



HOLLYBROOK INFANT AND JUNIOR SCHOOLS

DIGNITY AT WORK POLICY

Academy Aims

- To create a learning community that promotes excellence for all
- To raise standards in education and create a learning environment where all children achieve excellence
- To create a caring environment that supports all learners, whatever their natural talents, to develop into well informed, motivated young people confident in themselves and actively aware of their role as citizens in today's society
- To create a community of schools where all stakeholders have a say and are involved in the life of their school and hold their schools to account
- To recognise that 'Together Everyone Achieves More'

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1.0 POLICY STATEMENT:

- The Trust supports the right of every individual to be treated with respect and dignity at work. Harassment of any kind will not be tolerated in the workplace.
- The Governing Body, Headteachers, Managers and employees have a commitment to promote a workplace free of harassment, including bullying, victimisation or intimidation.

- It is the responsibility of every employee in the school to ensure that they treat colleagues with dignity and respect. They should take care not to practice, encourage, incite or condone any form of behaviour which could be viewed by others as harassment.
- Any complaint from an employee about alleged harassment will be dealt with fairly, confidentially and sensitively.
- If necessary, the school's disciplinary procedure will be used to deal with serious allegations of harassment by an employee of the school. It may also be used to deal with employees making unfounded or malicious allegations of harassment.
- This policy sets out definitions of bullying and harassment and how complaints of this type should be dealt with.

1.1 Eligibility: All schools employees

1.2 Exceptions: Grievances should be raised through the grievance procedure.

1.3 Responsibility:

Headteachers/Managers need to be aware that where they see unacceptable behaviour, whether or not a complaint is made, they need to treat the matter seriously and take appropriate action to eliminate the particular behaviour.

Note: This policy specifically addresses issues raised by alleged harassment of an employee by another employee (or employees). School employees who experience harassment by members of the public (e.g. parents) will have their complaints investigated promptly by school management, but different procedures will apply to any action taken as a result.

2.0 PROCEDURE:

2.1 Dealing with bullying and harassment – Step 1

Informal approaches - In some cases it may be possible to sort out the matter informally. At times employees are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

Employees who feel that they are being bullied or harassed, but are unsure of what to do, should discuss the matter confidentially with the Headteacher, Manager or Trade Union Representative before deciding what action, if any, to take. A Headteacher/Manager in this position will not take any formal steps to deal with the matter personally unless the employee specifically authorises it.

If at all possible, the employee should tell the person to stop whatever it is they are doing that is causing them distress; otherwise they may be unaware of the effect of their actions. It may be that the employee will choose to do this themselves, or they may need support from a Headteacher/Manager or a Trade Union Representative who may act on their behalf if requested.

If the matter is unresolved following an informal approach, the employee should make a formal complaint without unreasonable delay.

2.2 Dealing with bullying and harassment – Step 2

Formal complaints - If an informal approach to the person concerned is not effective, or not appropriate, perhaps because of the serious nature of the complaint, then the individual should make a formal complaint to a manager or the Headteacher. If the complaint is about the Headteacher, then any formal complaint should be directed to the Chair of Governors.

The Headteacher is responsible for ensuring that any such complaint is investigated promptly and confidentially, either personally or by delegation to a manager, and that any necessary formal action is initiated. The Headteacher will ensure that the result of the investigation is fed back to the complainant. The chair of governors is similarly responsible for ensuring that any complaint against the Headteacher is investigated.

After investigating the complaint, the Headteacher or senior manager (or Chair of Governors in the case of the Headteacher) may decide to do one or more of the following; offer counselling, conciliation or mediation; take disciplinary action against the bully/harasser in accordance with the school's disciplinary procedure, take some other action as appropriate to the outcome of the investigation.

If the complainant is dissatisfied with the investigation or the response to the formal complaint, then he or she may use the school's grievance procedure to address this.

3.0 GUIDANCE:

What is harassment?

