



Dignity at Work Policy

Audience:	All employees, agency staff and anyone else engaged to work for RERACH2
Approved:	Trust Board – (date)
Other related policies:	
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REAch2 Dignity at Work Policy



At REAch2, our actions and our intentions as school leaders are guided by our Touchstones:

- Integrity** We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour
- Responsibility** We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements
- Inclusion** We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style
- Enjoyment** Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved
- Inspiration** Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full
- Learning** Children and adults will flourish in their learning and through learning discover a future that is worth pursuing
- Leadership** REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual

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1. POLICY OVERVIEW

1.1 Overarching Principles

All employees have the right to feel safe in a supportive and non-threatening working environment, free from bullying and harassment. REAch2 seeks to:

- provide a working environment where no form of bullying, harassment or discriminatory treatment is tolerated, whatever the motivation and to help create a working environment where everyone is treated with dignity and respect;
- help identify conduct which may amount to bullying or harassment;
- set out the procedure to be followed if complaints of bullying or harassment are raised in the workplace;
- provide training, advice and guidance for managers, employees and governors on how to raise or respond to such complaints fairly, effectively and promptly.

REAch2 will not tolerate bullying or harassment of any kind and will ensure that:

- all allegations are investigated promptly, sensitively and confidentially by appropriately experienced investigating officers and, if appropriate, disciplinary action is considered; and
- all employees are protected from victimisation for making or being involved in a complaint in good faith under this Policy.

In accordance with the Equality Act 2010 and the public sector equality duty to eliminate discrimination and advance equality of opportunity, monitoring of the procedure will be undertaken to collect information such as: the type and frequency of complaints arising; the proportion of complaints resolved satisfactorily; any problem areas to be addressed; and any additional training required.

Throughout this document the word 'complainant' will be used to describe the individual who has raised a bullying and/or harassment complaint.

1.2 Intended Impact

The aim of the policy is to ensure a positive, enjoyable working environment where workers can do their best and know they are safe from bullying or harassment from anyone else in the workplace.

1.3 Roles and Responsibilities

Employee's responsibilities

- Ensure that they are familiar with and act in accordance with the terms of the Policy.
- Treat one another with dignity, respect and courtesy when carrying out their day-to-day duties.
- Avoid participating in or condoning acts of bullying, harassment, victimisation or discriminatory behaviour in the work-place.
- Encourage individuals who are the subject of this behaviour to seek support and assistance through the informal and/or formal stages of this Policy.
- Offer assistance to the complainant by providing truthful evidence in support of such complaints.

Line Manager's responsibilities

- Ensure that all staff and governors are made aware of the Policy and of their rights and responsibilities under it.
- Ensure that all staff know how to access the Policy if they feel they have been subject to bullying or harassment or wish to support a colleague with the process.
- To assist employees to understand the nature of this Policy compared to the Grievance Policy and the Whistle Blowing Policy, and to follow the appropriate procedure, according to their needs
- Do all that they reasonably can to ensure that the work environment is free from discriminatory or intimidating behaviour, and ensure that they lead by example in promoting a culture where everybody is treated with dignity and respect.
- Take appropriate action to eliminate bullying and harassment if this is witnessed in the work-place, regardless of whether or not a complaint has been made.
- To be aware of trends and patterns of behaviour in school that may indicate that unwanted behaviour is taking place, even if a formal complaint has not been made.
- Take allegations of bullying, harassment or other unwanted behaviour seriously and deal with them promptly, consistently, sympathetically and confidentially.
- Demonstrate positive behaviour in their interactions with staff and avoid behaving in any way which might be construed as unwelcome.

2. Policy principles in detail

This Policy covers bullying, harassment and/or discriminatory treatment in the workplace and in any work related setting outside of the workplace, e.g. school trips, visits and/or some social events.

It applies to employees, agency staff, contractors and anybody engaged to work for REAch2 in a school or other location and to individual or collective complaints of bullying, harassment or discriminatory treatment. However, if the complainant or person allegedly causing the unacceptable treatment or behaviour is not an employee of the school, it will apply with any necessary modifications. For example, complaints received about an agency worker, would need to be referred to the relevant agency, who may decide to remove the worker following an appropriate investigation.

This Policy does not apply to complaints unrelated to bullying, harassment or discriminatory treatment, which should be dealt with under the Grievance Procedure or complaints under the Public Interest Disclosure Act, which should be dealt with under the REAch2 Whistle-Blowing procedure.

3. DEFINITION OF HARASSMENT AND BULLYING

What is Harassment?

