:
- Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
- 5.3 **Harassment** as defined in the Equality Act 2010 is:
- Unwanted conduct related to a relevant protected characteristic, 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.
- 5.4 **Sexual harassment** is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.
- 5.5 Bullying/harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact.

However, behaviour that is considered bullying by one person may be considered firm management by another. Therefore, the test of reasonableness must also be applied, i.e. a reasonable person in possession of the same information would regard it as bullying or harassment.

Examples of behaviour that constitutes bullying and harassment (note, this list is not exhaustive or exclusive but is indicative):

- persistent, excessive, unfair, or unjustified criticism
- public humiliation and/or insults
- persistent undervaluing of a person's effort

- constant ignoring of opinions
- withholding information without justification so as to cause difficulty or embarrassment to an individual
- unjustified, excessive monitoring and /or supervision
- setting someone up to fail – for example setting an objective that cannot be achieved
- aggressive communications
- intimidating or threatening behaviour
- shouting or swearing at an individual
- any physical contact which is unwanted
- unwelcome sexual advances
- coercion, isolation or 'freezing-out'
- display of offensive material, e.g. 'pin-ups'; offensive jokes
- unwelcome remarks about a person's dress, appearance, disability, race or marital status (or other protected characteristic)
- personal insults
- persistent criticism
- unwelcome remarks about a person's dress, appearance, disability, race or marital status
- personal insults
- persistent criticism
- setting impossible deadlines

Examples of behaviour that constitutes sexual harassment (note, this list is not exhaustive or exclusive but is indicative):

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering

6. Responsibilities

- 6.1 **The Human Resources and Remuneration Committee** - has ultimate responsibility for ensuring that Shetland UHI complies with its statutory obligations in terms of meeting the requirements of the Equality Act 2010.

- 6.2 **The Senior Management Group** - is responsible for ensuring that the Dignity at Work Policy is fully implemented throughout Shetland UHI
- 6.3 **The Senior Management Group, all Managers and Team Leaders** - have a duty to ensure that Shetland UHI's policies including the Dignity at Work Policy are implemented within their sphere of activities and responsibility and to review and update this policy.
- 6.4 **Managers** - It is the responsibility of every manager to ensure that all his/her employees are aware of the policy as part of their induction.
- All Staff** - are responsible for:
- treating each other people with respect
 - bringing to the attention of their line manager or Senior Management Group any suspected breaches of this policy
 - working together to promote a harmonious work environment and to eliminate discrimination and harassment.

7. Related Policies/References

Equality, Diversity and Inclusivity Policy

Staff Discipline Policy

Staff Grievance Policy

[ACAS guidance on bullying and harassment](#)

Reviewed	By	Approved
February 2022	HR and OD Lead	SMG February 2022 LNCC February 2022

Probationary Period Policy and Procedure

1. Purpose

- 1.1 Shetland UHI is committed to attracting and retaining staff of the highest calibre and a strategic, professional approach to probationary periods is essential to achieving this.

Shetland UHI's Vision:

Shetland UHI will be an inspirational hub of innovation and learning designed to meet the needs of the people of Shetland, nationally and internationally.

Shetland UHI's Values:

We will achieve our Vision by:

- **Working together** - Fostering activity and interaction across the organisation and between staff and students.
- **Working for Shetland** - Addressing skills needs, supporting innovation and applied research for the Shetland economy, with the University for the Highlands and Islands (UHI).
- **Working sustainably** - Embedding sustainability in the curriculum and in our practice.
- **Working to become resilient** - Encouraging staff development and aspiration, exploring and achieving new income streams.
- **Working with partners** - Developing relationships with employers, schools, communities, SIC and relevant national and international institutions.

- 1.2 Shetland UHI is committed to the retention of staff and reducing turnover and supports the following initiatives to achieve this end:

- Participation in benchmarking exercises to give early warning of imbalances in Shetland UHI's remuneration packages vis a vis the Sector and for Industry.
- Provide adequate training and development to all staff to encourage retention.
- Provide appropriate training and development opportunities to all staff to encourage development and support us to grow our own talent.
- Conduct exit interviews for all leavers, including those who move posts within Shetland UHI.
- Record, monitor and analyse exit interview data on a regular basis.
- Ensure yearly in depth and meaningful appraisals
- Support staff in the balance between home and work commitments.

