

Three Counties Academy Trust



Dignity At Work Policy and Procedure

#D2

Last updated: 19 October 2022

Review Date: 31 December 2024

Statement of intent

At Three Counties Academy Trust, we believe we should treat everyone with respect and a very important part of what we do involves our wonderful staff team.

To that effect, we subscribe to and promote the Dignity At Work Policy and Procedures (HR012) as set out by our HR partners Hoople and used across the county of Herefordshire.

The following policy is the full and unabridged version as ratified by Hoople and adopted by the Trust Board.

**DIGNITY AT WORK
PROCEDURE FOR ALL
CATEGORIES OF
SCHOOLS**

POLICY

As a good employer, the purpose of this policy is to provide clear, consistent, and fair procedures that enable the governing body to meet its responsibilities under employment legislation and best practice, including ACAS guidelines.

The governing body is committed to developing and maintaining a working environment where its employees behave, and are treated, respectfully, and where the environment is free from harassment, bullying, victimisation and discrimination, or any other form of unacceptable behaviour.

No member of the school workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, parents and carers, members of the public or other individuals they may encounter at work, or on school trips.

The school management 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

In pursuit of this aim the governing body will not tolerate harassment, bullying or other forms of offensive behaviour, particularly that which is related to an employee's gender, race, marital/civil partnership status, pregnancy/maternity, disability, sexual orientation, religion, belief, or age, or that of another person.

It is our policy to try and resolve matters informally if possible. This is most likely to achieve speedy, effective solutions and restore positive working relations.

An employee found in breach of this policy may face disciplinary action up to and including dismissal, depending on the seriousness of the case.

SCOPE

This policy and procedure applies to all volunteers, workers, consultants, and employees who work in a maintained school, but can be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure.

Please refer to HR015 (SCH) Social Media Policy, for further information on Cyber Bullying. HR028 (SCH) Unreasonable Behaviour in Schools and HR029 (SCH) Assault on staff by pupils procedure are also available.

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 or not it accords with a standard definition.

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
- Pregnancy

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves. 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 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 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.

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, but has the effect of making the individual feel upset, frightened, made fun of or put down.

Bullying can happen from staff towards a more senior employee, or school leader, and it can be from one employee or a group of employees.

The words 'bullying' and 'harassment' are often used interchangeably in the workplace. Bullying become harassment if it is related to any of the protected characteristics defined in section 3.1.

Victimisation

Victimisation at work is being treated unfairly because a person made or supported a complaint to do with a 'protected characteristic' (as defined in section 3.1), or someone thinks they did.

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
- Refusal to comply with a reasonable management request
- 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, making decisions on the basis of sexual advances being accepted or rejected or the use of sexual innuendos
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities

This list is not exhaustive.

Forms of Harassment, Bullying and Victimisation

It is important to note that harassment, bullying and victimisation can happen in many forms including:

- Face to face

- Through written communications
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone
- Via social media

Bullying, harassment and victimisation can occur from:

- other members of the school workforce
- parents, volunteers, or contractors (stakeholders)
- pupils

If there is evidence of harassment or bullying having occurred, where the harasser or bully is a direct employee, the matter will be dealt with as a case of possible misconduct or gross misconduct in accordance with the Disciplinary Policy.

Where an allegation relates to an individual not directly employed by the school, the school doesn't have the power to take any professional or disciplinary action against the person in question. 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.

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

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.

RESPONSIBILITIES

The governing body

- Ensures complaints and allegations are handled according to agreed procedures
- Holds the Head teacher 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 Head teacher

The Executive Headteacher and Head of School

- 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

All members of the school workforce

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- 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

Line managers

- 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

COMPLAINTS PROCESS

If a staff member feels they are being harassed, bullied, or victimised by an employee, stakeholder (or pupil, speak to their line manager within the school. They can provide confidential advice and assistance in resolving the issue. Where the line manager is the subject of the complaint, the employee should speak to the Head teacher or where it relates

to the Headteacher or a member of the governing body, the chair of governors. If a complaint relates to the chair of governors, the clerk to governors should be contacted.

Staff should be encouraged to raise the issue informally with the person responsible, if they feel able, and should be supported by their line manager to do this. Often, when an issue is raised with the individual, and it is explained that their behaviour is not welcome or makes others uncomfortable, this is sufficient for the actions to stop. It may be that they are not aware of the effect of their actions.

In some cases, this may not be appropriate, in which case a formal grievance should be raised.

If the staff member feels uncomfortable raising the matter with the individual informally, has tried to do so without a successful resolution, or where the nature of the complaint is very severe, they can make a complaint through the school's grievance procedure (HR004 Schools Grievance Policy & Procedure).

NOTES

If you need further assistance with this document, please refer to your Head teacher or HR Services.

Action initiated under one procedure may be changed to an alternative procedure if investigation of the circumstances indicates this would be more appropriate.

In applying this procedure, the school will pay due regard to providing reasonable adjustments under current equalities legislation to an employee who has a disability.

COMPLIANCE

Failure to follow this procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the school and governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

Managers have a duty to ensure that relevant concerns are managed appropriately, and in line with this policy.

IMPACT ON THE SCHOOL'S PRIORITIES

The policy provides clear statements about governor, Head teacher and employee responsibilities to ensure that the conduct of all school employees is of a high standard. This process supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

TRAINING AND AWARENESS REQUIREMENTS

Head teachers and employees will be informed about this policy and procedure via appropriate communication channels.

