



LEARNING
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Dignity & Respect Policy

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Contents

Introduction 3

Scope..... 3

Definitions 3

Rights of Employees..... 3

Employees Responsibilities 4

Managers Responsibilities 4

Procedure for dealing with complaints 4

Mediation..... 6

Confidentiality 6

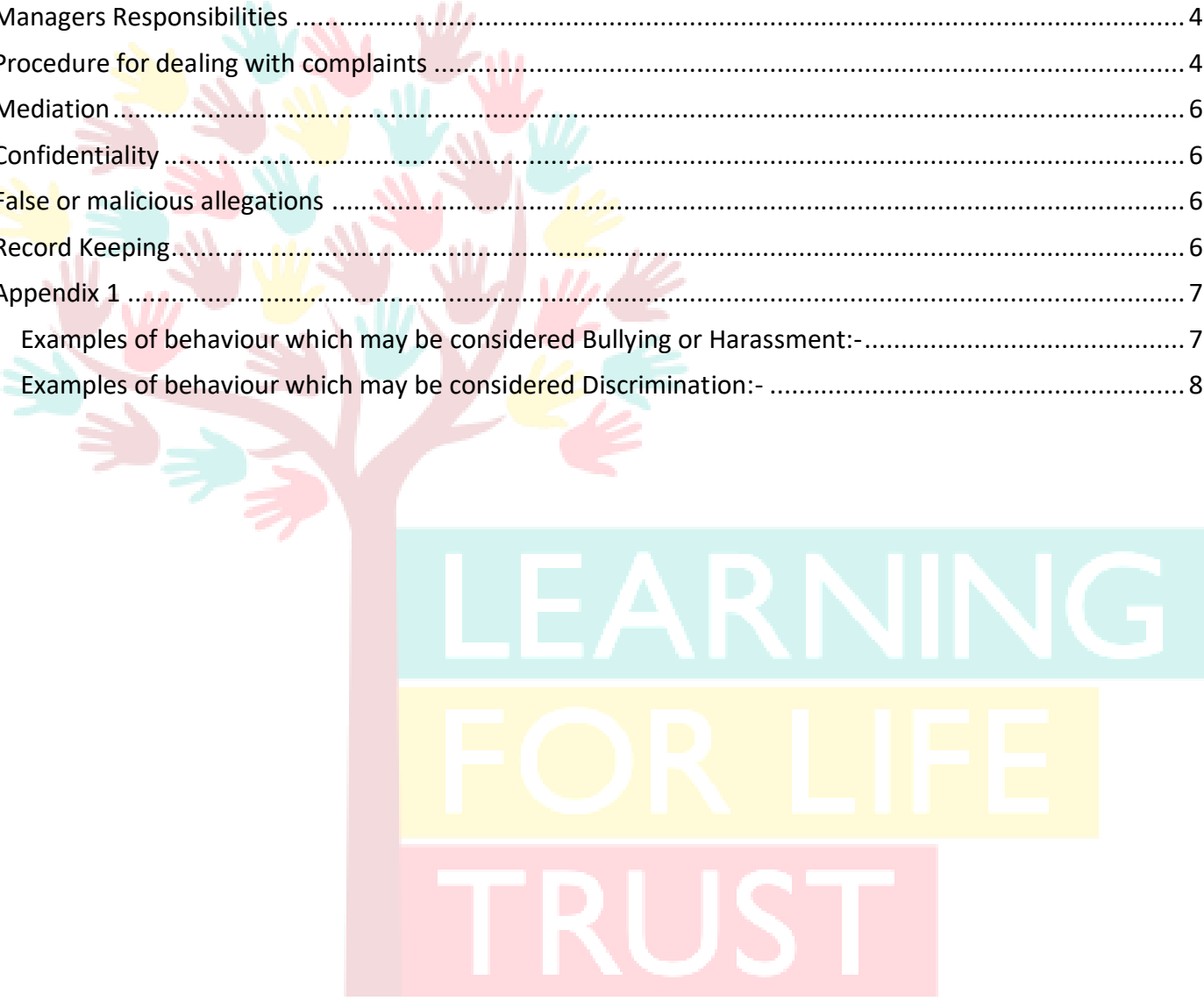
False or malicious allegations 6

Record Keeping..... 6

Appendix 1 7

 Examples of behaviour which may be considered Bullying or Harassment:- 7

 Examples of behaviour which may be considered Discrimination:- 8



Introduction

The Learning for Life Trust recognises that all employees have the right to work in an environment which respects the dignity of individuals and which is free from all forms of intimidation. All employees have responsibility to promote and maintain our positive working culture of dignity and respect at all times, and Learning for Life Trust will not tolerate bullying, harassment, victimisation or discrimination in any form. Any complaints of breaches of this policy will be dealt with swiftly, confidentially and appropriately, which may include taking action under the Disciplinary Policy. This policy has been provided to explain the process which will be followed by the organisation when dealing with any allegations of bullying and / or harassment.