- 1.3 It is Shetland UHI's policy to operate probationary periods for all new employees. Shetland UHI may also adopt a probationary period in respect of employees who have been transferred or promoted into different posts.

- 1.4 This procedure is intended to allow both the employee and the employee's line manager to assess objectively whether or not the employee is suitable for the role, what activities can support the new employee to gain confidence and proficiency in the role, and how to improve and sustain high levels of retention across Shetland UHI.

2. Scope

- 2.1 This policy applies to all employees of Shetland UHI.

3. Principles

3.1 Shetland UHI operates probationary periods of either 3 or 6 months. The line manager may decide which timeframe to use but as a guide, roles which:

- Sit within the senior management team;
- Are teaching / lecturing roles;
- Include line management aspects; and / or,
- Require budget or financial responsibility,

Will require a probationary period of 6 months.

Extending probationary periods

3.2 Shetland UHI reserves the right to extend an employee's period of probation up to a maximum of 12 months.

3.3 An extension may be implemented in exceptional circumstances where the employee's performance during probation has failed to achieve known and reasonable standards based on the job description and person specification, but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee or the line manager has been absent from the workplace for an extended period during probation and has therefore not had the opportunity to engage fully with the probationary period.

3.4 The decision to extend a probationary period must be based on evidence captured within the probationary review meetings between the employee and their line manager.

3.5 Prior to extending any probationary period, the line manager must consult with their Section Leader and the HR Team. If an extension to the probationary period is agreed, this will be confirmed in writing to the employee with reference to:

- the length of the extension and the date on which the extended period of probation will end;
- the reason for the extension and, if the reason relates to performance, details of how and why performance has fallen short of known and reasonable standards;
- the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation
- any support, for example further training, that will be provided during the extended period of probation; and,
- a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, his/her employment may be terminated.

Terms of employment during the probationary period

3.6 During the probationary period, all the terms and conditions of employment are in force, including reference to the notice periods in operation during a probationary period.

3.7 In the case of existing employees who have been transferred or promoted into different roles, the amount of notice that the employee must give to the organisation if he/she wishes to resign, and the amount of notice the organisation must give to the employee of dismissal will be as defined in the employee's contract of employment.

Probationary Process

- 3.8 The employee and line manager will meet at least once a month during the probationary period. These meetings will enable both parties to review and assess the employee's performance objectively as to whether or not the employee is suitable for the role, what activities can support the new employee to gain confidence and proficiency in the role. During an employee's probationary period, the line manager must provide regular and constructive feedback to the employee about their performance and progress, and identify any concerns early on, providing support and guidance to the employee. The line manager will arrange any necessary training or coaching, as identified by the employee or manager.
- 3.9 At each review meeting a record should be completed using the document in Appendix 1. This record should be signed off by both the employee and their line manager and then forwarded to HR to retain.

Irregularities discovered during the probationary period

- 3.10 If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that he/she claimed to have at the time of recruitment, the matter will be discussed, in the first instance, with the employee to establish the facts. If the evidence suggests that the employee intentionally misrepresented their abilities in any way this will be investigated and may result in dismissal.
- 3.11 If the employee is an existing employee who has been transferred or promoted into a different role, then Shetland UHI's disciplinary procedure must be followed in full.

End of probation

- 3.12 At the end of the probationary period, the line manager should conduct a final review of the employee's performance and suitability for the job using the document in Appendix 2. This will involve a meeting with the employee to discuss their performance and progress throughout the period of probation.
- 3.13 The review must be conducted not less than one week before the date on which the employee's probationary period comes to an end. If the employee's performance is satisfactory, the line manager should notify HR who will issue a letter of confirmation of successful completion of probationary period.
- 3.14 If the employee's performance has not met the standards required by Shetland UHI, the line manager should discuss the matter with their Section Leader and the HR Team before any decision is made to extend the probationary period, or terminate the employee's employment.

