



Draft Dignity at Work Policy

September 2018

Office use

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Associated documents:			
<ul style="list-style-type: none"> • DALP Disciplinary Policy • DALP Grievance Policy • DALP Appraisal & Induction Policy 			
Links to:			
<ul style="list-style-type: none"> • Employment Rights Act 1996 • Conditions of Service for School Teachers in England and Wales – Revised August 2000 – Burgundy Book • National joint council for Local government services national agreement 			

on pay and conditions of service Updated
June 2005 – Green Book

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1. Introduction and Policy Statement

1.1 Diverse Academies Learning Partnership has six values that are clear and unambiguous. Every member of staff should be aware of our values and at all times use them as guidelines to be clear about what is important at The Trust. The six values are:

1. Putting the student first.
2. Value and respect for others.
3. Responsiveness to others.
4. High quality in all we do.
5. Responsibility: Individual and Team.
6. Pride in what we do.

1.2 The Trust recognises that all members of staff have the right to be treated with dignity and respect at work and that the working environment will be managed within a framework of sympathetic and legally correct actions, conducive to effective job performance and the maintenance of personal integrity. All forms of harassment including bullying will not be tolerated. Complaints against staff that are upheld may lead to disciplinary action under the Disciplinary Policy and, in some cases, may constitute Gross Misconduct which can lead to dismissal.

1.3 The Trust recognises that bullying and harassment affects not only the individuals involved but the organisation as a whole since members of staff working in a climate of fear and resentment do not give their best. Where bullying and harassment occurs and is not dealt with, sickness absence and staff turnover will increase morale and performance levels will fall.

1.4 The Trust believes that it is the impact of misconduct on an individual and the intent of the perpetrator that are the key principles for consideration of complaints, although the former is more important than the latter.

1.5 The Trust welcomes the active co-operation of our recognised trade unions in seeking to ensure harassment and bullying in the workplace does not occur.

1.6 The procedure detailed in this statement informs staff of the types of behaviours that are unacceptable and provides victims of bullying and harassment with a means of proper redress. Together with the Disciplinary Policy, this procedure will help to promote fair treatment and good working relationships across the trust.

2. Application of the Policy and Procedure

2.1 The policy applies to all staff employed by The Trust. It also applies to all Trustees, Board members, contractors and agency staff and where there is an interface with members of staff. This policy anyone else engaged to work at the trust, whether by direct contract with the trust or otherwise. If the complainant or alleged harasser is not employed by the trust, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the trust could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

2.2 The policy covers allegations in the workplace and in any work-related setting outside the workplace, e.g. trips and work-related social events.

2.3 The grievance procedure applies to anyone who feels they have suffered from harassment, bullying or victimisation from a staff member or group of staff or member of The Trust Board.

3. Examples of Harassment

3.1 Sexual Harassment

Sexual harassment takes many forms, from sexual banter to an actual sexual assault. A person may not always realise that their behaviour constitutes sexual harassment, but must recognise that what is acceptable to one person may not be acceptable to another. Examples of sexual harassment include:

- Sexual jokes, innuendoes and pranks.
- Lewd comments about appearance.
- Unnecessary bodily contact.
- Displays of sexually offensive material, e.g. pin-ups.
- Making sexually suggestive gestures.
- Requests for sexual favours.
- Intrusive questions or speculation about a person's private life and sexual activities.
- Threatened or actual sexual assault.
- Threat of dismissal, loss of promotion, etc. for refusal of sexual favours.

3.2 Racial Harassment

Racial harassment can also take many forms; from insensitive jokes to actual physical violence. Examples of racial harassment include:

- Jokes related to race.
- Practical jokes.
- Deliberate exclusion from conversations.
- Ignoring, excluding or not co-operating with people from different racial groups.
- Displaying abusive writing and pictures.
- Abusive, threatening or insulting words and behaviour.

3.3 Bullying

Bullying affects not only the individuals involved but the organisation as a whole since staff members working in a climate of fear and resentment do not give their best. Where bullying occurs and is not dealt with, sickness absence and staff turnover will increase morale and performance levels will fall. Bullying at work can take many forms ranging from isolated incidents of bad temper to a systematic usage of unacceptable behaviour. The following are just some of the most common ways:

- Shouting at a colleague, negative attacks on a colleague's personal or professional performance, criticising a colleague in front of others.
- Spreading malicious rumours/making malicious allegations.
- Setting objectives with impossible deadlines or unachievable tasks.
- Removing and replacing areas of responsibility with menial or trivial tasks.
- Undervaluing a colleague's contribution, placing unreasonable demands on and/or over-monitoring a colleague's performance.
- Withholding information with the intent of deliberately affecting a colleague's

performance.

