

# Rainow Primary School

*Caring, Learning, Achieving.*

## Dignity at Work Policy and Procedure

**Member of staff responsible:**

**Date policy approved:**

**Date to be reviewed:**

**Headteacher**

**Summer 2021 (FGB)**

**Summer 2024**

### Scope

This policy has been consulted on with relevant Cheshire East trade union representatives and is recommended to all School and Academies who buy back the Education HR Consultancy Package through ChESS (last reviewed by CE HR, September, 2020)

### POLICY STATEMENT

The purpose of this policy is to set out the Governing Body's standards on how we behave towards colleagues at work and explain how problems can be resolved if they occur. Rainow School is committed to creating a work environment where everyone is treated with dignity and respect. In particular, we will not tolerate bullying, harassment or victimisation of any kind under any circumstances. Such behaviour can not only have serious effects on individuals, in terms of stress, anxiety, depression etc. but can also undermine the reputation of the school. In certain circumstances, the behaviour may not only be wrong but also illegal, placing the school at risk of legal action.

This policy explains:

- What you can expect from Rainow School and what the school expects of you.
- The behaviours you are expected to display at work.
- What bullying, harassment and victimisation means.
- What you need to do if you think you are being bullied, harassed or victimised.

### WHAT YOU CAN EXPECT FROM THE SCHOOL

We will:

- Ensure that everyone who works for us is aware of their responsibilities towards each other and understands the impact that their behaviour may have on colleagues.
- Provide sources of advice and support to help you understand what you can do if a problem arises.
- Offer access to trained, accredited mediators where mediation may help to provide a resolution.

- Provide the means for you to formally raise a complaint where it has not proved possible to resolve the issue informally or through mediation.
- Take all complaints seriously and ensure that they are dealt with in strict confidence in a consistent, fair and timely manner.
- Provide protection against victimisation for anyone raising a complaint.
- Ensure that matters raised are fully investigated and that those involved have the opportunity to put their side of the story before any decision is made.
- Where a complaint is upheld, apply an appropriate penalty under the School Disciplinary Policy up to and including dismissal.
- Treat people fairly and consistently, irrespective of their position in the school.
- If issues arise with regard to the unacceptable behaviour of staff from other organisations that the school does business with, the school will take up these issues with the other organisation.

## **WHAT THE SCHOOL EXPECTS OF YOU**

We expect you to:

- Uphold proper standards of behaviour and treat colleagues with respect, as you would expect them to treat you with respect.
- Not tolerate unacceptable behaviour if you see it directed towards a colleague and promptly report any incident.
- Wherever possible, seek to resolve problems informally in the first instance, for example, by discussing the matter privately with the colleague or manager concerned.
- Be prepared to be honest and upfront about your concerns and co-operate in seeking to arrive at a resolution.
- Submit your complaint in writing where you wish to pursue it on a formal basis. You can, of course, ask someone to help you with this.
- Treat private matters in strictest confidence. If something is serious enough to warrant you raising a complaint, then you should not allow it to become a subject of general gossip.
- Under no circumstances, raise deliberately false accusations against another colleague. Where this is found to be the case, it will be treated as a serious disciplinary matter.
- Support the school policy by co-operating or participating if requested, for example by acting as a witness or, if you are a manager, undertaking a specific role under the procedures in line with your job responsibilities.
- If you manage other people, set an example by your own behaviour and ensure a safe working environment for your team.

## **ALTERNATIVE ROUTES**

A number of the school's policies (e.g. Disciplinary, Capability, Sickness Absence etc.) carry their own separate rights of appeal. In these circumstances, the relevant appeals process should be followed. This Dignity at Work Policy should not be used to avoid or supplement those processes.

The following are also dealt with more appropriately under alternative policies and procedures:

- Concerns regarding parents, pupils, consultants, volunteers, contractors or employees of other organisations. These should be raised with the Headteacher or appropriate Line Manager.
- Complaints relating to a statutory or financial matter over which the school has no jurisdiction e.g. pension, tax or national insurance.
- General work matters, e.g. terms and conditions of employment, health and safety matters, new working practices, working environment and organisational change, should be dealt with under the School Grievance Policy and Procedure.
- Major concerns within the school that fall outside the scope of other procedures, e.g. conduct which is an offence or breach of a legal obligation, or other unethical conduct. These should be raised and dealt with under the school Whistleblowing Policy.

## **WHAT IS BULLYING AND HARASSMENT?**

Bullying is offensive, intimidating, malicious or insulting behaviour, 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 relevant protected characteristics which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The Equality Act 2010 defines relevant protected characteristics as sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, age, pregnancy and maternity, marriage or civil partnership.

A single incident can be harassment if it is sufficiently serious.