Termination of employment

- 3.15 If an employee's performance while on probation has been unsatisfactory (despite evidenced support from the line manager), and there is reasonable evidence to demonstrate that further training or support are unlikely to lead to a satisfactory level of improvement, the employment may be terminated at the end of the period of probation.
- 3.16 It is Shetland UHI's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to achieve the reasonable and known requirements of the role.
- 3.17 Where there is a risk of termination of employment, the employee and line manager must meet to discuss this, and the employee notified of this intention, ahead of any final decision to terminate a contract of employment.
- 3.18 All termination notices will be confirmed in writing to the employee, and will also state the reason for the decision. The employee will be given an opportunity to appeal the decision in line with Shetland UHI's Capability Policy and Procedure.
- 3.19 If an employee's employment is terminated after the expiry of the probationary period, or if the employee is an existing employee who has been transferred or promoted into a different role, Shetland UHI must follow the standard relevant procedure.

4. Responsibilities

- 4.1 Shetland UHI is responsible for ensuring that this policy is fully implemented throughout Shetland UHI and is responsible for reviewing and updating this policy.
- 4.2 The line manager has particular responsibility for monitoring a new employee's performance and progress during the probationary period. The line manager must ensure that the employee is properly informed at the start of his/her employment about what is expected of him/her during probation, for example the required job outputs or standards of performance.
- 4.3 Employees are responsible for ensuring they engage fully in the probationary process.

5. Links to Legislation

- 5.1 Reference.

6. Linked Policies

- Equality, Diversity and Inclusion Policy
- Dignity at Work Policy
- Recruitment and Selection Policy and Procedure
- Capability Policy and Procedure

Reviewed	By	Approved
March 2022	HR and OD Lead	SMG February 2022 LNCC March 2022

Appendix 1: Probationary Period Review Form Template

This document must be completed jointly between the employee and their line manager and will be used to track the success and progress of an employee's probationary period. This document should be an accurate account of the success of a probationary period.

Employee Name	
Job Title	
Start Date	
Line Manager	
Review Meeting Date	

Section One				
Category	Improvement Required	Unsatisfactory	Satisfactory	Good
Quality and accuracy of work				
Efficiency				

Attendance				
Timekeeping				
Teamwork				
Interpersonal Skills				

Communication Skills				
Section Two				
Where any areas require improvement give details below				

Outline any plans to improve performance

Outline the employee's views on the job, work environment and working conditions

Summary of employee's overall performance		
Section Three		
Has Mandatory Training been completed. Brightspace: https://www.uhi.ac.uk/en/staff/ Peninsula: https://login.peninsula-online.com/	YES	NO If no, when will this be completed by:

Signatures	
Employee	
Line Manager	
Date	

Please Return the Signed and Completed form electronically to HR (HR.Shetland@uhi.ac.uk) as soon as possible.

Appendix 2: Probationary Period Final Review Form Template

This document must be completed jointly between the employee and their line manager and will be used to track the success and progress of an employee's probationary period. This document should be an accurate account of the success of a probationary period.

Employee Name	
Job Title	
Start Date	
Line Manager	
Review Meeting Date	

Section One				
Category	Improvement Required	Unsatisfactory	Satisfactory	Good
Quality and accuracy of work				

Efficiency				
Attendance				
Timekeeping				
Teamwork				
Interpersonal Skills				

Communication Skills				
Section Two				
Where any areas require improvement give details below				

Outline any plans to improve performance
Outline the employee's views on the job, work environment and working conditions

Summary of employee's overall performance

Should the employee's probationary period be extended? ¹	YES	NO
Please provide details		
Proposed New Probation Period Completion Date		

Signatures	
Employee	
Line Manager	
Date	

¹ Any proposal to extend an employee's probationary period must be approved by your Section Head and HR, and the employee must be provided with written confirmation of the extension, the reason why, and any improvements / activities that are expected.

Please Return the Signed and Completed form electronically to HR (HR.Shetland@uhi.ac.uk) as soon as possible.