Dignity at work policy

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1. Statement of principles

- All members of the school workforce (as defined in section 2) have a right to be treated with dignity and respect in the workplace
- Workplace harassment (including sexual harassment), bullying and victimisation are totally unacceptable
- We recognise that harassment or bullying can occur both in and outside the workplace, such as on school trips or at school-related events or social functions
- No member of the school workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, members of the public, or other individuals they may encounter at work, or on school trips
- We recognise that any member of the school workforce can be subjected to these forms of behaviour
- The school will assess whether harassment, bullying or victimisation has occurred based on the impact of the action(s) on the victim rather than the intent of the alleged perpetrator
- The school will not base decisions about handling harassment, bullying or victimisation on whether someone submitted to or rejected a particular instance of harassment, bullying or victimisation
- The school strives for a workplace that's free of harassment, bullying and victimisation through:
- Fostering a safe environment and respectful workplace for staff
- Raising awareness of the issues of harassment (including sexual harassment), bullying and victimisation, and refusing to tolerate these behaviours
- Supporting any member of the school workforce who is harassed, bullied or victimised
- Dealing with any issues through agreed processes when they are raised
- Ensuring that senior leaders demonstrate and uphold high standards of conduct

2. Legislation and guidance

This policy is based on the Acas guidance on discrimination, bullying and harassment at work and the Equality and Human Rights Commission's technical guidance on sexual harassment and harassment at work.

This policy follows the principles of the:

- Equality Act 2010
- Protection from Harassment Act 1997 (which makes provision for protecting individuals from harassment and similar conduct)
- Employment Rights Act 1996 (which is particularly relevant if the school is considering a dismissal)
- Employment Relations Act 1999 (where a dispute progresses to an employment tribunal)

Where it becomes necessary to bar an individual from school premises, we will refer to the guidance on controlling access to school premises from the Department for Education (DfE).

This policy is designed to protect all current and former members of the school workforce.

For the purposes of this policy, the term 'school workforce' includes:

- Employees
- Agency workers
- Consultants
- Casual workers
- Interns or those on work experience
- Apprentices
- Volunteers, including governors
- Job seekers and job applicants
- Former employees

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

3. Definitions

All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If a member of the school workforce reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether it accords with a standard definition.

3.1 Harassment

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.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- Associated with a person who has a protected characteristic
- Wrongly perceived to have a protected characteristic
- Treated as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature, which has the same purpose or effect on the individual as described at the beginning of this section (3.1).

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex. This conduct has the same purpose or effect described at the beginning of this section (3.1) and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

3.2 Bullying

Bullying in the workplace may be characterised as:

> Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying can take the form of physical, verbal and non-verbal conduct. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Harassment is when bullying or unwanted behaviour is about any of the protected characteristics defined in the Equality Act 2010 (as defined in section 3.1).

3.3 Victimisation

Victimisation is defined in the Equality Act 2010 as:

> Subjecting an individual to a detriment because the individual does a protected act, or it is believed they have done or may do a protected act.

A ‘protected act’ is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act

4. Examples of unacceptable behaviour

Unacceptable behaviour in this school may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing information about an individual with others who do not need to know
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, or making decisions on the basis of sexual advances being accepted or rejected
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities
- Putting humiliating, offensive or threatening comments or photos on social media

This list is not intended to be exhaustive.

Harassment, bullying or victimisation may occur:

- Face to face
- Through written communication
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone or communication platforms
- Via social media
- Via automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all workers in similar roles

This list is not intended to be exhaustive.

5. Reasonable management

The school differentiates between reasonable management, which is firm and fair, and behaviours associated with harassment, bullying or victimisation.

Legitimate, justifiable, appropriately conducted monitoring of a member of the school workforce's behaviour or job performance does not therefore constitute bullying, harassment or victimisation.