MONITORING

The Director of Children and Families is responsible for ensuring the review of this policy and procedure for LA schools.

The governing body is responsible for adopting and implementing this policy and procedure.

HR Services will be notified of any cases in community and voluntary controlled schools where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policy, procedure, training, support, or any other aspect of the school's approach to Dignity at Work matters.

REVIEW

This document will be reviewed after three years unless circumstances demand a review before then, in consultation with trade unions.

Signed by:

_____	Executive Headteacher	Date: _____
_____	Chair of Trustees	Date: _____

VERSION LOG

Version	Status	Date	Description of change	Reason for change	Pages affected	Consultees
0.01	DRAFT	Aug 13	Adapted from source document (HC policy as at 9 Jun 13)	New school policy	All	
V1.0	FINAL	Nov 13	Published	New school policy	All	
v2.0	Final	November 2021	Change to remove specific dignity at work complaints procedure and instead use HR004 grievance procedure. Focus on definitions of bullying and harassment and unacceptable behaviour.	Regular review	All	Unison ASCL NEU NAUWST Voice GMB NAHT

APPENDIX 1 – FURTHER EXAMPLES OF HARASSMENT AND BULLYING BEHAVIOURS

Please note: the lists are not exhaustive.

Harassment and bullying normally consist of a series of incidents, however a single act, provided it is sufficiently serious, can amount to harassment and bullying.

Even in a series of incidents over a period of time, where each individual act is trivial in itself, can amount to harassment and bullying if the acts are calculated to undermine or humiliate the employee.

Harassment/bullying may be experienced by groups of employees as well as an individual.

Employees may experience harassment/bullying for more than one reason e.g., black female employee could be subjected to harassment/bullying based on both gender and race.

Examples of harassment and bullying behaviours include:

- copying information criticising someone, to others who do not need to know
- deliberately undermining a worker by overloading and constant criticism
- excluding someone from social activities
- exclusion or victimisation
- isolation or non-cooperation at work
- making threats or comments about job security without foundation
- overbearing supervision or other misuse of power or position
- preventing people progressing by maliciously blocking promotion or training
- ridiculing or demeaning someone, picking on them or setting them up to fail
- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- unfair treatment
- unwelcome jokes or comments that affect someone's dignity
- unwelcome sexual advances e.g., touching, standing too close, displaying offensive materials
- making a malicious or frivolous complaint

More specific examples of inappropriate behaviour that could cause offence are:

Sexual Harassment

- Inappropriate comments about dress or appearance
- Unwanted physical contact e.g., touching, brushing against another person's body, patting, pinching etc.
- Sexual assault
- Unwelcome sexual advances, propositions, or pressure for sexual activity
- Continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome
- Sexually suggestive remarks or gestures
- The display of sexually suggestive pictures, objects, or written material
- Conduct that ridicules, destroys or is physically abusive
- Conduct that minimises the skill and abilities of a member of staff because of his or her sex

- Failure to recognise the quality of someone's work because of preconceptions about gender
- Exclusive conversations

Gender Reassignment

- Name calling
- Being ostracised or talked about
- Being asked about their private life
- Being addressed in their old name

Racial Harassment

- Racist language or abuse directed towards and within the hearing of a member of staff;
- Racist 'jokes' which include all jokes made about any group e.g., Asian, African, Irish, and Jewish people as well as people from other racial/ethnic groups
- Racial stereotyping within the workplace resulting in limited employment opportunities because the individual's membership of their racial group
- Written abuse and the display of offensive material
- Differential and less favourable treatment, e.g., unfair allocation of work
- Failure to recognise the quality of someone's work because of preconceptions about their race and ethnicity

Disability Harassment

- Staring and / or uninvited touching
- Exclusion from certain work / social events
- Speaking to others rather than to the disabled person directly
- Making assumptions about disabled people
- Verbal or physical abuse or intimidation
- Questioning a disabled person's work capacity and / or ability
- Making assumptions or speculating about someone's impairment
- Asking intimate questions about disabled people or failing to ask discreet questions about needs and abilities
- Failure to recognise ability
- Offensive or patronising remarks
- Ridicule

Harassment of Lesbians and Gay Men

- Anti-lesbian and gay jokes
- The asking of intimate questions about someone's personal or sexual life
- Assumptions that everyone is heterosexual
- Gossip and speculation about someone's sexuality
- Excluding people from groups formed on the basis of sexuality
- Offensive actions and physical attack
- Verbal or physical abuse
- Failure to recognise ability

Age Harassment

- Ageist jokes/comments

- Stereotyping about commitment to the job culminating in the denial of development opportunities and taking action in the belief that older workers have outdated ideas and are inflexible with regard to change
- Physical threats or abuse
- Failure to recognise skills and abilities

Harassment of Individuals on Religious Grounds

- References made to an individual's religious beliefs in a derogatory manner
- An individual's religious beliefs being brought to the attention of staff in a negative way
- Physical threats or abuse

Bullying

- Open bullying such as displays of rage at staff in public and / or in private (often over 'trivial' matters), personal insults and name-calling, persistent unjustified criticism, and public humiliation. 'Scapegoating' of one individual when the problem is common
- Unseen bullying such as setting objectives with unreasonable deadlines, unreasonably removing areas of responsibility, and inflicting menial tasks instead, constantly changing working patterns without justification, deliberately ignoring, or excluding an individual or talking only to a third party to isolate another, excessive and unreasonable additional workload and/or supervision. Constant negative feedback and not giving support and encouragement to improve performance

