



# Dignity at Work Policy

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## Document control table

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### Document History

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## 1. Introduction

ENLUTC is committed to the provision of a healthy, safe and productive working environment for all employees, and others working in or visiting its premises.

The purpose of this policy is to communicate the expectation that the college has about the standards of language and behaviour that all members of staff have the right to expect and are expected to show to others in their communication and behaviour at work. It aims to assist in the development and maintenance of a working environment in which bullying and harassment are known to be unacceptable and to ensure that, where it occurs, there are adequate arrangements in place for raising and dealing with it and for preventing reoccurrence.

## 2. Policy Statement

The Policy aims to:

- Encourage workers/employees in the college to feel confident in raising serious concerns and to question and act upon their concerns;
- Establish a fair and impartial investigative procedure;
- Provide ways for employees in the college to raise those concerns and get feedback on any action taken as a result;
- Ensure that workers/employees in or working in the college get a response to their concerns;
- Ensure that workers/employees working in the college are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure workers/employees in the college that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation. These assurances are set out in Section 4 below.

It is not intended to be used where other more appropriate procedures are available, for example

- Grievances – (see Grievance Procedure)
- Child Safeguarding - (see Child Safeguarding Policy)
- Parental Complaints (Complaints Procedure)
- Whistleblowing Policy

The college values the contribution made by all member of staff to the delivery of a high quality education service for the benefit of the college and its community. We recognise that the quality of this contribution will be influenced and enhanced if all members of staff can enjoy a working environment which supports and encourages them in working to their full potential. The college is committed to promoting and sustaining a working environment in which all members of staff feel valued and respected and in which they co-operate and communicate effectively with each other in seeking to achieve the highest standards of work performance. Any language or behaviour which has the effect of undermining, humiliating or threatening another person, including harassment and bullying, is unacceptable and will be neither permitted nor condoned.

The college will demonstrate its commitment to a working environment and working relationships which are based on respect for and recognition of the individual contribution made by all members of staff by:

- Clearly communicating the standards that all members of staff have the right to expect and are expected to demonstrate to others in all workplace communications;

- Ensuring that all senior staff and the Principal have the knowledge and skills required to influence a positive working environment and working relationships;
- Alerting all members of staff to the type of language and behaviour that is not acceptable and, where this occurs, how this will be dealt with;
- Identifying a range of sources of information and assistance for members of staff to help them decide what to do if they experience unacceptable language or behaviour;
- Establishing appropriate formal and informal arrangements for member of staff to raise instances of unacceptable language or behaviour;
- Ensuring that complaints are handled sensitively and are fully investigated through appropriate procedures;
- Monitoring the implementation of this policy and evaluating its effectiveness.

### **3. Responsibilities**

The Principal and line managers have a responsibility to implement this policy by:

- Setting examples and standards of behaviour in the workplace;
- Ensuring that staff are aware of this policy and how to raise bullying/harassment issues;
- Maintaining confidentiality;
- Being clear about their role in dealing with complaints.

All members of staff are responsible for their own behaviour and must adhere to the DfE and the college Code of Conduct. Each member of staff has a role to play in creating a work environment in which the dignity of staff is respected. Every member of staff is required to Treat colleagues, pupils and parents with dignity and respect and be aware of how their behaviour can affect other people; Support colleagues who are experiencing bullying or harassment and bring any incident to the attention of line management or other appropriate person;

- Set an example for new colleagues;
- Use this policy and procedure appropriately.

There is also an expectation that the provisions of the Dignity at Work Policy should be respected and not taken lightly or abused

### **4. Definitions**

#### **4.1 Harassment**

There is no single, simple definition. Harassment may, however, be summarised as conduct which is unwanted, unreasonable, and offensive to the recipient. This could be persistent behaviour over a period of time or a single serious incident. It is the deed itself and the impact on the recipient which determines what constitutes harassment rather than the intention of the perpetrator.

However, it is important to recognise that, in any work context, it is the legitimate role and duty of a manager to direct and instruct employees, and to monitor and provide feedback on their performance of the duties required of them in their job, having regard to their rights and in accordance with *any* agreed procedures.

Harassment may be directed at, and can be carried out by, an individual or a group of individuals.

Harassment can range from extreme forms such as violence and bullying to less obvious actions like ignoring someone at work. Forms of harassment may include:-

- physical contact ranging from touching to serious assault;
- verbal and written abuse through jokes, offensive language, name-calling, innuendo, gossip and slander, sectarian songs or letters;
- non-verbal abuse such as offensive gestures and body language;
- display of posters, graffiti, or emblems;
- isolation or non co-operation at work and exclusion from social activities;
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups;
- intrusion by pestering, spying, excessive or inappropriate physical closeness;
- abuse of management procedures to threaten, humiliate, or coerce;
- threats or promises affecting work performance or linked to employment prospects.