Scope

The policy applies to all employees, adults or staff who work Trust. This includes, for example, volunteers and those who are not directly employed by the Trust. In addition, it covers the behaviour of employees outside normal working hours which may impact on work or on working relationships. All employees will be made aware of the existence of this policy and will have access to a copy. The organisation expects all employees to play a part in ensuring that bullying and harassment, together with all forms of discrimination and victimisation, are not tolerated in any form within the workplace.

Definitions

Bullying has no definition in law however it is generally taken to mean offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power intended to undermine or humiliate the recipient.

Harassment is defined by the Equality Act 2010 as 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 protected characteristics defined by the Equality Act are: age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

Bullying and / or harassment may be single or repeated instances, displayed by one or more people against one or more individuals. Bullying and / or harassment can take place at any level within an organisation and can be summarised as any behaviour which is unwanted by the person / people against whom it is directed. The organisation will not seek to differentiate between the terms bullying and harassment and will treat all such allegations seriously.

Victimisation is defined under the Equality Act 2010 as the victimisation of an individual because they have taken action under the Equality Act for doing a 'protected act' – for example, treating somebody badly or unfairly for making or supporting a complaint made under the Equality Act, or a belief (by the alleged perpetrator) that a complaint has been made or supported.

Discrimination is defined by the Equality Act 2010 as treating somebody less favourably due to that person having a protected characteristic ('direct discrimination') or by applying a procedure, criterion or practice which places the person with a protected characteristic at a disadvantage which cannot be proportionately justified ('indirect discrimination').

See **Appendix 1** for examples of behaviour which relate to the above definitions.

Rights of Employees

All employees can expect to have the following rights at work:-

- To be treated with dignity and respect,
- To be treated fairly and without discrimination,
- To be able to disagree and present opposing views,
- To be able to challenge others and be assertive in a professional manner,

- To be consulted on decisions affecting their work,
- To have their contributions recognised.

Employees Responsibilities

The organisation expects all employees to:-

- Treat others with dignity and respect,
- Be aware of how their own conduct and behaviour can impact on others and the wider community
- Challenge inappropriate behaviour in others,
- Respect the authority & decisions of others,
- Deal with any conflict constructively,
- Recognise the needs of colleagues and the organisation,
- Ensure that their conduct is in accordance with the principles set out in this policy,
- Advise an appropriate manager if they become aware of any bullying, harassment, victimisation or act of discrimination occurring,
- Co-operate with investigations under this policy and treat such investigations confidentially.

Managers Responsibilities

- To create a working environment which does not tolerate bullying, harassment, victimisation or discrimination
- To take immediate action to deal with any issues identified whether or not a complaint has been made and to treat all allegations seriously,
- To deal with any allegations of bullying, harassment, victimisation or discrimination sensitively and promptly,
- To take care not to pre-judge situations based on their own perceptions,
- To recognise that on occasion, a complainant may prefer to speak to a manager of the same sex,
- Ensure all employees are aware that a breach of this policy could lead to formal disciplinary action, including dismissal, under the Disciplinary Policy, depending on the circumstances,
- Ensure that those who raise or support complaints made under this policy are not victimised for their actions.

Procedure for dealing with complaints

Any employee who feels that they are being bullied, harassed, victimised or discriminated against should attempt to resolve the matter informally. If the employee feels comfortable enough to do so, this may involve initial discussion with the alleged perpetrator by explaining that they find the behaviour offensive, unwelcome or that it makes them feel uncomfortable. Often people are unaware that their conduct is unwelcome or has caused offence and informal discussions can lead to a greater understanding and an agreement that the offensive behaviour will stop.

The complainant should keep a record of any incidents including where and when the incident took place, what occurred and any witnesses.

If the complainant does not feel able to approach the alleged perpetrator personally then they should inform their manager (or another appropriate manager if their own manager is the subject of the complaint) informally and in confidence. The organisation expects that all such issues will be raised promptly, within three months of the date of the issue occurring, in all but exceptional circumstances.

In order to make a complaint, the employee would be expected to:

- understand the definitions contained within the procedure
- be clear about the basis of their complaint
- submit it without unreasonable delay
- stick to the facts but provide as much information as possible (the information provided will be used to determine whether or not the complaint has substance)
- let the organisation know the outcomes being sought
- indicate whether they would like to try to resolve the problem via informal resolution or whether they would like to request a formal resolution – through the Grievance procedure as stated below
- send the information to the manager/Headteacher. If their complaint is about their manager, it should be sent to the next appropriate manager in seniority.

The manager receiving the informal complaint will initially discuss the matter with the complainant, who may be accompanied by a workplace colleague, not involved in the issue, or their trade union representative. It is the employee's responsibility to arrange for a companion to be present if required. The manager may be accompanied by a HR Adviser and a note-taker may also be present.

The manager will ensure that employees who have raised concerns, or have provided evidence during an investigation, are not victimised as a result of their actions.

The manager, will also speak to the alleged perpetrator, who may be accompanied in that meeting by a workplace colleague, not involved in the issue, or their trade union representative, to allow them to state their version of events. It is the alleged perpetrator's responsibility to arrange for a companion to be present if required. A note-taker may also be present at this meeting.

