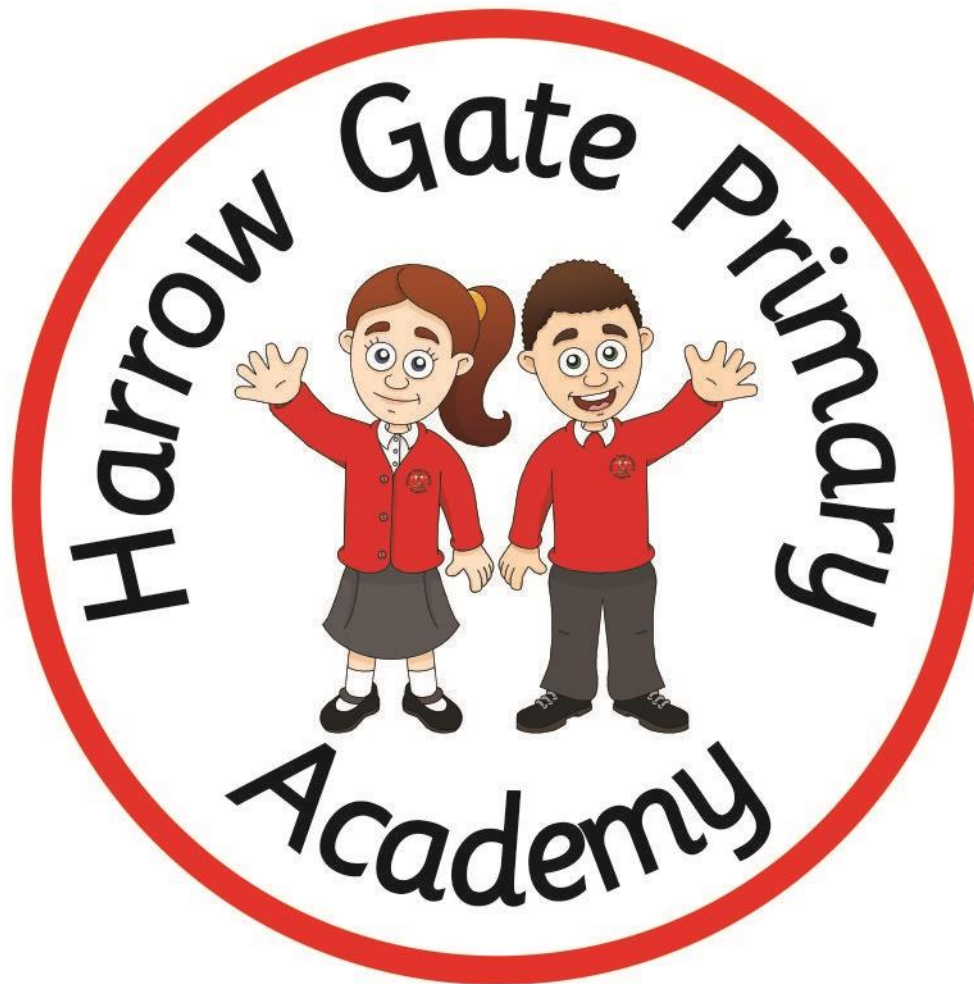


<b>Owner</b>	<b>Principal</b>
<b>Date Updated</b>	<b>March 2016</b>
<b>Review Date</b>	<b>September 2017</b>
<b>Audience</b>	<b>All</b>



# **Dignity at Work Policy**

## 1. Introduction

- 1.1 The Governing Body of *Harrow Gate Primary Academy* and The Enquire Learning Trust recognises that actual or perceived harassment is a factor, which can adversely affect employees' working, domestic and social lives as well as their personal well-being. Harassment may be unlawful behaviour contrary to the Sex Discrimination Act, the Race Relations Act, the Disability Discrimination Act and Employment Regulations on religion, belief and sexual orientation. Harassment is also improper and inappropriate behaviour because it lowers morale and interferes with work.
- 1.2 The Governing Body therefore has a duty to address harassment and bullying to make every effort to eliminate harassment and intimidation from the workplace.
- 1.3 Disciplinary action, including dismissal for serious offences, will be taken against any employee who is found to be guilty of intentional harassment or bullying. Equally, making malicious or unwarranted complaints of bullying or harassment will be considered a disciplinary offence.
- 1.4 Unintentional or misdirected harassment may still be offensive but can be eliminated if all employees show greater consideration or sensitivity towards their fellow employees. Examples of action in these incidents may include conciliation, support and opportunity for awareness training, or transfer to another job where appropriate.
- 1.5 Any member of staff told by a colleague that their attentions or actions are not welcome should have enough respect for them to stop. If it was not realised that distress was caused, it should be considered how it might feel if the roles were reversed or members of family/partner had complained about someone harassing them at their place of work.
- 1.6 As well as conferring rights on all Academy employees this policy also brings with it responsibilities. It is the responsibility of all Academy employees to bring to the attention of management behaviour or actions that are affecting the dignity at work of themselves or others. It is also the responsibility of all members of staff to act in a way that respects the dignity of others.
- 1.7 If a member of staff believes that they are the victim of bullying or harassment it may not be possible or appropriate to challenge the person direct. In such circumstances the employee should, immediately, inform their Line Manager/Principal who will be able to help resolve the problem. Alternatively anyone unsure as to whom to approach could contact Human Resources for assistance. This must be done as soon as the individual recognises that the behaviour is having an adverse effect on them. In the first instance attempts will be made to solve the problem on an informal basis unless the behaviour complained of is of such a serious nature that it warrants immediate referral to the disciplinary procedure.
- 1.8 Any member of staff should feel confident enough to report unwelcome attention and be assured that complaints will be handled both thoroughly and confidentially.
- 1.9 It is understandable that any employee who feels he or she is being harassed or bullied will be distressed and in need of emotional support and practical advice
- 1.10 It is also recognised that to be accused of harassment or bullying can also be stressful; particularly if an individual was unaware their behaviour was causing a problem. It is therefore important to understand that all parties in this situation may require support.