This list is illustrative but not exhaustive.

People can be subject to harassment on a wide variety of grounds including:

Gender, sexual orientation, or marital status; Race, ethnic origin, skin colour or nationality;

- Religious convictions or attributed beliefs;
- Membership, or non-membership of a trade union;
- Disability, sensory impairment, learning difficulty, or physical characteristics;
- Real, or suspected, infection with HIV/AIDS;
- Age.

Again, this list is illustrative but not exhaustive.

Harassment is usually thought of in terms of a manager harassing a more junior member of staff. However, employees may be harassed by colleagues or subordinates.

Harassment may also occur between people of the same gender or the opposite gender and may be deliberate or unintentional on the perpetrator's part.

Harassment often involves the abuse of legitimate authority or organisational power. As such, it is often associated with and may be indistinguishable from bullying.

Some forms of harassment could constitute offences under criminal law.

Some criminal offences involving harassment have been held to apply in situations where a person who is alarmed or distressed is not the individual targeted by the behaviour of the third party. So, for example, it is possible that a teacher might be distressed or alarmed by the behaviour of a group at

the school gates. Employers may be held to be vicariously liable for harassment in the workplace. Accordingly, the college, by adopting this Policy, intends to take a clear stance with regard to harassment and bullying.

#### **4.2 Bullying**

Bullying occurs when a person uses superior strength or power to coerce, persecute, or oppress others by fear. It may take the form of humiliating or undermining an individual's skills and ability to such an extent that they may become fearful, their confidence crumbles, and they lose belief in themselves. This does not always arise from a supervisor/subordinate relationship, and may result from unacceptable peer pressure.

Bullying may take open forms such as shouting at someone, personal insults, name calling, persistent criticism, and humiliation. Alternatively, it may be more covert and conducted through setting objectives which cannot be met within a reasonable timeframe, the removal of responsibility without good reason, constantly changing work guidelines, inappropriate threats about use of disciplinary or capability procedures, or ignoring and excluding the individual from relevant discussions.

#### **5. The impact of Bullying and Harassment**

Bullying and harassment can impact both in terms of the individual experiencing the bullying or harassment and on the overall organisation.

For the individual, the impact of bullying/harassment at work results in feeling unhappy, threatened, humiliated, demeaned or undermined. This in turn could have a more profound effect on the individual both in terms of their mental and physical health. This can include a range of symptoms, such as stress, anxiety and depression to physical sickness, excessive drinking/smoking, digestive and/or nervous disorders and difficulty in concentrating.

For the organisation, bullying/harassment can also result in high absenteeism, an increase in the number of accidents, poor performance and general low morale of employees and an increased labour turnover.

There is also an expectation that the provisions of the Dignity at Work Policy should be respected and not taken lightly or abused.

#### **6. Confidentiality**

It is the college's expectation that information obtained during the course of managing or in any other way being involved with complaints of bullying or harassment will be treated as being confidential to those who have a legitimate interest in the issue. Anyone failing to maintain confidentiality may be subject to disciplinary action.

## **7. Support and Representation**

It is important for the welfare of the employee that they are made aware that they are entitled to be supported by a Trade Union representative/ fellow employee of their choice through all stages of this process.

## **8. Informal Procedures**

The member of staff making the complaint has the right to trigger the commencement of the formal procedure at any point in the informal procedure.

Members of staff have the option to make use of an informal procedure in the first instance.

Where an employee believes that they are being bullied, harassed or unlawfully discriminated against, there are a number of options available to them as described below. In all cases, the employee should keep a note of any relevant incident(s) including date, time any witness present, the way in which the behaviour has affected them/their work and any action taken to stop the bullying, harassment or discrimination. Every effort should be made to resolve complaints of bullying, harassment or discrimination through informal means initially, to encourage positive working relationships. Constructive discussions between the parties should be encouraged at all times.

Whilst the emphasis is on using informal means of resolution wherever possible, on occasions the serious nature of the allegation may mean that the complainant is unable to continue working without immediate intervention. In these circumstances after seeking advice from Human Resources, the formal stage of the procedure should be used.