Harassment is a recognised legal concept within discrimination law. Harassment is unwanted conduct related to a relevant protected characteristic, which are sex, gender reassignment, race (including colour, nationality, and ethnic or national origins), disability, sexual orientation, religion or belief or age, which:

- has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual; or

- is reasonably considered by that individual to have the same effect as above, even if this effect was not intended by the person(s) alleged to be responsible for the conduct.

Where similar behaviour is not motivated by one of the protected characteristics recognised in the Equality Act 2010, the matter may be dealt with under the bullying section of this Policy (see below).

Conduct becomes harassment if it persists once it has been made clear that it is regarded as unwelcome by the recipient. However, a single act can amount to harassment if it is sufficiently serious. Furthermore, some actions may be so obviously offensive, that the recipient will not necessarily need to make it clear that it is unwelcome.

Individuals can also be subjected to harassment on the following grounds:

- Membership (or non-membership) of a trade union including participating in union activities and being a union representative
- Employment status (e.g. part-time, temporary/fixed-term)
- Criminal record
- Health
- Physical characteristics.

Bullying and harassment can take a variety of forms, including physical (e.g. unnecessary touching or assault), verbal (e.g. jokes, offensive language, gossip, slander or offensive songs) and/or non-verbal (e.g. offensive or threatening letters, emails, text messages and/or social media postings). Conduct may be bullying and/or harassment whether or not the individual behaving in that way intends to offend.

Examples of Harassment

It is not possible to set out all types of behaviour which will constitute harassment but a non-exhaustive list may include:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances or contact;
- Spreading malicious rumours;
- Insulting an individual through words or conduct;
- Demeaning comments about an individual's appearance;
- Derogatory or demeaning jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- Offensive written remarks or comments;
- Verbal or physical threats and intimidation;
- Exclusion or victimisation;
- Ridiculing or demeaning someone in front of others e.g. picking on them or setting them up to fail;
- Unjustified, persistent criticism or negative comments;
- Overbearing supervision or other misuse of power or position;

- Preventing an individual from progressing by intentionally blocking promotion or training opportunities;
- Deliberately undermining an individual by overloading and/or constant criticism;
- Deliberately ignoring an individual because they are associated or connected with somebody with a protected characteristic;
- Repeated, unnecessary observation;
- The display of offensive material, graffiti or badges;
- Intrusive questioning about someone's private life;

Some of the examples set out in the section below on bullying (which are not listed above) could also amount to harassment.

The examples listed above must be viewed in terms of the distress that they cause to the individual. It is the impact on the recipient that will determine whether or not there is a case to answer for harassment.

Post-employment harassment arises when harassment, victimisation or discrimination occurs following the end of the working relationship. This could cover issues such as references, either written or verbal. In extreme cases, some forms of harassment, such as stalking, incitement to racial hatred, assault, may constitute a serious criminal offence.

Harassment can be both a civil and criminal offence. Furthermore, employees can be held vicariously or jointly liable for incidents of harassment by an employee to another.

Victimisation

Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about bullying, harassment or other discriminatory behaviour. This could include an employee who has or who intends to give evidence relating to a complaint made by another employee.

Freedom of expression

Freedom of expression may sometimes be used as a defence to allegations of harassment. Although it is a fundamental right and REAch2 recognises that workers have the right to express their religious, political and philosophical beliefs in the workplace within limits, freedom of expression will never be used as justification for making statements or comments which discriminate against or harass, or incite violence or hatred against other people, particularly by reference to their protected characteristics.

What is bullying?

Bullying is a type of harassment where the behaviour is not motivated by one of the protected characteristics. There are various definitions of bullying. Acas defines bullying as 'offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.

Examples of Bullying

The examples below illustrate conduct which may be regarded as bullying. Some of these are similar to the examples of harassment above and the list is not exhaustive:

- verbal or physical threats and intimidation;
- humiliation in front of others;
- unjustified, persistent criticism or negative comments;
- offensive or abusive personal remarks;
- setting unobtainable targets, imposing unreasonable deadlines or constantly changing work targets in order to cause a person to fail;
- belittling a person's opinion;
- making false allegations;
- monitoring work unnecessarily and intrusively;
- removing areas of work without justification;
- imposing unfair sanctions

Fair Management or Bullying and Harassment?

A common feature of all forms of behaviour which constitute harassment and bullying is that they are unwanted by the recipient. It is important, however, to distinguish between reasonable management instructions, even if unwelcome, and bullying.

Harassment and bullying of employees by members of the school community

Employees may experience bullying or harassment from governors, parents, and other visitors to the school as well as harassment from pupils or colleagues. It is not part of an employee's duties to accept or tolerate such behaviour.

