



## Elvington CE Primary School

### Dignity at work policy

<b>Approved By:</b>	Staffing and Finance
<b>Date:</b>	6 <sup>th</sup> December 2016
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*Working together, we can all achieve success.*

Version	Date	Author	Changes
0.1	25.11.16	Linda Collier	-

## Dignity at Work – Policy and Procedure

### Briefing Note to Schools & Academies

**Status of Policy:**

This policy was reviewed and updated in September 2014.

It replaces the previous policy 'Bullying & Harassment at Work' that was dated October 2011.

Changes cannot be made to this document without the approval of the HR Business Partner for Adults, Children and Education (ACE).

If you have any queries about the application of this policy/procedure, please contact a Schools HR Advisor.

**Scope:**

This policy applies to all teaching and support staff in schools.

For non-delegated directorate services, please refer to the relevant corporate policies.

**Owner:** Chair of Governors

**Purpose:** This procedure is designed to promote dignity at work for all staff, and provide a process to resolve any issues that staff have in relation to harassment, bullying and victimisation as promptly as possible.

This policy and procedure should be applied in accordance with the aims of the Council's Equalities Policy Statement.

## **1. Introduction**

**Elvington CE Primary School** is committed to the promotion of dignity at work and aims to establish a working environment which is inclusive, free from discrimination and based upon the values of dignity, courtesy and respect. It recognises the right of every person to be treated in accordance with these values.

Harassment, bullying and victimisation are unacceptable forms of behaviour which will not be tolerated by the school. Any allegation of this nature will be treated seriously, and as a matter of priority, regardless of the seniority of those involved, and anyone found to have behaved unacceptably may be the subject of disciplinary action up to and including dismissal.

## **2. Policy**

**Elvington's policy is to:**

- Promote a positive working environment in which people are treated with dignity, fairness and respect.
- To clearly publicise the school's zero tolerance to bullying, harassment or victimisation of its employees by anyone.
- Encourage all staff members, and others who work for the school to play a role in creating and maintaining an environment in which harassment, bullying and victimisation are understood to be unacceptable forms of behaviour.
- Provide a framework of support for staff who feel that they have been the subject of harassment, bullying or victimisation.
- Provide support and training for managers and governors, in understanding and addressing issues, and handling cases raised.
- Ensure that allegations of harassment, bullying or victimisation are addressed promptly and fairly, with respect for the rights and dignity of all those involved.
- Identify the appropriate formal processes by which complaints can be addressed, with the use of mediation being an option at all stages.
- To record and monitor formal complaints.
- To periodically monitor progress on how well it is creating a workplace that respects the dignity of people at work.

### **3. Scope of the Policy**

#### **3.1 Who is covered**

This policy applies to all school employees.

Non-school workers<sup>1</sup> are also expected to adhere to the aims of this policy while carrying out work for the school. Where possible, this will be implied in the terms of their contract for service with the school.

#### **3.2 What is covered**

Any conduct which affects the dignity of someone at work, and which could be seen as a form of bullying, harassment or victimisation, will be treated seriously and possibly as gross misconduct, which can lead to dismissal under the school disciplinary procedure. In particular, some behaviour is covered by the Equality Act 2010.

The Equality Act 2010 (hereafter referred to as 'the Act') makes it unlawful to harass an individual or group for a reason related to a relevant 'protected characteristic'.

The Act protects against harassment on the grounds of the following 'protected characteristics':

- Age
- Disability
- Gender reassignment
- Race (including colour, nationality, ethnic or national origin')
- Religion or belief
- Gender
- Sexual orientation

There is further protection against victimisation on the following grounds:

- Pregnancy/maternity
- marriage/civil partnerships

While bullying or the harassment of non-protected groups are not covered by the Act, the behaviour in itself is unacceptable and will not be tolerated by the school.

Any such conduct of employees, towards other employees, and also to non-school workers, is covered by this policy. This will be regardless of seniority, reporting lines, working teams or structures.

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<sup>1</sup> "Non-school workers" are all others who are working within or on behalf of the school/academy, such as agency staff, volunteers and work placements, or who are employed by other companies, such as consultants, contractors and suppliers.