### **Stage one**

- 8.1 If an employee feels able to do so, they should approach the alleged bully/harasser in order to tell him/her of the behaviour that is causing offence, to explain the impact the behaviour is having and to ask him/her to stop using such behaviour. It may be advisable for the employee to consider the need for an independent person to be present in these circumstances.
- 8.2 Alternatively, if the employee feels unable to follow this course of action, they should discuss any concerns about the unacceptable behaviour with their manager and ask them to speak to the alleged bully/harasser and ask him/her to stop the behaviour that is causing concern.
- 8.3 If the manager is the alleged bully/harasser, his or her manager should be approached. For example, if the complaint is about the Principal, the approach should be made to the Chair of Governors. If the employee is unsure who to approach, they should seek guidance from Human Resources.
- 8.4 The manager to whom the complaint is brought will listen sympathetically and, having understood the issues, speak to the alleged bully/harasser with a view to gaining acceptance that their behaviour has been considered unacceptable by the recipient and should cease.

A file note should be taken of all actions at this stage.

### **Stage two – Mediation**

Mediation is a process which enables assistance to be given to help resolve complaints, normally at the informal stage. It does not replace established procedures but enhances the probability of resolution.

- 8.5 Mediation involves an independent and impartial person (the mediator) facilitating communication between the parties involved in the complaint. For it to be effective, it needs the consent and participation of all the parties concerned as they need to have or quickly gain confidence in the mediator.
- 8.6 As a general rule, mediation should take no longer than 6 weeks unless there is joint agreement to extend this time limit.
- 8.7 It is important that the mediator is a person with appropriate experience and training and no conflict of interest or bias towards one of the parties involved.
- 8.8 The mediator's task is to help promote a settlement of the complaint, acceptable to both parties. If this cannot be achieved there may be at least a better understanding of the issues and viewpoints of each of the participants.
- 8.9 The mediator does not have the authority to decide any issue for the parties, but will attempt to facilitate the informal voluntary resolution of the dispute by the parties concerned. The mediator may suggest ways of resolving the dispute, but should try to avoid imposing his/her own judgements.

### **Process**

- 8.10 In order to help resolve the complaint, the mediator may initially offer to meet both parties separately to discuss methods of achieving a settlement. If necessary, the mediator may also obtain additional expert advice, including that from Human Resources, concerning contractual, technical, professional and organisational aspects of the dispute. Once it appears that an agreed settlement may be achievable, then it may be possible for all parties to meet together.
- 8.11 The time and location of any meetings and the issues to be discussed will be agreed with the Mediator. Time within the college day should be allowed to facilitate this. It will also be helpful to the mediator if both parties set out their views for them and provide copies of any relevant documents.
- 8.12 Mediation sessions are usually private only involving each of the parties and their representatives. Other persons may attend with the permission of the parties involved and with the consent of the mediator.
- 8.13 While neither party is asked to commit to settle their case in the mediation process, all parties commit to participate in the proceedings in good faith with the intention to settle, if at all possible.

8.14 It is important that the parties engaged in the process should have the necessary authority to reach an agreed settlement, accepting that the individual will wish to seek their own advice and management representatives may need to seek formal approval to any proposals.

8.15 Confidential information disclosed to a mediator by all parties, or by witnesses, in the course of the mediation is not divulged to other parties without agreement. In order for the mediation process to be effective, the mediator should not be required to divulge any of the information disclosed in internal or external proceedings without prior agreement of the parties involved.

8.16 Similarly, the parties should not introduce as evidence in any subsequent internal proceedings:

- Views expressed or suggestions made by another party with respect to a possible settlement of the complaint.
- Proposals made or views expressed by the mediator or
- The fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator.

8.17 The mediation process is normally finished when:

- There is a settlement agreed by the parties concerned with the outcome formally recorded; or
- The mediator or either party feels that further efforts at mediation are no longer worthwhile and the matter should proceed to the formal stage of this Procedure. The Principal/CEO would need to be informed that this stage had been reached.

## **9. Formal Procedures**

9.1 The Principal/Line Manager should appoint a senior member of staff to formally investigate the allegation. Serious consideration should be given to this appointment, ensuring a fair and independent investigation. It may be appropriate for the Principal/Line Manager to investigate the current allegation but only where they have had no previous involvement in the matter.

9.2 At all stages of the formal procedure, all parties (including witnesses) will be kept informed and will be advised that they have the right to be accompanied by a Trade Union representative or colleague.

9.3 The investigating officer will establish the facts promptly. To ensure this occurs, investigating officers will have the authority vested in them to require full co-operation from all employees concerned to ensure that the investigation is completed in the shortest possible time.

9.4 In circumstances where initial discussions with the Principal/Line Manager have not provided sufficient detail, the complainant is not fully aware of their options or their desired outcome is not known, the investigating officer should engage in dialogue with the complainant before further investigation commences.