Conduct may be harassment whether or not the person behaving in that way intends to offend. It may not be so clear in advance that a particular form of behaviour would be unwelcome to, or could offend, a colleague, for example certain "banter". In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards a colleague in the belief that the recipient has a protected characteristic when, in fact, it is not the case.

Not only is bullying or harassment unacceptable, in some instances it may also be illegal. 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, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

## **EXAMPLES OF BULLYING AND HARASSMENT**

Bullying and harassment may be misconduct that is physical, verbal or non-verbal (e.g. through intimidation, unreasonable behaviour or different treatment).

Examples of unacceptable behaviour include (but are not limited to) the following:

- Physical conduct ranging from unwelcome touching to serious assault.
- Unwelcome sexual advances.
- Demeaning comments about a person's appearance.
- Unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion.
- Questions about a person's sex life.
- Unwanted nicknames related to a person's age, race or disability.
- The use of obscene gestures.
- Excluding a colleague because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled.
- Ignoring a colleague because he/she is perceived to have a protected characteristic when he/she does not, e.g. a colleague is thought to be Jewish, or is perceived to be a transsexual.
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.
- Spreading malicious rumours or insulting someone.
- Cyber-bullying e.g. sending detrimental mobile text messages or posting malicious comments/images of colleagues on social media.
- Ridiculing someone.
- Excluding someone from social activities.
- Isolation or non-cooperation at work.
- Picking on someone or setting him/her up to fail e.g. by imposing unrealistic targets.
- Changing priorities unreasonably.
- Shouting at someone to get things done.
- Consistently undermining someone and their ability to do their job.

**These are examples only.** Unacceptable behaviour may still be regarded as bullying or harassment even if it does not correspond exactly to the above examples.

### **WHAT IS VICTIMISATION?**

Victimisation occurs when a person is treated badly because they have made, or supported a complaint or because they are suspected of doing so. Provided that you act in good faith, and genuinely believe that what you are saying is true, you have an absolute right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment. Where victimisation is found to have taken place, this will be treated as a disciplinary matter.

### **WHAT SHOULD I DO IF I THINK I AM BEING BULLIED OR HARASSED?**

If you think you are being bullied or harassed, you can:

- Try and resolve the matter informally, by speaking to the perpetrator directly or asking your manager or a colleague to help you with this, if you feel able to do so.
- Ask whether Mediation can be arranged, where all parties involved agree.
- Make a formal complaint.

### **INFORMAL RESOLUTION**

You may be able to sort out matters informally. The colleague may not know that the behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of the unacceptable behaviour and agree to change it. You should tell the colleague what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately.

You may feel able to approach the person yourself, or with the help of your manager, trade union representative or another colleague. Alternatively, an initial approach could be made on your behalf by one of these people.

Trying to resolve the matter informally may often be the best and quickest solution, particularly where you have previously had a good working relationship with the colleague in question. However, it may not be successful in all cases or you may feel that you are not able to deal with the problem in this way, in which case you may want to consider the alternative options of either mediation or else making a formal complaint.

### **WHAT IS MEDIATION?**

Sometimes it can be helpful to involve an independent third party or mediator to help resolve Dignity at Work issues.

Mediation is a voluntary process whereby the mediator helps two or more people in dispute to attempt to reach an agreement. It can only take place where all the parties involved agree to do so. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other

wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not decide the outcome.

Mediation may not be suitable if:

- Used as a first resort – ideally people should consider speaking to each other directly before they seek a solution via mediation.
- A decision about right or wrong is needed, for example where there is possible criminal activity.
- The person bringing a bullying or harassment complaint wants it investigated.
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

If you think that mediation may provide a suitable option to resolve a Dignity at Work issue, you should speak to your manager in the first instance. They will establish whether or not mediation is appropriate. If the other party declines the invitation to participate in mediation, you will be informed of this. You may then wish to consider the option of making a formal complaint.

## **DATA PROTECTION**

The school 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 School data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the School disciplinary procedure.

## **MAKING A FORMAL COMPLAINT**

If you wish to make a formal complaint of bullying or harassment, you must do so in writing by completing form DAW1 (see Appendix 1) and sending this to your Headteacher or to the Chair of Governors if the Headteacher has been involved at the informal stage, or is the subject of the complaint. The complaint should be acknowledged within 5 working days of receipt. Your Headteacher (or Chair of Governors) will appoint an independent person to act as the Investigating Officer and he/she will conduct a Dignity at Work investigation, to gather information. The investigation may include examination of any documentary evidence (including electronic media) and fact finding meetings with you, the person(s) involved and any relevant witnesses. You may be accompanied by a companion at such a meeting. Your companion may be a fellow worker or a trade union representative. However, he/she will not be able to answer questions on your behalf. A written note will be taken during any meetings that are arranged as part of this process.

