



## THE LEARNING PARTNERSHIP

### Dignity at Work Policy and Procedure

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<b>Approval needed by:</b>	<b>Finance and Staffing Committee</b>

## **SCOPE**

This policy is applicable to all employees of The Learning Alliance and addresses complaints of bullying and/or harassment of Trust employees. Any reference to manager will be taken to mean the Chair of Governors where the Headteacher is the subject of any complaint.

## **Aim**

To ensure that all staff, Governors and Trustees are aware of their responsibilities towards each other and to understand the impact that their behaviour may have on other employees. It also aims to:

- enable an employee to be able to raise a complaint where they feel that they are being subjected to bullying or harassment in the workplace, and to receive a timely and appropriate response from management, with a view to reaching a satisfactory outcome.
- deal fairly and effectively with employees should a complaint be raised under this procedure.
- enable managers to deal effectively with any complaints made regarding unacceptable behaviour in the workplace.
- promote positive working relationships.

## **Trustee Policy Statement**

The Trustees believes that all employees are entitled to be treated with dignity and respect at all times and should be able to obtain and hold employment without fear of discrimination, bullying or harassment. Furthermore, it wants to build a culture based on fairness and respect and is opposed to all forms of unlawful discrimination, bullying or harassment of any kind.

The Trustees, Governors and senior managers are firmly committed to the success of this policy and all steps taken towards its achievement.

Everyone has the right to be treated with respect and dignity in the workplace, irrespective of their level, status or position within the Trust.

It is the wish of the Trustees that all Trust employees will have the confidence to raise issues informally so they can be dealt with quickly and fairly and good working relationships can be maintained.

The Trustees understand the need for acceptable standards of behaviour in the workplace to enable all employees to fulfil their maximum potential and to protect their health, safety and welfare. These standards of behaviour should apply to all relationships involving employees, members of the governing body and others i.e. volunteers, parents, employees of partner organisations, contractors and other Trust users.

The Trustees regard any form of bullying and/or harassment as unacceptable and will deal seriously with instances of such behaviour should they arise. The Trustees will give effect to its position on bullying and harassment at work by:

- Adopting this policy statement
- Providing a clear process for dealing with complaints

- Setting standards of behaviour for employees through induction, appraisal and day to day management and communication
- Providing access to support and counselling to employees who consider that their dignity at work is being compromised by the behaviours of others

### **Link to other Policies/Procedures**

If an employee is subject to disciplinary, attendance management or capability procedures, the bullying and harassment in the workplace procedure cannot be used to register concerns about action under those procedures. Any such concerns will be dealt with as part of those procedures. Where appropriate, consideration may be given to the suspension of proceedings whilst such concerns are addressed.

## **DEFINITIONS OF BULLYING AND HARASSMENT AT WORK**

### **Bullying (including Cyber Bullying)**

Bullying can 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.

### **Harassment**

Harassment is defined as any unwanted conduct related to a 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 relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Employees can complain about behaviour that they find offensive even it is not directed at them. In addition, the complainant does not need to possess the relevant characteristic themselves and it can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one.

Bullying or harassment maybe by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of behaviour that are considered unacceptable are included as [Appendix 1](#) of the Dignity at Work Procedure. This list is not exhaustive.

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made, or supported, a complaint under this procedure or under the provision of the Equality Act 2010, or because they are suspected of doing so.

## **Responsibilities**

All staff, governors and Trustees are expected to:

- Behave and treat each other with respect and dignity at all times.
- Help prevent bullying and/or harassment by challenging and reporting colleagues whose behaviour appears to be causing distress to others.
- Encourage colleagues to be open with each other and to resolve differences informally and at an early stage, to avoid excessive and stressful situations.
- Recognise that leadership and other line managers often have a difficult job to do which will sometimes involve making decisions and giving instructions/feedback which is not always popular, but which cannot necessarily be construed as bullying or harassment. In all circumstances the headteacher/other manager will communicate in an appropriate manner.
- Avoid making judgements and taking sides in the course of a complaint being investigated.

Headteachers, line managers, governors and Trustees are expected to:

- Demonstrate respect for employees as individuals in all managerial/ supervisory matters.
- Reflect on their own approach and style, recognising the inherent power their position bestows.
- Ensure that all employees have been made aware of the Trust's policies on valuing diversity and dignity at work via the induction process and regular communication channels so they know how to complain if they become victims of bullying, harassment or inappropriate behaviour.
- Deal with complaints of bullying or harassment promptly, sensitively, confidentially and professionally, recognising the stress experienced by employees in such situations and the potential feelings of victimisation to emerge.
- Give sensitive consideration to external and domestic influences which might be affecting an employee's behaviour at work e.g. caring responsibilities, health or bereavement, relationship difficulties or domestic violence.