Every individual member of staff has the right to be treated fairly and with dignity and respect. Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is not the intention of the perpetrator which defines whether a particular type of conduct is harassment but the effect it has on the recipient.

Bullying is just as unacceptable as any other form of harassment.

Conduct that could constitute harassment includes:

- any physical contact which is unwanted
- coercion, isolation or 'freezing-out'
- display of offensive material, e.g., 'pin-ups'
- offensive jokes
- unwelcome remarks about a person's dress, appearance, race or marital status
- shouting at staff
- personal insults
- persistent criticism
- setting impossible deadlines.
- victimisation

The effect of harassment and bullying at work

Harassment and bullying at work can cause fear, stress, anxiety and physical sickness amongst employees. It may also put a heavy strain on personal and family life. It can lead to increased absenteeism, an apparent lack of commitment, poor performance and even resignation.

For the employer the result is not just poor morale but higher staff turnover, reduced productivity, lower efficiency and divided teams. The effects will eventually show through in the overall performance of your organisation.

Policy statements

Employers can develop written policies and procedures either as part of their main equality policy or in a separate document which make clear that all employees have the right to be treated with dignity and respect at work, that all forms of harassment and bullying will not be condoned or permitted in the workplace and that such unacceptable behaviour will be treated as a disciplinary offence.

A clear statement is an important sign of your management commitment to preventing unacceptable behaviour at work.

Dealing with harassment

Headteachers/Managers need to be aware that where they see unacceptable behaviour, whether or not a complaint is made, they need to treat the matter seriously and take appropriate action to eliminate the particular behaviour.

All employees should have the right to effective remedies when incidents occur and the procedures should ensure that quick and effective action is taken. Employees may also wish to contact their union representative for support and advice.

Often the solution may be as simple as pointing out to someone the effect that their behaviour has on others and getting them to stop the behaviour concerned. For a variety of reasons victims of harassment are often reluctant to invoke formal procedures to resolve matters. It is therefore preferable for all concerned that, whenever possible, complaints are dealt with internally and informally. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality.

Where the informal process proves ineffective or where the individual being harassed prefers or in serious cases such as assault it will be necessary to take formal action within the normal disciplinary procedures or within the guidelines laid down by a specific anti-harassment policy.

How can bullying and harassment be recognised?

There are many definitions of bullying and harassment. Bullying may be characterised as *offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient*. Harassment, in general terms, is *unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident*. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation and this may include:

- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation, age and religion or belief)

- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face, they may be by written communications, electronic (e)mail (so called 'flame-mail'- an angry or offensive email or messages), phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

Bullying and harassment can often be hard to recognise – they may not be obvious to others, and may be insidious. The recipient may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents.

People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

Why do employers need to take action on bullying and harassment?

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including:

- poor morale and poor employee relations
- loss of respect for managers and supervisors
- poor performance
- lost productivity
- absence
- resignations
- damage to reputation
- tribunal and other court cases and payment of unlimited compensation.

It is in every employer's interests to promote a safe, healthy and fair environment in which people can work.

The Legal Position

Discrimination and harassment

It is not possible to make a direct complaint to an employment tribunal about bullying. However, employees might be able to bring complaints under laws covering discrimination and harassment. For example:

- **Sex:** the Sex Discrimination Act gives protection against discrimination and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment
- **Race:** the Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act (Race Regulations 2003) also give a stand-alone right to protection from harassment on the grounds of race and ethnic or national origin
- **Disability:** the Disability Discrimination Act 1995 gives protection against discrimination and victimisation
- **Sexual orientation:** the Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination and harassment on the grounds of sexual orientation (orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' - bisexual)
- **Religion or belief:** the Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination and harassment on the grounds of religion or belief.
- **Age:** the Employment Equality (Age) Regulations 2006 give protection against discrimination and harassment on grounds of age

Unfair dismissal

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken - for example, through bullying and harassment at work - then an employee can resign and claim 'constructive dismissal' on the grounds of breach of contract. Employers are usually responsible in law for the acts of their workers.