- Excluding colleagues by talking solely to third parties to isolate another.
- Abusive, threatening, or insulting words or behaviour.
- Demeaning or humiliating treatment of a colleague.

3.4 Line managers are responsible for ensuring that the members of staff who report to them perform to an acceptable standard. Bullying does not therefore include legitimate, justifiable, firmly but appropriately and fairly applied criticism of a member of staff's behaviour, job performance or attendance.

3.5 The examples above are not exhaustive. Threatened or actual sexual violence and abusive, threatening or insulting words and behaviour are clear examples of gross misconduct which may lead to summary dismissal under the Disciplinary Policy but other examples may constitute gross misconduct depending on the circumstances of the case in question.

3.6 Harassment and bullying through face to face contact, written communication, telephone, mobile phone, text messaging, or e-mail are covered by this policy and procedure. Any examples of written, e-mail or text messages that the person considers are a form of harassment or bullying should be preserved as evidence to support the complaint if at all possible.

4. The Environment

4.1 The Trust prohibits the display of sexually offensive material, e.g. pin-ups and posters, and will, if necessary, ensure that workplaces are inspected and offending material removed.

4.2 All new staff will be informed of The Trust's policy and procedure on harassment and bullying at induction and will be issued with a copy.

4.3 The Trust expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and will monitor its effectiveness, reviewing it as necessary with our recognised trade unions through the Joint Consultative Committee.

4.4 Staff may seek advice internally at any stage from their line manager, a colleague, a Trade Union representative or official, or from Human Resources team of The Trust.

5. Complaints Procedure

5.1 This policy is separate from the Disciplinary Policy. However, where the results of an investigation that has been carried out under this procedure suggest that disciplinary proceedings may be appropriate then a disciplinary hearing may be convened. Where a disciplinary hearing is called the Disciplinary Procedure will apply.

6. Informal Resolution

- 6.1** It is recommended that persons who consider that they are victims of alleged acts of sexual or racial harassment or bullying try, in the first instance, to resolve the issue informally if this is feasible. However, an informal stage is not compulsory. Staff are advised to keep a diary of events to which they can refer if need be.
- 6.2** As soon as possible after a person considers that an incident of harassment, bullying or victimisation has occurred, they should make it clear to the alleged offender(s) that they find the behaviour unacceptable and distressing and want it to stop. This should be done verbally or, if the person feels unable to speak to the alleged offender, may be done in writing. Alternatively they could arrange for a friend or colleague to be present when the matter is discussed if s/he does not wish to be alone with the alleged offender.
- 6.3** Should the harassment involve a Trustee or Board member then the informal procedure as outlined above should be followed. However, should the person feel unable to follow this procedure then the matter can initially be referred to the Company Secretary, who will discuss the matter with the Chief Executive Officer, and if necessary the Chair of the Board.
- 6.4** If the person feels unable to take action personally, or, wishes to make a formal complaint immediately, or has asked the alleged offender to stop their behaviour but it persists, they are advised to speak to their line manager or HR for advice on the next stage
- 6.5** If the complainant's line manager is the alleged perpetrator of the harassment or bullying the matter should be reported to the next-in-line manager above them or HR.

7. Formal Procedure

- 7.1** Where informal methods fail, or a person considers that serious harassment or bullying has occurred and consequently requires more effective intervention, then a formal complaint may be made.

The complaint should be made in writing and state as far as the person can recall:

- The name of the alleged harasser or bully.
- The nature of the alleged harassment.
- Dates and times when alleged harassment or bullying occurred.
- Names of witnesses to any incidents of alleged harassment or bullying.
- Any action already taken by the complainant to stop the alleged harassment or bullying, including a record of any written material relevant to the complaint.
- Where a physical assault or serious threat has been made the matter may be reported to the police.

7.2 The complaint should be sent, in confidence, to the Head of HR or their nominee, who will advise the alleged harasser's manager immediately. If the harassment or bullying involves a Trustee / Board member the complaint should be sent, in confidence, to the Company Secretary.

7.3 The Trust's Grievance procedure will then be followed to hear any formal complaint.

8. What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated via the Grievance procedure and the trust may bring disciplinary proceedings, if appropriate. The trust will follow its Disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, the trust will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the trust could decide to transfer you to another post.

If a complaint is made against you that is not upheld and the trust has good grounds for believing that the complaint was not made in good faith, the trust will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the trust

has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, the HR team will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The trust will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.

9. Review of this policy

This Policy is reviewed annually by the trust which will monitor the application and outcomes of this policy to ensure it is working effectively.