



Dignity and Respect Policy and Procedure v2.2

| | |
|--|---|
| <p>Important: This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Name and Title of Author:</p> | <p>Charlene Hadfield, Trust HR Manager</p> |
| <p>Name of Responsible Committee/Individual:</p> | <p>Trust Board</p> |
| <p>Implementation Date:</p> | <p>December 2018</p> |
| <p>Review Date:</p> | <p>December 2020</p> |
| <p>Target Audience:</p> | <p>All staff, volunteers and third party visitors</p> |
| <p>Related Documents:</p> | <p>Disciplinary Policy Expectations and Code of Conduct Behaviour for Learning Policy</p> |

Contents

| Section | Page |
|--|-------------|
| Policy Statement | 3 |
| 1. Purpose and Scope | 3 |
| 2. Roles and Responsibilities | 4 |
| 3. Equality and Diversity | 4 |
| 4. Definitions | 5 |
| 5. Examples of Bullying and/or Harassment | 5 |
| 6. Procedure | 6 |
| Informal Resolution | 6 |
| Mediated Discussion | 7 |
| Formal Resolution | 7 |
| Appeal | 8 |
| Right to be Accompanied | 8 |
| Recording of Meetings | 8 |
| 7. Third Party Expectations | 8 |
| 8. Monitoring Compliance with and Effectiveness of this Policy | 9 |
| 9. Review | 9 |

POLICY STATEMENT

The Education Alliance (the Trust) has a vision based on seeking excellence through inspirational leadership, teamwork, innovation and challenge we work to ensure that all of us achieve our best. Our values are:

- Working together for students
- Generating ideas and sharing outstanding practice
- Promoting independence and interdependence
- Encouraging questioning, feedback and challenge

The Trust has four guiding principles:

- Believe in the team
- Focus on learners to drive decisions
- Keep it simple, do it right
- See it, own it, make it happen

The Trust is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the organisation, including affecting an individual's health and wellbeing, productivity and performance, attendance and levels of engagement, recruitment and retention. It can limit our ability to share best practice, working collaboratively and innovatively. Effects on the organisation can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the organisation's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal. They could be held personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment can also be viewed as a criminal offence.

1. PURPOSE AND SCOPE

The Trust is committed to providing people with a healthy working life, where they learn and flourish, where they are stretched and challenged, supported and encouraged to perform at their best. The aim of this policy is to ensure the Trust meets its moral and legal responsibilities by having strategies in place to limit the potential for bullying and harassment to occur, whilst also providing a supportive and accessible route for those who believe they have been bullied and harassed.

The aim of this policy is to provide employees, agency staff, consultants and third parties (e.g. customers, suppliers and visitors) with clear expectations regarding their own behaviours alongside a framework for resolving complaints of harassment or bullying and inappropriate behaviour. The intention is that inappropriate behaviour at work is minimised and if it occurs, it is dealt with swiftly, with sensitivity and objectivity.

The Trust's culture is one of high aspiration. Its consistent high performance relies on the knowledge, skills, behaviours, attitudes and competence of its exceptional, unique and diverse team. Inappropriate behaviour will not be tolerated. Employees have a right to complain if they are treated in a manner, which they believe constitutes harassment or bullying. This includes behaviour that has caused offence, humiliation, embarrassment or distress. Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. The Trust encourages staff to raise issues in a constructive way as this

enables early resolution, minimising the impact on staff, students and other stakeholders. Employees who raise a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint. However, if it is established beyond reasonable doubt that an employee has made a deliberately false or malicious complaint with deliberate intent against another person about harassment or bullying, disciplinary action in accordance with the Trust's Disciplinary Policy and Procedure will be taken against that employee.

Any employee who witnesses an incident that he/she believes to be the harassment or bullying of another member of staff should report the incident in confidence either to his/her line manager or to a member of the HR Department. The Trust will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

If employees are unsure, of which policy to access (e.g. Grievance/Dignity and Respect) they should contact the HR Department and/or their Trade Union for advice. Whilst informal resolution is encouraged, failure to resolve issues and complaints informally may result in formal action being taken via the Disciplinary Policy and Procedure.

