

Procedure for School Employees

Dignity at Work Policy

Introduction

1. Oxfordshire County Council and the School Governing Body are committed to the provision of a healthy, safe and productive working environment for all employees, prospective employees, and others working in or visiting its premises.
2. **Employees will be:**
 - Treated without favouritism
 - Spoken to with courtesy on all occasions
 - Spoken and written about with respect
 - Accorded due professional trust
 - Given due credit for their achievements
 - Consulted about all proposals for changes in their role
 - Given adequate time and resources for the successful discharge of their duties
 - Provided with appropriate training, promotion and leave opportunities
 - Accorded respect for their individual personal space
 - Able to enjoy a working environment free from exposure to offensive written or graphic material
 - Treated with dignity and respect at work and thereby be encouraged to meet their full potential.

The Role of Employees

3. It is the responsibility of all employees to maintain appropriate standards of behaviour in the workplace and to ensure that they do not contribute to the creation of a working environment in which affronts to dignity, bullying or harassment are accepted. Employees are required to:
 - Treat colleagues and those with whom they come into professional contact with dignity and respect
 - Be aware of the effect that their own behaviour and appearance can have on others

- Support colleagues if they experience incidents which affront their dignity, including bullying, harassment and victimisation
- Inform their managers, school adviser, human resources officer or union representative if they are aware of any incident
- Set a positive example to colleagues
- Consider their language and refrain from making hurtful personal comments to or about others
- Challenge unacceptable behaviour on the part of others where appropriate and should report any incident to their line manager or to an appropriate senior manager, school adviser, Human Resources Manager or via their trade union.

The Role of Managers (including Governors)

4. Affronts to dignity, bullying, and harassment in the workplace will not be tolerated.
5. In order to carry out their role it is necessary for managers to:
 - Issue instructions to employees
 - Set work-related targets and objectives with employees and monitor their achievement
 - Set standards of workplace performance and behaviour for employees, and monitor compliance with these
 - Manage performance, including addressing poor performance or unacceptable behaviour on the part of employees, using the appropriate procedure. These managerial functions should be carried out in a professional manner which does not undermine the dignity of employees.

The Responsibilities of Managers

6. It is the responsibility of all managers to prevent infringements of people's dignity, harassment and bullying wherever possible and to take the appropriate action against such behaviour when necessary. In particular managers must:

- Ensure that this policy is communicated to newly appointed employees during their induction, and is reinforced at regular intervals in routine meetings, briefings etc.
- Be alert to the possibility of breaches of this policy occurring
- Correct any behaviour which could be seen as contrary to this policy and remind employees of the policy when appropriate
- Provide a supportive framework for any employee with a complaint made under this policy
- Take prompt action to deal with infringements of dignity, bullying or harassment as soon as these are identified, including disciplinary action where appropriate
- Treat all cases of inappropriate behaviour confidentially and consult a senior manager or the Schools' HR team for advice when required. (Given the severity of the effects of bullying and harassment and the need to eradicate them, in some cases it may be appropriate to continue with an investigation or disciplinary process even when the allegation has been withdrawn by an employee)
- Ensure that any appropriate forms are completed, e.g. PVA1 (Physical and Verbal Abuse)
- Keep records of any incident reported or observed.

The Disciplinary Procedure

7. Infringements of employees' entitlement to dignity at work may be a disciplinary offence; bullying and harassment are disciplinary offences. The Council's Model 'Disciplinary Procedure for School Employees' cites harassment and other offences against human dignity, assault, and threatening behaviour at work, as examples of behaviour which may constitute misconduct or gross misconduct.
8. Everyone is entitled to work without the fear of mischievous or malicious complaints or allegations; employees found to be making these will be subject to the disciplinary procedure.

Offences which go beyond infringements of dignity (See also Paragraph 24)

9. Bullying and harassment, of one or more employee by another or others, can take a number of forms. It is not always face-to-face but can involve

written material, such as e-mails. The following are examples of behaviour which the Governors consider unacceptable:

- Physical aggression or intimidation
- Practical jokes which embarrass or humiliate
- Verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip or innuendo
- Abuse of an individual's right to personal privacy, for example intrusion into another employee's personal property or into their private life. (This may also be a breach of the Data Protection Act 1998)
- Deliberate exclusion of an employee from normal social or professional contact at the workplace
- Unwelcome sexual advances.

10. The following are examples of unacceptable behaviour over-and-above those already mentioned above, which may constitute bullying or harassment.

- Humiliation – for example reprimanding an employee in front of others when this could be done in private
- Victimisation – for example singling out an employee for criticism
- Intimidation – for example aggressive behaviour or threats directed at an employee
- The persistent placing of excessive demands on employees; setting of unrealistic work targets or objectives; changing of targets or objectives without good reason
- Instructions or requests to employees to perform inappropriate tasks which are outside the remit of their job.

Informal Resolution

11. In some cases of infringement of dignity it may be possible and desirable for the issue to be settled informally. This may be possible by confidential discussion between the parties themselves with agreed recorded outcomes.

Formal Resolution

12. If informal resolution fails, employees should bring the matter formally to the attention of their line manager.
13. The County Council aims to provide a wide range of initial contact points for employees who wish to discuss an issue relating to all infringements of dignity, including bullying and harassment.
14. Employees who feel that the perpetrator is their line manager may bring the situation to the attention of a more senior manager or an HR Manager or school adviser.
15. Employees may, if they prefer, ask a colleague, trade union representative or Schools' HR to raise the matter with an appropriate manager on their behalf.
16. The person to whom the incident is reported should arrange an investigation, and then take appropriate action. Managers should seek advice from Schools' HR on whether formal disciplinary action is appropriate or not and if the alleged incident(s) is/are based on discrimination relating to particular personal characteristics.
17. Keep a record of all incidents – dates, times, any witnesses, etc.
18. The person responsible should take steps to ensure confidentiality and fairness to both parties. It is particularly important that no-one should be victimised as a result of making a complaint or being the subject of a complaint.