All such complaints of harassment made by employees will be investigated, and REAch 2 will provide support to any employee who is the victim of harassment by a member of the public in the course of their employment.

4. IMPLEMENTATION

INFORMAL RESOLUTION

Any employee who considers that the behaviour of someone else in the workplace is unacceptable to them is encouraged to try and resolve complaints in an informal manner before addressing the formal stages below. It is acknowledged that misunderstandings can occur, which can lead to a perception that bullying is taking place. Early informal attempts to diffuse a situation may bring more lasting and beneficial results than using the formal steps, particularly where the recipient may be unaware that s/he has caused offence in the first place.

Informal approaches may include: face-to-face discussion with the person allegedly causing the unacceptable treatment or behaviour; mediation; and/or counselling.

If they feel able to do so, the complainant should meet with the person allegedly causing the unacceptable treatment or behaviour to bring the unwanted behaviour to their attention and to ask for it to stop. This gives the person allegedly causing the unacceptable treatment or

behaviour an opportunity to change their behaviour. It is recommended that a note of the conversation is kept (including date, time, concerns and who was present). Whilst employees do not have a statutory right to be accompanied by a companion or trade union representative at informal meetings, this support may be beneficial to both parties in contentious or difficult cases and the employee is encouraged to seek HR support and the support of a trade union representative at this informal stage.

Any employee who feels that they have been subject to bullying or harassment should make a written record of the incident(s), date(s), times and witnesses for future reference and may wish to contact their trade union representative, companion and/or line manager for advice and support.

Mediation may be attempted at any stage of this process subject to agreement between the parties. However, if it is attempted, the formal process will be suspended pending the outcome of the mediation process. If mediation is unsuccessful, this Policy will continue.

If an informal solution is found, then the manager should do all that they reasonably can to manage the situation to ensure that the working relationships are back on track and do not deteriorate.

REAch2 recognises that the informal suggestions above may not be appropriate for more serious complaints of bullying or harassment; that some staff may not be comfortable having a direct conversation with the person(s) concerned or that the concerns continue despite an informal approach and/or mediation being attempted. In these circumstances, staff should use the formal steps outlined below.

FORMAL RESOLUTION

Any employee who wishes to raise a complaint of bullying and/or harassment formally should set them out in writing and should ensure that they are as detailed as possible. This should include:

- the name of the person(s) whose behaviour they believe amounts to harassment and/or bullying;
- the type of behaviour that is causing offence, with specific examples (including dates, times and location(s) as appropriate) and details of how this made them feel;
- the names of anyone else who witnessed the incidents;
- any action that the complainant has already taken to deal with or stop bullying or harassment (e.g. informal steps above).

If a matter relates to one specific incident, an employee should do all that they reasonably can to lodge a formal complaint within 20 working days of the incident taking place. However, it is recognised that complaints of this nature may relate to cumulative actions taking place over a period of time in which case an employee should lodge a formal complaint within 20 working days of the latest incident taking place.

The formal complaint should be sent to the head teacher, unless the complaint is about the head teacher, in which case it should be passed to the Chair of Governors. If the complaint is also against the chair, it should be passed to the vice-chair or another independent governor. Complaints made by a head teacher should be passed to the Regional Director in the first instance. If, for any reason, the employee feels uncomfortable raising a formal complaint about a head teacher with the chair or vice chair, they should take advice from HR or from their trade

union representative. In very serious cases, a criminal offence may be alleged and the member of staff may also wish to report matters directly to the police.

The person receiving the complaint, known as the Commissioning Officer, should:

- acknowledge the complaint in writing within five working days (and refer to the date of receipt), unless there are exceptional circumstances in which case the response will be made as soon as reasonably practicable.
- arrange for the complaint to be investigated promptly under the Disciplinary Procedure by contacting HR and commissioning an independent investigator.
- send a letter to the employees concerned (including witnesses) to confirm that they will be contacted by an independent investigator and invited to an investigation meeting where they can be accompanied by a companion or trade union representative who is not already involved in the case.
- Inform the alleged harasser or bully of the complaint.

The investigator will be impartial, at an appropriate level of seniority and with experience and/or training to allow a thorough understanding of relevant issues. Investigating officers must be available to conduct the investigation within the timescale below.

5. POSSIBLE OUTCOMES

The investigation will conclude with a written report by the investigating officer to the Commissioning Officer and will include any evidence of whether the alleged conduct took place. The outcome and the next steps are the decision of the Commissioning Officer. This decision will be based on the facts presented in the report and advice from HR. The Commissioning Officer can discuss the findings with the investigator in order to obtain a greater understanding of the evidence before a final decision is made.