## **Malicious Allegations**

If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. However, if an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against that individual.

## **Staff Support**

Being involved with, and dealing with, an allegation of harassment, bullying or victimisation can be difficult for all parties concerned. It is important that all parties are offered support, including the staff member accused of the inappropriate behaviour. This could include the support of a manager, colleague or trade union representative.

## **Anonymous Allegations**

The Trustees do not encourage the making of anonymous allegations and will only consider these in exceptional circumstances. Any decision to consider anonymous allegations will be at the absolute discretion of the chief executive principal and the Trustees. In exercising this discretion, the following factors should be considered:

- The seriousness of the issue(s) raised,
- The credibility of the concern, and
- The likelihood of being able to confirm the allegation.

### **Equality**

The Trustees should ensure that when implementing the Dignity at Work policy, no employee will be disadvantaged on the basis of their gender, transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

### **Monitoring**

Data relating to bullying and harassment in the workplace cases will be collated and monitored regularly to ensure that the policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately by the Trustees.

In formulating this policy account has been taken of other relevant legislation and policies including the Human Rights Act, the Equality Act 2010 and the Whistleblowing procedure.

## PROCEDURE

It is an expectation of this process that attempts are made to resolve allegations of bullying and/or harassment informally in the first instance. If this is too difficult for the employee to do on their own, they should seek support from a fellow employee, their line manager, or trade union.

The formal part of the process should be used where:

- There has been no successful outcome from the informal process;
- The allegation is so serious that the informal process is not applicable;
- The employee does not feel, even with support, that they can deal with the matter informally.

Employees may first seek advice from their trade union representative if they wish.

### Informal Action

Employees who wish to raise a bullying or harassment issue informally should:

- Talk or write a letter to the person concerned, if they feel able to do so, identifying the behaviours they are experiencing as upsetting, unpleasant, or intimidating and ask them to stop.
- Inform their line manager and/or headteacher early on, instead of leaving the problem to escalate and become more formal.
- Keep a diary of times, frequency and any witnesses to the event(s).

Where the employee feels he/she cannot approach the individual, a trade union representative or work colleague may act on their behalf to raise the issue. Where the employee approaches a colleague, it is important to respect the fact that this person may not wish to become involved. The role of the friend or representative at this stage is not to impose a solution but to offer support, explore possible options open to the employee, and assist the employee to choose a suitable and satisfactory course of action. If the employee is not a member of a trade union, they can seek advice from their line manager on how this could be approached.

If the problem is not resolved the employee should inform the headteacher/chair of governor's that they wish to make a complaint and ask for it to be dealt with through the informal procedure. An informal meeting should be arranged in which the employee should:

- Explain the action taken so far.
- Confirm it is their wish to try and resolve the matter informally in the first instance.
- Discuss with the manager whether they would be comfortable attending a meeting with the person against whom they made the allegation.
- If the complaint is around perceived unreasonable management actions, explain why they are considered unreasonable.

Depending on the outcome of the meeting the headteacher will attempt to resolve the matter informally. This may involve a meeting with the person against whom the allegation has been made either on their own or with the complainant. Where possible, a resolution strategy between the parties to rectify the problem and prevent reoccurrence should be agreed, with a review date where necessary.

Considerations should be given to appointing a mediator to conduct further investigations individually or with both parties, with the aim of improving understanding and establishing common ground from which to agree a practical resolution.

## **Mediation**

In some circumstances it may be appropriate for the matter to be referred to mediation, in order to seek a resolution, before moving to the formal procedure. Mediation will only be used where appropriate, and where all parties involved in the complaint agree to take part. Mediation should be completed within 20 working days of the complaint being raised.

Both parties must agree to mediation. If either of the parties does not agree to mediation, mediation cannot be used to resolve the issues.

## **Formal Action**

If the issue is not resolved at the informal stage, or the behaviour is deemed so serious that it is felt informal action is inappropriate, the complaint should be raised formally.

Formal complaints must be made in writing and addressed to the headteacher (or chair of governors if the headteacher has been involved at the informal stage or the complaint is against the head teacher). The Dignity at Work Formal Complaint Form, found in the DAW Toolkit, should be used for this purpose. The form must include the following information:

- The name of the person(s) against whom the complaint is being made.
- The nature of the unacceptable behaviour(s).
- Where possible details of specific incidents.
- Names of witnesses to any incidents.
- Any action already taken by the complainant to stop the behaviour.
- What behaviour or outcome they are seeking.

The form will be acknowledged within 5 working days of receipt. The headteacher or chair of governors may wish to seek advice from their HR Advisors at the earliest opportunity and certainly before proceeding.