The school will make reasonable adjustments, if possible, if you advise them that you have any disability related needs that need to be considered to enable you to participate in such a meeting. The Investigating Officer will try to reach conclusions about what did or did not happen, even when evidence is contested or contradictory. Unlike criminal law, a workplace investigation does not have to find proof “beyond all reasonable doubt” that the matter took place. An Investigating Officer only needs to decide that on the “balance of probabilities” that an incident is more likely to have occurred than not.

On conclusion of the investigation, the Investigating Officer will produce a detailed Dignity at Work Investigation Report, outlining a detailed assessment of all the evidence gathered along with a finding as to the facts of the case. The report will be given to the Headteacher (or Chair of Governors), and enable them to decide whether on the face of it bullying or harassment have occurred and, if so, who is responsible.

You will receive a decision within 30 working days of receipt of your original complaint. Exceptionally, there may be circumstances where it may be necessary to extend this timescale, for example where the parties involved are on leave or the scale of the investigation requires a significant amount of fact finding. In these circumstances the Headteacher (or Chair of Governors) will keep you updated on a regular basis (at least fortnightly) of the progress of the investigation and the revised timescale for completion.

Where the Headteacher (or Chair of Governors) upholds your complaint and indicates that a disciplinary offence has taken place, a Disciplinary Hearing will be convened and action will be taken against the alleged perpetrator, in line with the school’s Disciplinary Policy and Procedures. Following the hearing, an appropriate sanction may be imposed, up to and including dismissal in the most serious circumstances.

## **APPEALS**

If you are the person who has made the complaint and the Headteacher (or Chair of Governors) does not uphold your complaint you will receive written confirmation of this decision. You do have the right of appeal and if you wish to appeal you must do so in writing within 10 working days of receipt of the letter confirming the decision and send this to the Chair of Governors in the first instance.

To be progressed an appeal must have proper grounds that should normally relate to one of the following:

- There has been a serious shortfall in the procedure e.g. a full and fair investigation of the facts was not carried out or
- New evidence, not available during the original investigation, has emerged or
- The decision/conclusion reached by the Chair Of Governors or Headteacher is wholly unreasonable, having regard to the evidence presented.

Appeals will be heard by either the Chair of Governors or a panel of Governors with no previous involvement in the process and will take place no less than 21 working days following the receipt of your appeal. Their decision will be final.

If you are someone who has been the subject of a complaint and the Headteacher (or Chair of Governors) has found that your behaviour constituted bullying or harassment you will have the normal rights of appeal under the School's Disciplinary Policy & Procedures.

### **MALICIOUS OR VEXATIOUS COMPLAINTS**

We accept that all formal complaints should be accepted in good faith and investigated accordingly. However, where an investigation finds that, not only is a complaint not upheld but that it was a malicious or vexatious complaint, then disciplinary action will be taken against the person who made the complaint.

### **GENERAL GRIEVANCES**

If you have a complaint regarding other general work matters, other than Dignity at Work, you should refer to the School's Grievance Policy and Procedures. Issues that may give rise to general grievances include the following:

- Terms and conditions of employment
- Health and safety matters
- New working practices
- Working environment
- Organisational change

*This list is not exhaustive.*

Where a formal complaint includes both Dignity at Work as well as general work issues, it may be necessary for the different aspects of the complaint to be investigated and heard separately. Where you have a genuine belief that you have been bullied or harassed, you should be aware that any complaint you make will be treated in good faith. However you should be careful not to introduce an allegation of bullying into a general grievance complaint where it is not appropriate or simply because you believe it will add weight to your general grievance.

### **MONITORING AND REVIEW**

The guidance set out in this document is non-contractual and does not form part of the terms and conditions of your employment. We will monitor this policy to ensure that it is operating fairly, consistently and effectively. The policy will be reviewed in the light of operating experience and/or changes in legislation.



**Appendix 1****FORM DAW1**

This form should only be used where you wish to make a formal complaint of bullying or harassment under the School's Dignity at Work policy. Please send the completed form to your Headteacher OR to the Chair of Governors if the Headteacher has been involved at the informal stage or is the subject of the complaint.

Name	
Position	
Name of line manager	
Trade Union (if a member)	
Details of complaint. Please include below: <ul style="list-style-type: none"><li>• the name of the person(s) responsible for the alleged behaviour</li><li>• the nature of the behaviour;</li><li>• where possible details of specific incidents;</li><li>• names of witnesses to any incidents;</li><li>• any action already taken by the complainant to stop the behaviour;</li><li>• details of the outcome you are seeking (attach a separate sheet if necessary)</li></ul>	

Signature \_\_\_\_\_ Date: \_\_\_\_\_