Whatever the outcome, the Commissioning Officer should meet with the person allegedly causing the unacceptable treatment or behaviour and the Complainant individually to discuss the findings within 15 working days of receiving the complaint. If the matter leads to a disciplinary hearing against the person allegedly causing the unacceptable treatment or behaviour, the Complainant is entitled to receive a full copy of the investigation report and appendices.

If the Commissioning Officer considers that there is no case to answer for disciplinary action, this may be discussed with the investigating officer. It is then good practice for the Commissioning Officer to meet with the complainant and the person allegedly causing the unacceptable treatment or behaviour individually to discuss a summary of the findings and recommendations, and agree any next steps. This could include: a request to the harasser to stop the behaviour which caused the complainant to feel harassed and counselling, guidance training or mediation.

If the Commissioning Officer considers, having regard to the investigator's report, that there is a case to answer for disciplinary action against the person allegedly causing the unacceptable treatment or behaviour, these findings should be discussed with HR and next steps agreed. The Commissioning Officer will keep the complainant and the person allegedly causing the unacceptable treatment or behaviour updated so as to avoid any surprises.

Where it is decided that disciplinary action may be warranted, the disciplinary procedure will be followed. Where this results in a disciplinary sanction other than dismissal then, wherever practicable, the complainant will be given the choice of remaining in their post or being transferred to another location/position. Where the complainant opts to be transferred, this should not lead to any disadvantage in terms and conditions of employment.

6. APPEALS

If the complainant is dissatisfied with the outcome of the investigation into their formal complaint of bullying or harassment, they have the right of appeal against that decision.

The appeal should be made in writing to the Chair of Governors within 10 working days of receiving formal written notification of the outcome.

The appeal must be heard by an impartial committee of 3 governors who have had no involvement in the matter to date, known as the Appeal Committee.

The appeal letter must clearly set out the appellant's (ie the Complainant) specific concerns and the basis for those concerns. The letter should be accompanied by any additional evidence to be presented in support of the appeal. If the appellant does not wish to provide any supporting evidence, they must confirm this in their letter of appeal. They may not be able to use evidence not previously provided at any appeal hearing. The appellant should also name any witnesses they wish to call and to indicate whether they will be accompanied by a companion or trade union representative.

The Chair of Governors will liaise with HR to arrange the appeal as quickly as possible and within 15 working days. Every effort will be made to agree a date with the employee's representative if they are already involved in the case, before sending out the formal invite letter and supporting paperwork to the relevant parties.

The appellant may suggest an alternative time and date as long as it is reasonable and is not normally more than 5 working days after the original date. The Appeals Committee may reject the suggestion if it is unreasonable and may proceed to hear the case in the absence of the employee or the employee's representative. The Appeals Committee may also defer the date of the hearing to reach mutual agreement on a particular date.

The Chair of Governors shall give a minimum of 5 working days' notice of the hearing to all participants and the Appellant will be entitled to receive a full copy of the investigation report and appendices at this stage.

Present at the appeal hearing, will be the Appeal Committee, the Appellant, the Commissioning Officer, the Investigating Officer and the Appellant's representative. The Appellant will start by presenting the grounds of appeal and the Investigating Officer and/or the Commissioning Officer will respond on behalf of management.

Following an adjournment to consider the evidence, the Appeal Committee may dismiss/reject the employee's appeal (so that the original outcome stands); or uphold/accept the employee's appeal and determine what further action should be taken

The Appeal Committee may announce the decision orally to the parties on the same day or may notify the employee of the decision within 5 working days of the hearing.

There is no further stage of internal appeal.

7. MALICIOUS ALLEGATIONS

The fact that an allegation has not been substantiated following a formal investigation does not mean that it should be considered as malicious. No action will be taken against any member of staff who makes an allegation in good faith, reasonably believing it to be true, even if the outcome is that there is no case to answer.

However, there may be exceptional cases which lead the Commissioning Officer to believe that an allegation of bullying and harassment is malicious. In these circumstances, REAch2 will ensure that a new investigation is conducted under the Disciplinary Procedure against the original complainant, with new terms of reference. Following this process, the investigator may conclude that there is no case to answer or that the matter should continue to be dealt with as a disciplinary matter in accordance with the REAch2's Disciplinary Procedure.

8. THIRD PARTY HARASSMENT

REAch2 will maintain a zero-tolerance policy towards harassment from third parties. REAch2 will ensure that employees are trained on what to report, and who to, if they believe that they have been subject to harassment of this nature and that they understand and can access this Policy.