6. Roles and responsibilities

6.1 The governing board

The governing board:

- Ensures complaints and allegations are handled according to agreed procedures

- Holds the Headteacher to account for the implementation of this policy
- Ensures that this policy is periodically reviewed and kept up to date
- Deals with complaints raised by or about the Headteacher

6.2 The Headteacher

The Headteacher:

- Works to ensure that the working environment is free from harassment, bullying and victimisation
- Works to check that complaints and allegations are handled according to agreed procedures
- Considers the risks of sexual harassment and works to implement reasonable steps to reduce these risks, including:
    - Providing staff training to raise awareness and help encourage reporting
    - Training managers to respond to complaints of sexual harassment
    - Carrying out a risk assessment to identify situations and environments where sexual harassment may be more likely to occur

6.3 All members of the school workforce

All members of the school workforce:

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- Attend training on identifying and responding to sexual harassment
- Support colleagues who experience unacceptable behaviour and who are considering making a complaint, or have made a complaint
- Report any occurrence of unacceptable behaviour and offer supporting evidence in any investigation where appropriate

6.4 Line managers

Line managers, and those fulfilling this role when a complaint is about the line manager:

- Will listen to and take seriously any member of the school workforce who comes to them with a concern or complaint regarding harassment, bullying or victimisation

7. What to do if you're being harassed, bullied or victimised

If you are being harassed, bullied or victimised by an employee (as defined in 8.1, below), stakeholder (as defined in 8.2, below) or pupil, speak to your line manager within the school. They can provide confidential advice and assistance in resolving the issue.

If your line manager is the subject of your complaint, speak to the Headteacher or School Business Manager.

In the case of members of the governing board, 'line manager' in this policy means the chair of the governing board. If the chair is the subject of your complaint, speak to the Headteacher.

For job applicants, job seekers and former members of the school workforce, 'line manager' in this policy means The School Business Manager or Headteacher.

Consider whether you feel able to raise the issue informally with the person responsible. Your line manager (or the Headteacher if your complaint is about your line manager or chair of the governing board) can support you with this.

If you do raise the issue with the individual, you should explain clearly that their behaviour is not welcome or makes you uncomfortable. It may be that they are not aware of the effect of their actions.

Raising the matter informally will involve a discussion of the events, with the intention of reaching an agreement that the behaviour will cease with immediate effect.

If you feel uncomfortable raising the matter with the individual informally, or you have tried to do so without a successful resolution, the school will decide whether your complaint should be dealt with formally under this policy or under the school's grievance procedures. It is for the school to determine the appropriate procedure, based on the facts of the case.

If the complaint is dealt with under this dignity at work policy, the school will follow the procedure set out below.

If the complaint is dealt with under the school's grievance procedures, you should refer to those.

8. Formal procedure for managing complaints

How complaints will be dealt with will depend, in part, on whether the alleged perpetrator is an employee, a stakeholder or a pupil. Each option, and who it relates to, is set out below.

For all allegations of members of the school workforce being harassed, bullied or victimised, consideration will be given to involving other agencies as necessary.

Where a complaint has been raised and is being investigated under this procedure, the school will consider requests from the complainant to change their working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.

8.1 Alleged harassment, bullying or victimisation by employees

The school will use this process if the complaint relates to someone employed directly by the school, or where the school has the power to take professional or disciplinary action.

8.1.1 Submitting a formal complaint

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the complainant should submit their complaint in writing to their line manager. If the complaint relates to their line manager, it should be sent to the Headteacher.

The written complaint should set out the nature of the complaint with reference to specific incidents where possible, including times, dates and witnesses. It is important that it contains sufficient detail to enable the nature of the complaint to be determined.

As a general principle, the decision whether to progress a complaint is up to the complainant. However, the school has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

8.1.2 If you witness harassment or victimisation

Staff who witness harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so
- Supporting the victim to report it or reporting it on their behalf
- Reporting the incident where you feel there may be a continuing risk if you do not report it
- Cooperating in any investigation into the incident

All witnesses will be provided with appropriate support and will be protected from victimisation.

8.1.3 Formal investigation

Once a written complaint is received, an investigating officer will be appointed to carry out an investigation into the complaint. This will be an independent individual with no prior knowledge of the complaint.

Both the complainant and the subject of the complaint should be advised that a formal complaint has been made and that an investigation will take place. Individuals not involved in the complaint or the investigation should not be told about it.

An interview will usually be arranged with the complainant within 1 week of receipt of the complaint. The subject of the complaint will then be interviewed and will be allowed the opportunity to respond to the complaint. There is no entitlement for the subject of the complaint to see the written complaint, but they should be provided with information as to the nature of it.