## Investigation

- 9.5 The investigating officer will investigate the allegation as quickly as possible. This will normally commence with an interview with the complainant during which the allegation should be clarified and a statement taken. The complainant will also be advised that the matter should remain confidential and not be discussed with colleagues until the conclusion of the investigation.
- 9.6 Following this, the investigating officer will advise the alleged harasser of the nature of the complaint against them. They will be made aware that a formal investigation is to be carried out and remind them that the matter should remain confidential and not be discussed with colleagues. They will also be informed that any victimisation of a complainant or any employee assisting in an investigation will be considered to be serious misconduct and dealt with accordingly. The identity of the complainant will not be disclosed at this stage.
- 9.7 The investigating officer will then interview and take statements from any witnesses and examine any other relevant evidence. A written statement should be taken from all persons interviewed. All such statements should be typed and then agreed by the person interviewed who will be required to sign and date the statement. Each witness interviewed must be advised that should the outcome of the investigation be disciplinary action they may be required to attend a subsequent disciplinary hearing at the request of either party and in the event of a disciplinary hearing statements will be made available to the bully/harasser. Witnesses should be advised that the matter is confidential and must not be discussed with anyone.
- 9.8 The investigating officer will subsequently write to the alleged bully/harasser to outline the full details of the allegation and ask them to attend a fact finding interview, giving at least 5 working days notice. The invitation will outline the purpose of the meeting and remind them of the right to be accompanied by a trade union representative or fellow worker of the school. If this date is inconvenient an alternative date should be agreed within 5 working days wherever possible.
- 9.9 The alleged bully/harasser will be given the opportunity to state their case and nominate witnesses to be interviewed.
- 9.10 It is recognised that the time needed to conduct a thorough investigation will vary.

However, the aim should be to complete investigations within 4 working weeks, wherever possible.

No investigation should take longer than 12 working weeks unless there are external factors beyond the control of the investigating officer. In such circumstances, the employees concerned, their representatives and the Principal/Line Manager must be kept involved of progress on a monthly basis.

## **Recommendation/action**

9.11 On conclusion of the investigation, the investigating officer will prepare a brief written report containing a summary of the findings and any subsequent recommendations, which will be presented both verbally and in writing to the Principal/Line Manager. The Principal/Line Manager will decide what action to take.

9.12 In circumstances where the Principal/Line Manager has acted in the capacity of investigating officer or they have been the subject of an investigation themselves, the Chair of Governors would fulfil the role normally ascribed to the Principal/Line Manager detailed in steps 9.11 onwards.

9.13 The potential recommendations that can be made may include:

- No further action
- Mediation (subject to agreement)
- Management counselling and/or training
- A formal capability meeting
- A Disciplinary investigation

9.14 The Principal/Line Manager, supported by the investigating officer, will then meet with the complainant to explain the outcome of the investigation. This meeting should be used as an opportunity to inform the complainant of the process of the investigation and for them to pose any questions they may have. A copy of the written report will be provided to the complainant at the meeting.

9.15 All parties to the meeting will be reminded that the matter must remain confidential.

9.16 Wherever possible, the Principal should establish whether the complainant wishes to exercise their right of appeal prior to offering feedback to the alleged bully/harasser.

9.17 The Principal/Line Manager, supported by the investigating officer, will then meet with the alleged bully/harasser to inform them of the outcome of the investigation. A copy of the written report will be provided to the alleged bully/harasser at the meeting.

9.18 The alleged bully/harasser will be warned that any victimisation of the complainant or any employee assisting in an investigation will be considered to be serious gross misconduct and dealt with accordingly.

## **Right of Appeal**

10.1 The complainant may appeal against the outcome of the investigation but not against the outcome of any subsequent disciplinary or capability hearing.

10.2 Any such appeal must be made in writing within 10 working days of the notification of the decision to the Chief Executive and arrangements will be made for the appeal to be heard.

The appeal will be heard by a panel of 3 made up of other Academy Principals, members of the Executive Team of the Trust and at least 1 shall be a member of the Local Academy Council or Trust Board, all of whom have had no previous involvement in the case.