The Learning for Life Trust recognise that the lodging and/or investigation of a complaint may be extremely difficult and distressing for both the complainant and the subject of the complaint. In both cases, consideration should be given to appropriate support being provided before, during and after an investigation. This may include advice and/or counselling from occupational health.

If a verification or investigation of the facts and circumstances is undertaken, it will be undertaken confidentially and as efficiently as possible, with notes taken, agreed and retained by the investigating manager.

The manager will ensure that complaints of harassment, discrimination, victimisation and bullying are taken seriously and that investigations are, so far as is possible, managed speedily, confidentially and communicated effectively.

In the event of a counter-complaint being made by the subject of the alleged perpetrator and where the counter-complaint could be material to, or affect the outcome of the originating complaint or investigation, the counter-complaint should be comprehensively included and dealt with in the originating investigation or informal resolution process, ensuring that a full response to the allegation is covered in the final report and fed back.

The aim of these meetings is to resolve the issue informally where appropriate however if this is not possible, appropriate, or if the facts are in dispute, then the complainant has the right to have the matter formally, dealt with by utilising the same process as the formal resolution of a grievance, set out in the organisation's Grievance Policy. This will include a right of appeal for the complainant.

If, at any stage, there are grounds to suspect that an act(s) of bullying, harassment, victimisation or discrimination has been committed, the alleged perpetrator(s) is/are likely to be dealt with under the organisation's Disciplinary Policy.

Mediation

The organisation encourages the use of mediation to resolve issues where appropriate. It should be noted however that the mediation process is a voluntary, confidential process and that there is no obligation on those involved to take part although it is hoped that employees will recognise the benefits of mediation if appropriate.

Mediation may be requested by any party involved an allegation of bullying, harassment, victimisation or discrimination at any time and if all parties agree, the process will be suspended pending the outcome of the mediation. If mediation is successful, the complaint will be considered resolved. If mediation is not successful, the process will resume at the point where it was suspended.

Confidentiality

All allegations made under this policy will be dealt with in a confidential manner and information must only be shared with those who have a genuine need to receive the information. Any breaches of confidentiality may be dealt with as a disciplinary matter.

False or malicious allegations

The organisation encourages all employees who feel they are being bullied or harassed to raise them as outlined within this policy and will ensure that the employee suffers no detriment as a result of raising a complaint. However, if an allegation is found to have been raised falsely, maliciously or in bad faith then the employee raising such a complaint is likely to face action under the organisation's Disciplinary policy.

Record Keeping

Managers will retain a confidential written record of all allegations made under this policy, the nature of the complaint, the process followed, decisions and outcomes. All Records should be forward to the Headteacher of the school who will inform the Trust leader.



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Appendix 1

Examples of behaviour which may be considered Bullying or Harassment:

(This list is not intended to be exhaustive and is included only to give an indication of the types of behaviour which may be considered Bullying or Harassment)

- Acting in an unfair or unreasonable manner
- Aggressive behaviour
- Cyber bullying through social media
- Deliberately sabotaging or impeding work performance
- Ignoring someone, isolating them or deliberately excluding them from a group
- Intentionally blocking promotion or denying training opportunities unfairly
- Intimidation, ridicule or name-calling
- Making threats about job security without foundation
- Offensive or insulting gestures or comments
- Persecution through threats or instilling fear
- Picking on one person when there is a common problem
- Rifling through, damaging or stealing personal possessions
- Setting an individual up to fail
- Shouting at, criticising or belittling someone in front of others
- Spreading malicious rumours or making false allegations against someone
- The display of offensive material or the use of offensive language
- Unjustified criticism of a person or their performance
- Unwanted physical contact
- Unwelcome sexual advances
- Withholding information or deliberately supplying incorrect information
- Offensive material, including pornography, racist material, or material which ridicules or abuses religion or belief, men or women, black people, disabled people, transgendered people, lesbians or gay men, older or younger people.
- Verbal abuse, including racist or sexist language, and language that undermines or ridicules eg disabled people, LGBTQI+, older or younger people.
- Bullying, exercising power to intimidate, ridicule or demean an individual or group of people usually through a number of small incidents over a period of time.
- Leering, comments on dress or appearance, embarrassing remarks or jokes, demands for sexual favours.
- Physical assault, including touching or unwanted physical advances.
- Persistent comments, which undermine or undervalue a person's abilities, particularly on the basis of sex, race, disability, sexuality, age. This could also relate to comments on a person's physical appearance.
- Cyber-bullying, is when the internet, phones or other devices are used to send or post text or images intended to hurt or embarrass another person. It may include threats or sexual remarks or ganging up to make someone a victim of ridicule in social networking forums.

Examples of behaviour which may be considered Discrimination:

(This list is not intended to be exhaustive and is included only to give an indication of the types of behaviour which may be considered Bullying or Harassment)

Direct discrimination:

This is when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Associative Discrimination:

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive Discrimination:

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination:

Indirect discrimination can occur where there is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that an action was reasonable i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision made in running a school, but if there is a discriminatory effect it is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that less discriminatory alternatives to any decisions have been examined.



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