- 1.11 Allegations of harassment and bullying will be handled confidentially and dealt with promptly. In order to maintain confidentiality it is important that everyone involved respects this principle. All parties involved will receive a fair and impartial hearing.
- 1.12 The Governing Body agree that Academy employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against an employee for complaining about harassment is itself a disciplinary offence.
- 1.13 This policy has been drawn up following consultation with the trade unions. It is jointly recognised that every employee has a right to work in an atmosphere free of harassment and bullying.

## **2. Duties of all Academy Employees**

- 2.1 All members of the Academy workforce have a duty to eliminate any harassment or intimidation. They need to recognise that the purpose of this policy is to ensure a working environment that is free from harassment and intimidation. The best way to ensure this is to recognise at the earliest opportunity when things are going wrong and if at all possible raise the problem with the individual concerned.
- 2.2 If for any reason this is not possible you should request support of the Human Resources Service and/or your Trade Union to help resolve the problem. Remember that unless the Academy's disciplinary rules have been breached the aim is to resolve the problem not allocate blame.
- 2.3 It is therefore particularly important not to be tempted to proceed with unfounded or malicious complaints. Where a formal review is conducted it will examine and report on the behaviour and responsibility of all parties involved in the complaint.
- 2.4 If you are a third party observer of an incident or incidents you should report your concerns to your Line Manager/Principal or the Human Resources Service in the first instance.

## **3. Duties of Line Managers/Principal**

- 3.1 All members of staff who have supervisory/management responsibilities have a duty to eliminate any harassment or intimidation of which they are aware. Failure to take action to tackle harassment and bullying will be considered as a failure to fulfil all the responsibilities of their position. Further advice on tackling specific incidents of harassment and bullying is available from Human Resources.
- 3.2 Because harassment is sometimes linked to the exercise of power, it is particularly important that no Principal/Line Manager threatens or insinuates, either explicitly or otherwise, that an employee's job prospects in any way depend upon the acceptance of sexual advances. Such conduct or similar misuses of authority by a Principal/Line Manager will be treated as a serious disciplinary offence.
- 3.3 In particular it is important that the Principal/Line Manager is aware of the impact of their behaviour on members of the Academy staff. Nothing in this policy should prevent legitimate constructive criticism of employees' behaviour or performance, however it is important that the Principal/Line Managers learn to identify where an employee is inappropriately adversely affected.

## 4. Definitions

### Harassment

- 4.1 A clear distinction can be drawn between friendly attention, which is reciprocated by another employee, and unwanted, or unpleasant behaviour, which causes distress or fear.
- 4.2 The following paragraphs give a general description of activities which may constitute harassment but do not exclude other forms of inappropriate behaviour which are irrelevant to, and have a negative effect on, the performance of a person's duties.
- 4.3 Sexual harassment includes unwanted conduct based on a person's sex, sexuality or perceived sexuality, which is offensive to the recipient. It can be based on actions over a period of time but where it is sufficiently serious; a single incident will constitute sexual harassment.
- 4.4 Racial harassment includes any racially motivated actions by a person or group of people at work which are directed at one or more employees, are repeated and/or unwanted; causes humiliation, pain or distress; interferes with job performance or creates an unpleasant working environment.
- 4.5 The Disability Discrimination Act states that harassment occurs where, for a reason, which relates to a person's disability, another person engages in unwanted conduct, which has the purpose or effect of:
- violating the disabled person's dignity, or
  - creating an intimidating, hostile, degrading, humiliating or offensive environment for an employee.

Similar definitions are now included in equality legislation related to sex, sexual orientation, race, religion and belief.

- 4.6 Harassment of disabled people includes unwanted conduct or comments made because of an individual's disability or perceived disability. This includes a person's HIV status.