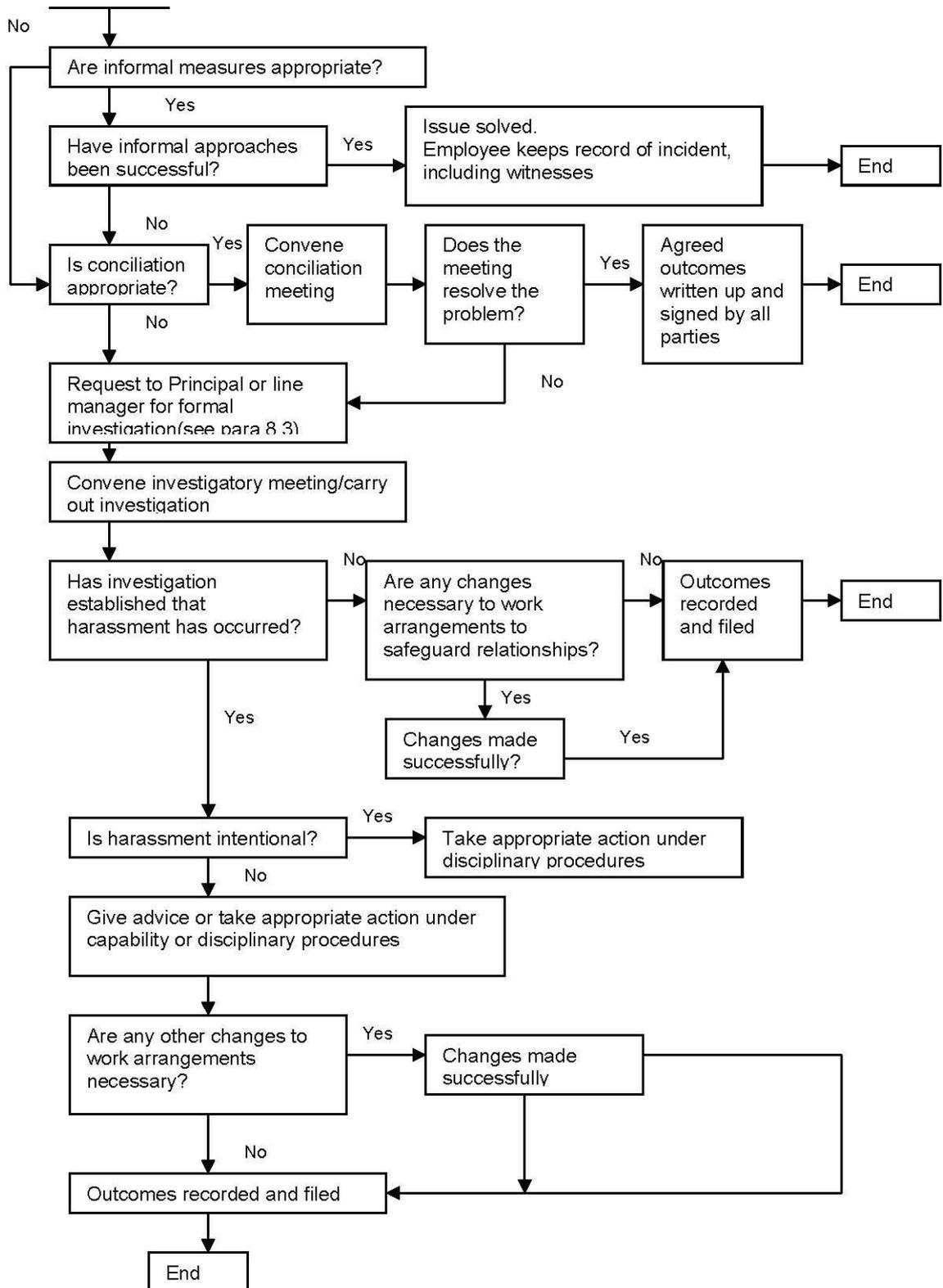
The management case will be presented by the Principal/Line Manager who made the original decision against which the appeal is made. A Human Resources representative will also be available to advise the panel but will not be part of the panel. Either party may ask relevant witnesses to attend and give evidence. Time off with pay will be granted for witnesses to attend the hearing.

10.3 The employee should state in writing why they are unhappy with initial attempts to resolve the complaint and their preferred outcome. The appeal may be due to:

☐ a misinterpretation of facts, ☐ new evidence becoming available ☐ the investigating officer not taking all of the facts into consideration, ☐ the procedure not being followed ☐ the action taken in response to the recommendations being inappropriate.

10.4 The bully/harasser may appeal against the outcome of any subsequent disciplinary or capability hearing but not against the outcome of the investigation. Any such appeal must be made in accordance with the relevant policy/procedure, stating clearly the grounds for appeal.

**FLOWCHART OF PROCEDURE FOR HANDLING COMPLAINTS OF HARASSMENT OR BULLYING** Alleged Incident



Yes