Infringements of Dignity by Trade Union officials or representatives

19. The trade unions recognised within the council take infringements of dignity, bullying and harassment seriously, and have their own internal procedures for dealing with it. They would encourage employees with concerns about the behaviour of another employee who is also a trade union representative/officer to report their concerns as indicated below.
 - (i) If the concerns relate to the performance of the employee's duties as an employee, then the concerns must be reported and considered in accordance with sections 3 onwards of this Policy. Action against a trade union representative can be subject to legal challenge or could lead to a dispute if it is seen as an attack on the trade union/association's functions. Therefore no action will be taken against a trade union officer/representative until the circumstances of the case

have been discussed with a full-time officer of the union or senior trade union representative and advice sought from Schools' HR.

- (ii) If the concerns relate to the performance of the employee's duties as a trade union officer / representative, the concerns should be reported and considered in accordance with the relevant trade union/ association's internal procedure. In all such situations, advice should be sought from Schools' HR and it may be helpful for HR to contact an appropriate full-time officer of the union or senior trade union representative, on behalf of the employee, to establish how the concerns should best be reported.

Inappropriate behaviour by members of the public

20.The procedure for dealing with cases where employees are subject to inappropriate behaviour from the public (including users and clients of Council services) is included in the Council's Model Policy for Schools 'Harassment by Clients'. This covers any incidents in which employees are verbally abused, threatened or attacked by a member of the public in the course of their employment.

Counselling and support

21.Counselling and support for both the person raising the concern about breaches of this policy and the alleged perpetrator are available through Schools' HR, the Staff Care Service or Occupational Health Service. Support may also be available through the recognised unions.

If a complaint is not resolved

- 22.If employees are not satisfied that a complaint has been dealt with speedily and effectively under this procedure then they should use the School's Grievance Procedure.

Legislative Background

23.In introducing this policy, an impact assessment has been undertaken to take account of the Race Relations (Amendment) Act 2000 and discrimination legislation more generally. Confidential monitoring may be undertaken both of the disciplinary process and of complaints under this policy in order to gather data to help establish whether the policy is operated in a fair and consistent manner. In addition, monitoring will be undertaken via staff surveys in order to gauge whether bullying and/or harassment are prevalent, and whether employees feel these issues are dealt with fairly and appropriately. In undertaking monitoring the Council or Governors will not identify individuals.

24. There is currently no standard legal definition of bullying or harassment. However, the legal definition of harassment as applied to sexual orientation, religion or belief, and race and ethnic and national origin is, “**unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment**”. ‘Bullying and harassment’ are terms which are used interchangeably by many people. They cover a range of behaviours which undermine the right of others to be treated with dignity at work. There are specific forms of bullying which may constitute offences under discrimination legislation. These relate to bullying, harassment or victimisation because of:

- Race, colour, nationality, ethnicity or national origins
- Sex
- Disability
- Sexual orientation
- Religion or belief
- The intention to undergo, be undergoing or have undergone gender reassignment.

25. In addition, bullying or harassment because of age or other personal characteristics is equally unacceptable. The Government has also introduced regulations to provide protection from discrimination and harassment in respect of age. Certain types of harassment, such as stalking, are covered by criminal law in the Protection from Harassment Act 1997, and the Criminal Justice and Public Order Act 1994.

Related Policies and Procedures

(<http://intranet.oxfordshire.gov.uk/links/intranet/schoolshrpolicies>)

(i) Disciplinary procedure

Governing bodies must have a procedure for dealing with matters of discipline. The disciplinary procedure is used where misconduct of an employee is alleged.

(ii) Grievance procedure

Governing bodies must have a grievance procedure. A grievance procedure is initiated by employees. It enables an employee to pursue complaints concerning aspects of their employment and to seek redress.

(iii) Stress at work

The County Council has produced guidance for school employees who report suffering from stress. Employees should report matters of concern relating to health and safety, including stress at work, to an

appropriate manager. They are also encouraged to develop a balanced and responsible approach to work and their personal living.

(iv) Harassment of employees by clients

The Children, Education & Families Directorate has produced guidance for school employees who report being harassed. “Harassment” is any behaviour which creates an intimidating distressing, hostile or offensive working environment for one or more people, and includes racial, sexual or other forms of harassment. The procedure assumes that a client can be a pupil, a parent or user of facilities provided by the Children, Education & Families Directorate.

(v) Assaults on education employees

The Children, Education & Families Directorate has produced guidance for school employees who report having been assaulted. Assault can include threatening or violent behaviour, racial or sexual harassment, gesture and innuendo.

(vi) Raising concerns at work

The procedure allows employees to raise concerns about any aspect of the school or County Council’s service provision or about the conduct of County Council employees, members or others acting on behalf of the County Council.

(vii) Complaints procedure

Government bodies must have a complaints procedure for any member of the community to raise concerns. Mostly used by parents but could be school’s neighbours, etc.

26. In addition to dignity at work, this policy applies to all forms of bullying and harassment and replaces the school’s previous statement on Harassment and Bullying at work, Racial Harassment and Sexual Harassment. (For the legislative background see Paragraph 23).

Contacts:

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Signed:  (Chair of Governors)