2. ROLES AND RESPONSIBILITIES

The **Trust Board** is responsible for approving this policy and **Local Governing Bodies** should ensure this policy is applied fairly and consistently within their schools, monitoring the effectiveness of this policy.

The **CEO and Executive Principal** are responsible for ensuring that staff and others adhere to this policy and that all staff are aware of the Expectations and Code of Conduct.

The **Human Resources Department** is responsible for ensuring that all staff are aware of this policy and procedure. The team will also ensure that the policy is implemented fairly and consistently. The team will provide managers with access to appropriate training, advice and guidance to enable managers to manage issues relating to bullying and harassment sensitively, professionally and equitably, whilst also recognising that each case and individual is unique.

Managers and staff with supervisory or leadership responsibilities must ensure they carry out their responsibilities fairly and consistently, dealing with allegations of bullying and harassment swiftly and effectively whilst maintaining confidentiality wherever possible. They must also ensure that their own behaviours cannot be deemed to be inappropriate or of a bullying and/or harassment nature.

All **staff** have a responsibility to ensure that their own behaviour does not breach the Trust's Expectations and Code of Conduct. They also have a responsibility to ensure their own behaviours cannot be deemed to be inappropriate or of a bullying and/or harassment nature as well as constructively dealing with inappropriate behaviours at work should they occur. The Trust seeks to encourage people to report any instances of bullying or harassment and welcomes feedback.

3. EQUALITY AND DIVERSITY

The Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines, adhering to the Equality Act 2010.
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.
- If any aspect of the Dignity and Respect Policy and Procedure causes the employee difficulty on account of any disability they may have, or if the employee needs assistance because English is not their first language, the employee should raise this issue with the HR Department at the earliest opportunity and appropriate arrangements will be made.

4. DEFINITIONS

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 relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be considered to be bullying and/or harassment or simply inappropriate, whether or not the person behaving in that way intends to cause offence. For example, something intended as a "joke" may offend another person.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic, or where an individual is connected or associated with someone with a protected characteristic.

There may also be circumstances in which an individual is subject to unwanted conduct from a third party, such as a client or customer.

Staff that experience or witness inappropriate behaviour, bullying and/or harassment in the workplace are encouraged to try to resolve the matter informally wherever possible. However, where the behaviour and its impact is of a very serious nature, or where informal resolution has been attempted and failed, formal action may be necessary via the Trust's Disciplinary Procedure. Line managers, senior managers and the HR Department can offer support to people wishing to address inappropriate behaviours, either informally or formally. Staff are also encouraged to seek support via their trade unions.

5. EXAMPLES OF BULLYING AND/OR HARASSMENT

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, eg by letter or email (so-called "flame-mail").

Examples of unacceptable behaviour include the following (this is not an exhaustive list):

- physical conduct ranging from unwelcome touching to serious assault;

- unwelcome sexual advances;
- the offer of rewards for accepting sexual advances (e.g. promotion);
- threats for rejecting sexual advances (e.g. suggestions that refusing advances will adversely affect the employee's employment or advancement);
- 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 an individual because he/she is associated or connected with someone with a protected characteristic;
- ignoring an individual because he/she is perceived to have a protected characteristic;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-co-operation at work; and
- excluding someone from work-related social activities.

6. PROCEDURE

Informal Resolution

Before raising a formal complaint the employee is encouraged to make arrangements to talk directly to the person they believe is bullying and/or harassing them, explaining clearly what aspect of the person's behaviour is unacceptable or is causing offence, distress or upset. It may be helpful for the employee to prepare some notes for themselves to enable them to have a constructive conversation regarding the key points, including examples of behaviour and detailing their impact. It can be helpful for the employee to carefully request that this aspect of their behaviour stop and the employee may wish to speak to the HR Department and/or their Trade Union to prepare for this. It may be that the person who faces the allegations is genuinely unaware that his/her behaviour is unwelcome or objectionable and a direct approach can resolve the matter without the need for formal action. Where an employee would like support in preparing for such a conversation they should contact the Human Resources Department who can assist them with such preparation.