The process should be completed within 20 working days of receipt of the Dignity at Work Formal Complaint Form.

Where a formal complaint is made and there has been no previous attempt at resolving the issue informally the manager will meet with the employee making the complaint to determine whether an informal approach is appropriate.

Where the complaint has moved to formal action because all informal routes have been unsuccessful, the headteacher/chair of governors should:

- Advise the subject that an allegation has been made against them and advise of any steps to be put in place to protect them and the complainant. The subject should be advised of their right to be accompanied at any further meetings should this be necessary.

- Appoint an investigating officer who will not have had any previous involvement with the matter.

*The Investigating Officer will:*

- Conduct a formal investigation in a confidential manner, interviewing both parties. Both the employee making the allegation and the person against whom the allegation has been made will be entitled to be accompanied by their trade union representative or work colleague at any meetings in connection with the investigation and may submit written evidence. The investigating officer may also interview any witnesses to the alleged harassment/bullying.
- If at the outset it appears this will take longer than 20 working days this should be communicated to the employee and any required extension should be mutually agreed.
- If at any time the investigating officer believes the circumstances constitute gross misconduct, they should report this to the commissioning manager who may wish to seek advice.
- At any stage the employee making the complaint may decide that they wish to resolve the issue informally. Where possible, this decision will be supported but if the Investigating Officer feels this is not appropriate given the seriousness of the allegations or there is perceived to be any risk to the complainant then he/she should continue with the formal action.

### **Outcome of the Investigation**

The Investigating Officer should prepare a report on their findings including notes of interviews with any witnesses. The report should include a summary of the issues, evidence available and where appropriate an assessment of the alleged unacceptable behaviour and impact on the complainant.

The headteacher/chair of governors will:

- Consider the report.
- Arrange a hearing and invite the complainant and the person against whom the complaint has been made to attend to consider the contents of the Investigating Officer's report. Employees will be advised of their right to be accompanied by their trade union representative or work colleague. A member of the Trust HR team will normally attend the hearing.
- Have the discretion to invite both parties into the hearing together or separately, depending upon the circumstances of the case.
- Allow the complainant the opportunity to explain their case and how they feel it should be settled.

Following the hearing the headteacher or chair of governors may determine:

- There is no evidence of unacceptable behaviour. The headteacher/chair of governors will discuss the outcome with all parties and ensure that continued personal support is available to them.



- Unacceptable behaviour has occurred but it is not considered serious enough to warrant disciplinary action. An action plan and monitoring arrangements should be agreed and recorded to ensure the behaviour stops.
- There is sufficient evidence of unacceptable behaviour of a serious nature to consider disciplinary action. In this instance the disciplinary process will be instigated in line with the Trust Disciplinary Procedure. The investigation report produced under the Dignity at Work Procedure will form the basis of the evidence to a disciplinary hearing without the need for further investigation.

A decision in writing will be confirmed to both parties, along with their right of appeal, within 10 working days of the initial receipt of the hearing, or within the mutually agreed extended timescale.

### **Appeals Procedure**

Where the complainant wishes to appeal against the outcome, he/she may appeal to a nominated member of the governing body in writing within 10 working days of receipt of the written outcome. The employee should set out their decision to appeal in writing, stating why they are dissatisfied, detail any aspect of the process they feel has been flawed or inconsistent, why they feel the evidence does not support the outcome, and what behaviour and outcome they are hoping to achieve.

The procedure for the conduct of these appeals will be that determined for appeals under the grievance procedure and the decision of the nominated members of the governing body will be final.

There is no further right appeal of appeal.

## **Group Complaints**

If several people are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they should submit individual statements about their experience of the behaviour that is complained about. Outcomes of collective complaints will be advised to each individual on a personal basis.

## **Timescales**

There is no absolute time limit for making a complaint. However, it is advisable to do so as soon as possible as memories of an incident may fade. Additionally, a long time lapse may mean that it is less reasonable for a complaint to be pursued.

## **Withdrawn Complaints**

Where a complainant withdraws a serious complaint or resigns before the issue has been investigated, the Trustees reserves the right to continue to apply this procedure according to the circumstances and severity of the issues raised.

## **Monitoring**

Data relating to dignity at work in relation to bullying and/or harassment will be collated and monitored regularly by the Trustees to ensure that the procedure is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

## **Data Protection**

The Academy processes personal data collected during informal complaints and formal complaints in accordance with its data protection policy. In particular, data collected as part of informal complaints and the dignity at work procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the dignity at work procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust disciplinary procedure.

## Appendix 1

### **Examples of unacceptable behaviour are given below.**

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email or by phone.

**This list is not exhaustive**