### 3.3. What are bullying, harassment and victimisation?

**Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

**Harassment** is unwanted conduct related to any of the above protected characteristics that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

**Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint, or given evidence in relation to a complaint.

Further, it is important to be aware that:

- Conduct may be harassment whether or not the person behaving in that way intends to offend.
- A single incident can be harassment if it is sufficiently serious.
- Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a parent, contractor etc.
- Behaviour towards colleagues and peers may be harassment even if it takes place outside work premises on work-related social occasions.
- Bullying or harassment does not have to be face-to-face. It can also be through conversations on the telephone or can include the use of internal or external emails or letters, and can be through social media, such as Facebook comments or text messages.
- Reasonable management instructions, and the management of under-performance, will not in themselves amount to bullying, harassment or victimisation. This is provided that such instructions have been communicated in an acceptable and appropriate manner and/or procedures have been used appropriately.
- Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics.
- Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997, or criminal offences of assault.

Additional descriptions of the terms bullying, harassment or victimisation in the context of this policy are provided in **Understanding bullying, harassment and victimisation**, together with some examples. These will help to clarify how certain types of behaviour will be viewed.

#### **4. Implementation of the policy**

The policy will be applied to all formal complaints of bullying, harassment or victimisation received by the school on or after Wednesday 7<sup>th</sup> December, (including for alleged incidents occurring prior to this date).

Complaints received prior to this date will be dealt with using the previous procedure 'Bullying & Harassment at Work'.

#### **5. Other related policies and documents:**

- Code of Conduct
- Teachers Standards
- Whistleblowing Policy

Further information is available in school, for staff and managers.

#### **6. Procedures to be followed**

In order to allow for the situation to be resolved as quickly as possible, the process is intended to be simple and transparent. Confidentiality must be maintained wherever possible.

If an issue is raised by, or involves members of, the governing body or the headteacher, a school's HR advisor should be consulted on the way forward.

#### **7. Identifying the issues**

**Support:** If an employee feels that they are being bullied, harassed or victimised they can talk to their line manager, a member of the school's senior leadership team, a trade union representative or a school's HR advisor.

They should make records of any incidents of the type of behaviour that is causing offence, together with specific examples if possible. These should include details of where they were, dates and times when they occurred, and the names of any employees who witnessed them.

#### **8. Informal stage and mediation**

Unless the examples of behaviour involve blatant or obvious actions of bullying, or direct harm, then the aim is to first try to resolve the matter informally, using mediation if helpful.

If employees feel they can, they should approach the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop, and that otherwise a formal complaint will be made using the procedure outlined below.

This first approach can be done in writing or in person.

It must be remembered that the person may not always have acted with the intention of causing distress. They should always be given the chance to be made aware of the way their behaviour is perceived by the employee, and allowed to change. Only if they continue with the behaviour should further action then be taken.

## 9. Formal stage

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint. Each step and action under this procedure will be taken without unreasonable delay.

Complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected. Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting, a colleague in making a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

### Step 1: Lodging a complaint

- A formal complaint must be raised with the individual's line manager and followed up in writing. A simple **submission form** is provided to help capture the basic details. These will outline the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully.
- The written complaint should initially be lodged with the employee's manager. There will be times when it will not be appropriate for this to be the actual line manager, in which case the employee should approach an independent manager.
- Advice should be sought from the headteacher or the most appropriate manager to deal with the matter.

### Step 2: Advise the named person

The manager must inform the person against whom the allegation has been made, and if verbal this should be confirmed in writing. This must indicate who has raised the complaint and when, with brief details of the nature of the complaint.

### Step 3: Conducting an investigation

If necessary, to safeguard all those involved, some interim precautionary measures should be considered.

- The school recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation. If this is the case, the headteacher will consider a voluntary request from either party to temporarily work in another role, from a different location or at different times. However, this cannot always be guaranteed and will take into account the needs of the school.
- Suspension may also need to be considered depending on the circumstances, (but can be invoked at any time during the investigation) if it is seen to be in the interests of the individual(s) or of the school to do so. The suspension may last until the outcome meeting but could be lifted sooner if new evidence comes to light during the investigation. Suspension in these circumstances is not a punitive measure, does not constitute disciplinary action and will be on full pay.

The manager will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses. The right to accompaniment

by a trade union representative or work colleague will be provided to the complainant and the person against whom the complaint has been made.

The manager will prepare a full report and make any recommendations for further action as necessary. This report will form the basis of the feedback to the complainant at the outcome meeting.