Both the complainant and the subject of the complaint may be accompanied at any stage of the formal procedure by either:

- A colleague
- A trade union official
- A trade union representative who has been certified by their union as competent to accompany a worker and who must respect the confidentiality of the investigation, or
- A friend

If any other witnesses are deemed pertinent to the investigation, the investigating officer will arrange to speak with them and will review relevant information and documentation.

The investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report detailing their findings and recommendations about action to be taken upon the conclusion of the investigation. A copy of the report and the investigator's findings will be given to the complainant and to the subject of the complaint.

8.1.4 Action following the investigation

If the investigating officer upholds the complaint against the employee, possible outcomes may be:

- Disciplinary action
- Mediation
- Mandatory training

If the investigating officer does not uphold the complaint, possible outcomes may be:

- No action
- Mediation

These lists are not intended to be exhaustive.

8.2 Alleged harassment, bullying or victimisation by stakeholders

The school will use this process if the complaint relates to someone not employed directly by the school, or when the school doesn't have the power to take any professional or disciplinary action against the person in question.

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

If the allegation is found to be justified, the response from the school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action in consultation with the individual who made the complaint. This may involve:

- Mediation

- Putting up signs setting out acceptable and unacceptable behaviour
- A verbal warning
- A written warning

This list is not intended to be exhaustive.

If the action taken is not effective in preventing issues, or for very severe cases, the school will consider further action. This may involve a meeting to discuss a ban from the school site. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the school.

In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the school will have regard to the Department for Education's guidance on controlling access to school premises (see section 2 of this policy).

If the individual is a parent or carer of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

8.3 Alleged harassment, bullying or victimisation by pupils

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

If the allegation is found to be justified, the school will then refer to the behaviour policy and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances.

Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

8.4 Continued working relationships

If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual isn't covered by our disciplinary procedures, the school will consider other reasonable action and involve other agencies where appropriate.

Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship.

8.5 Appeals

If the complainant is not satisfied, they should write to the Chair of Governors within 10 working days of being informed of the outcome of the procedure.

An appeal hearing will then be arranged within a reasonable period of time and will be dealt with by an appropriate level of senior management with no prior involvement with the complaint and/or investigations.

The complainant may be accompanied at the hearing by either a colleague, a trade union official, a trade union representative who has been certified by their union as competent to accompany a worker, or a friend.

The appeal outcome will be confirmed in writing within 5 working days of the hearing.

An outcome may dismiss the appeal and confirm the original decision or may uphold the appeal and overturn the original decision. This is the end of the procedure and there is no further appeal.

9. Protection and support for those involved

Staff who make complaints report that they have witnessed wrongdoing, or who participate in good faith in any investigation, must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action.

If you believe you have suffered any such treatment you should inform the School Business Manager If the matter is not remedied, you should raise it formally.

The school will monitor the treatment and outcomes of any complaints of harassment or victimisation we receive, to ensure that:

- They are properly investigated and resolved
- Those who report or act as witnesses are not victimised
- Repeat offenders are dealt with appropriately
- Cultural clashes are identified and resolved
- Training is targeted where needed

10. Confidentiality

The school will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

A complaint about a pupil may be stored on their educational record.

Information will be processed in line with UK data protection law. It will be kept securely, only for as long as necessary and in line with UK data protection law, our privacy notices and record retention schedule.

11. Further information

An employee can seek further information on harassment, bullying and victimisation from their:

- Line manager
- Trade union representative

Support and guidance can also be obtained from the following external services:

- The Equality Advisory & Support Service (www.equalityadvisoryservice.com)
- Protect (www.protect-advice.org.uk)
- Victim Support (www.victimsupport.org.uk)
- Peninsula HR Services

12. Monitoring arrangements

This policy will be reviewed by the Headteacher and School Business Manager every year.

13. Links to other policies

This policy is linked to the following policies:

- Staff grievance procedures
- Staff disciplinary procedures

- Whistle-blowing policy
- Staff code of conduct
- Behaviour policy
- Safeguarding policy
- Staff wellbeing policy