### Bullying

- 4.7 Bullying is persistent behaviour directed against an individual which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.
- 4.8 Bullying does not include legitimate constructive criticism of employee's behaviour or performance by the Principal/Line Manager.
- 4.9 Examples

The following are examples of inappropriate behaviour covered by the policy: -

- unwanted physical contact ranging from touching to serious assault
- verbal and/or written harassment through jokes, offensive language, gossip and slander
- visual display of posters, graffiti, obscene gestures, etc.
- isolation or non-co-operation at work, exclusion from social activities
- coercion including pressure for sexual favours
- unfair and or destructive criticism, including threats of dismissal, particularly in public

- any other unreasonable behaviour towards another employee which causes distress or fear and undermines their right to dignity at work.
- threatening behaviour

## PROCEDURE

1. Where possible an Academy employee who believes that they are being bullied or harassed should raise the problem with the individual concerned.
2. Where this is not possible or appropriate the employee should, immediately, inform the Principal/Line Manager who will be able to help resolve the problem.
3. If an Academy employee believes it is the Principal, who is bullying or harassing them, they should inform the Chair of Governors.
4. If unsure as to who to approach Human Resources can be contacted for assistance, this should be done as soon as the individual recognises that the behaviour is having an adverse effect on them.
5. If, following an informal meeting, the facts of the case are not in dispute and there is a genuine desire by all parties to resolve the problem, an informal resolution will be sought at this stage. Where appropriate external mediation services may be used. Unless there is a clear breach of the disciplinary code all parties will be encouraged to seek an informal resolution to the problem.
6. Should an informal resolution not be possible or appropriate; the employee should follow the Academy's Formal Grievance Procedure (Initial Stage) and lodge a formal grievance in writing. The Principal or nominee will be appointed as nominated officer to conduct a full investigation of the circumstances of the complaint.
7. The Academy's Grievance procedure will be followed to deal with the complaint. It is however recognised that concerns relating to bullying and harassment are particularly sensitive. The following paragraphs therefore provide detailed guidance to conducting this type of review.
8. The nominated officer will have full authority to resolve the grievance; as such their findings will be binding on all parties, subject to the appeal procedure.
9. The investigation is designed to gather all the information required and where appropriate to recommend an improvement plan to resolve the problem.
10. The nominated officer will interview the complainant to confirm the details of the allegations/concerns raised in the written complaint (Initial Stage).
11. The nominated officer will then interview all other parties involved including any witnesses that may be able to provide supporting information about the incidents and or events complained of. All parties interviewed have the right to be accompanied by a trade union representative or work colleague.
12. The nominated officer will take the responsibility of keeping people informed of progress.
13. In circumstances where it is felt that there has been a complete breakdown of professional working relationships it may be appropriate to transfer either party, with their agreement, to a different post within Academy (if possible), for the period of the investigation. Any

transfer should not be seen as an indication of guilt or otherwise, or involve any detriment in conditions of service.

14. The nominated officer's job is to gather as full a picture as possible in order to be able to produce a plan of action needed to be taken by the Academy. To this end an important part of their role is to identify what outcome will be acceptable to each of the party's concerned and what support will be required to achieve this.
15. All parties interviewed will be reminded at the outset of the investigation that the interview and any statements gathered, although confidential, may be disclosed as required for audit, disciplinary, employment tribunal or other legitimate purposes.
16. It is important to understand that a formal investigation will consider the behaviour of all parties concerned with the allegations. It should be recognised that the investigation could potentially identify behaviour and actions that were sufficiently serious that disciplinary action against one or more parties would be considered.
17. If the nominated officer is not the Principal, they will present a draft report of the findings to the Principal, the complainant and the person against whom the complaints were made. In cases where the Principal is one of the parties concerned, the report will be presented to the Chair of Governors. The report will make comment on referral to the disciplinary procedure where appropriate. It will also include a proposed improvement plan to address any problems identified by the investigation.
18. Having received comments on the draft report from all interested parties the nominated officer will produce a final report.
19. The nominated officer will arrange a meeting with the interested parties. The purpose of this meeting will be to confirm the outcome of the investigation and if appropriate the management action to implement the improvement plan. The feedback meeting will be conducted individually or in groups as appropriate.
20. The outcome of the investigation and any improvement plan will be confirmed in writing.
21. Mediation and conciliation services may be used to assist a return to normal working relationships. In addition, training, mentoring or other forms of support may be offered to anyone whose behaviour may have inadvertently caused the difficulties. Where appropriate, external mediation services will be used. It is anticipated that all parties will participate in whatever remedial action is proposed by the nominated officer and allow time for the process to work.
22. The right of appeal does not cover referral, or otherwise, to the disciplinary procedure. The right to instigate a disciplinary investigation remains with the Academy, should disciplinary action result a right of appeal is contained within that procedure. Equally not to take disciplinary action as a result of a complaint is a management decision.

## **APPEALS**

23. Where the employee(s) remain aggrieved following receipt of a formal written response from the nominated officer, the matter may be referred to the Governors Appeal Committee. Any appeal should be sent to the Chair of the Governing Body within 5 working days of receipt of the decision.
24. A meeting of the Appeal Committee will be held to enable the employee to state their appeal and for Governors to consider the grounds for appeal. The appeal meeting will be

conducted as a full re-hearing of the grievance and held within 20 working days of the lodging of the appeal. The employee should have at least 5 working days' notice of the Appeal Hearing.

25. The employee will be informed in writing of the outcome of the appeal. The decision of the Appeal Hearing is final and binding on all parties and once made must then be notified to the employee in writing.