#### **Step 4: Outcome meetings**

- The manager will meet with the complainant to inform them of the outcome of the investigation (see Step 6). This will be confirmed in writing and will advise them of the right to appeal if they are not satisfied with the outcome.
- The manager will also meet with the person against whom the complaint has been lodged, to inform them of whether or not the complaint has been upheld and the next steps, if any. This will be confirmed in writing.
- Both employees will be provided with the right to accompaniment at these meetings by a trade union representative or work colleague.
- The timing and location of the meeting must be reasonable.
- The meetings will not take place until the manager has had a reasonable opportunity to consider all the information gathered and to conclude the investigation.
- The employees must take all reasonable steps to attend the meetings.

#### **Step 5: Hearing the appeal**

- If the complainant wishes to appeal, he or she must do this within seven working days from receipt of the outcome letter. They must inform the manager who is to hear the appeal, and who must be senior to the manager who heard the complaint. In most cases this will be a member of the leadership team, the headteacher or a member of the governing body.
- The complainant will be invited to attend a further meeting.
- The complainant will be provided with the right to accompaniment by a trade union representative or work colleague.
- The timing and location of the meeting will be reasonable.
- The complainant must take all reasonable steps to attend the meeting.
- After the appeal meeting, the appeal manager will make a decision and will write to inform the complainant of this within five working days.

#### **Step 6: Outcomes**

- If the complaint has been upheld:
  - The matter will be passed to the next appropriate manager. They will conduct a disciplinary hearing under the Disciplinary Procedure, with the person who perpetrated the alleged harassment or bullying. The written report will constitute the Investigation Report for the Hearing Manager to use.
  - If necessary, paid suspension from work will again be considered if it has not already.
- If the complaint has not been upheld:

- If the case was raised in good faith, the manager must now arrange for support for all parties to return to work. This can include arranging for mediation, counselling or training. Please seek advice from HR in relation to this.
- Where a normal return to work is impossible, the possibility of changes to work times or locations should be considered. The possibility of either party transferring to another post could also be considered, but only with their consent. These actions must not be done to victimise or undermine any parties in the case. There are no guarantees that a transfer to another post will be possible.
- If it is found that the employee who raised the complaint, or any witnesses who gave evidence, did so falsely or with malicious intent, then they will be subject to the disciplinary procedure.

Full records of the proceedings and copies of meeting notes will be kept. A written record of the complaint and the outcome should be given to both parties.

### **10. Bullying, harassment or victimisation carried out by a third party**

Where the bullying, harassment or victimisation has been carried out by someone other than a school employee, the employee affected must inform their manager, who can then take actions to safeguard them, as follows:

- A non-school worker

If the behaviour is carried out by a non-school worker, then their employer/agency should be approached by the manager. That employer should carry out their own investigation and follow their internal procedures accordingly. If the allegations are serious enough, that employer should transfer or remove that worker from carrying out that work.

- A member(s) of the public

If a known member of the public is allegedly carrying out this behaviour, then the line manager should first carry out an internal enquiry to try to establish the facts. They must then consider using some, or all, of these steps:

- Approach that person in an informal way to allow them to acknowledge and amend their behaviour.
- If serious enough, or if it continues, approach them in a more formal manner, pointing out that the school can bring prosecutions if it is necessary to protect its employees. This should be followed up in writing.
- Where violence from a member of the public is threatened, or has taken place, the process under the **H & S Compliance Notes - Violence & Aggression** document should be followed. This can include nominating the person to CYC Health & Safety Team for entering onto the Staff Warning Register.
- If a prosecutable offence has taken place, the school should consider starting proceedings against that person.

- Unidentified member(s) of the public

Where the employee has complained of behaviour from various members of the public, not necessarily identified, the school must act to ensure that this is not able to happen again. Some steps to be taken include:

- There should be signs clearly stating the school's zero-tolerance to bullying or harassment, and that prosecutions can be sought where necessary.
- Other managers and employees may need to be made aware, to be able to assist if such cases arise again.
- Put in place or reinforce any safety procedures where necessary.

### **11. Monitoring**

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made by the manager to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim or any witnesses.

The school will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Anyone who does carry out victimisation will be subject to the disciplinary procedure.

## 12. Flow chart of process for internal cases