Health and safety

Breach of contract may also include the failure to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

The Health and Safety Executive (HSE) is currently focusing on the issue of stress at work. HSE defines stress as "the adverse reaction a person has to excessive pressure or other types of demand placed upon them". In Tackling work-related stress HSE reminds employers that looking after the health of employees includes "taking steps to make sure that employees do not suffer stress-related illness as a result of work". For more information visit www.hse.gov.uk.

What should schools do about bullying and harassment?

1) Consider adopting a formal policy. The Policy should include;

- statement of commitment from senior management
- clear statement that bullying and harassment will not be tolerated
- examples of unacceptable behaviour
- statement that bullying and harassment may be treated as disciplinary offences
- responsibilities of supervisors and managers
- confidentiality for any complainant
- reference to grievance procedures (formal and informal)
- investigation procedures
- reference to disciplinary procedures
- counselling and support

It should be made clear that the policy applies to staff on and off the premises, including those working away from base.

All schools must have policies and procedures for dealing with grievance and disciplinary matters. Staff should know to whom they can turn if they have a work-related problem, and managers should be trained in all aspect of the school's policies in this sensitive areas.

2) Set a good example. The behaviour of employers and senior managers is as important as any formal policy. Strong management can unfortunately sometimes tip over into bullying behaviour. A culture where employees are consulted and problems discussed is less likely to encourage bullying and harassment than one where there is an authoritarian management style. The school must make it clear that bullying and harassment are unacceptable.

3) Maintain fair procedures for dealing promptly with complaints from employees. Complaints of bullying and harassment can usually be dealt with using clear grievance and disciplinary procedures.

4) Set standards of behaviour – an organisational statement to all staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others. This may include information about what constitutes bullying and harassment. Training can also increase everyone's awareness of the damage bullying and harassment does both to the organisation and to the individual.

5) Let employees know that complaints of bullying and/or harassment, or information from staff relating to such complaints, will be dealt with fairly and confidentially and sensitively. Employees will be reluctant to come forward if they feel they may be treated unsympathetically or are likely to be confronted aggressively by the person whose behaviour they are complaining about.

How should schools respond to a complaint of bullying and/or harassment?

Investigate the complaint promptly and objectively. Take the complaint seriously. Employees do not normally make serious accusations unless they feel seriously aggrieved. The investigation must be seen to be objective and independent. Decisions can then be made as to what action needs to be taken.

Informal approaches

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from a manager, a Trade Union Representative, or a Counsellor.

Counselling

Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

Conciliation

In cases where the manager finds that the complaint of harassment appears to have arisen from a personal difficulty between employees, it may be appropriate to facilitate conciliation between the parties in order to restore a working relationship.

Disciplinary procedures

Where an informal resolution is not possible, the Headteacher or senior manager may decide that the matter is a disciplinary issue which needs to be dealt with formally at the appropriate level of the school's disciplinary procedure. As with any disciplinary problem it is important to follow a fair procedure. In the case of a complaint of bullying or harassment there must be fairness to both the complainant and the person accused.

In cases which appear to involve gross misconduct, or serious misconduct where there is reason to separate the parties in order to investigate the matter, a short period of suspension of the alleged bully/ harasser may need to be considered while the case is being investigated. Do not transfer the person making the complaint unless they ask for such a move and this is feasible.

Where bullying or harassment amounts to gross misconduct, dismissal without notice may be appropriate following a disciplinary hearing.

There may be cases where somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons. These cases should also be investigated and dealt with fairly and objectively under the disciplinary procedure.

Whenever a case of bullying or harassment arises, schools should take the opportunity to examine policies, procedures and working methods to see if they can be improved.

Approved by Governors: April 2017

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Other relevant policies or documents:

School's Child Protection and Safeguarding Policy

Confidentiality policy

Whistle Blowing Policy

Equal Opportunity Policy