There may be occasions where the employee may not wish to address the issue. Where the HR team or the complainant feels that there is a risk to the emotional or physical wellbeing of

the employee or others, it may be necessary for a formal investigation to be initiated. The Human Resources representative will explain the reasons for this with the employee concerned prior to taking any action.

Mediated Discussion

It may also be appropriate for the matter to be dealt with informally by way of a mediated discussion, depending on the nature of the complaint. If an employee wishes to explore the option of a mediated discussion, they should contact the HR Department for further information and advice. Employees can also access support from their Trade Union and the Employee Assistance Package provides free access to confidential counselling. Mediated discussions are where an impartial individual uninvolved in the complaint facilitates a discussion between the relevant parties with the aim of assisting both parties to reach a resolution. Mediated discussions can only be used where all parties involved in the complaint agree to try this option.

The individual facilitating the mediated discussion will follow the following format:

- Meet with the individuals separately to establish the key issues to be discussed at the mediated meeting, providing each individual with thinking time, assisting them in assessing what they might share and hear and how they might respond constructively.
- When the facilitator feels each party is ready and prepared to have a positive, calm, professional and constructive discussion they will facilitate a joint mediated discussion.
- The facilitator will open up the meeting, explain the ground rules, structure and format (e.g. all attendees will remain calm and professional, listen and ensure each party has air space, adjourn where appropriate, seek to understand the other person's perspective with the aim of achieving a satisfactory outcome for both parties).
- The facilitator will provide each person with airtime with the other person listening and then responding. Breaks may be required to ensure everyone is able to reflect, listen and respond effectively.
- The facilitator will reflect back, summarise and facilitate an agreed way forward, with a plan for monitoring and review and the facilitator will write to both parties following the meeting to confirm the key points discussed, actions agreed (including monitoring and review) and provide a timeframe for a review to take place, usually around 4 weeks after the mediated discussion takes place (this may be extended where school holidays fall within that period).

Where an informal resolution cannot be achieved or the matter is too serious to raise informally the employee or manager should proceed to the formal stage.

Formal Resolution

The individual should submit a formal complaint to either their line manager, or if preferred, the HR Department. The complaint should detail:

- The name of the person whose behaviour the employee believes to amount to harassment and/or bullying
- The type of behaviour that is causing offence (with written details of examples)
- The impact of the behaviour
- Dates and times when alleged incidents occurred, where they occurred and names of any witnesses (and names of other alleged victims of harassment or bullying by the same person)
- Any action that the employee has already taken to try to resolve the matter informally.

Managers who receive a complaint of inappropriate behaviour, bullying and/or harassment have a duty to report the matter to the HR Department who can advise them on the appropriate course of action.

Further attempts may be made for informal resolution, however, should informal resolution be inappropriate or unsuccessful, it is likely that the complaint will be managed via the Trust's Disciplinary Policy and Procedure.

Any employee accused of harassment or bullying will be informed of the exact nature of the complaint against him/her and afforded a full opportunity to challenge the allegations and put forward an explanation for his/her behaviour in a confidential interview, with a trade union representative or work colleague present if he/she wishes.

Appeal

Where an employee raises a complaint and believes that the issue has not been properly investigated or dealt with appropriately, they have a right of appeal, which they should lodge within 10 working days of the date of the letter they receive which details the outcome of the case. The letter of appeal must be submitted in writing to the HR Department, clearly stating the grounds of the appeal (e.g. the basis on which the employee says the result of the complaint was wrong or that the action taken as a result was inappropriate). An appeal meeting will be arranged and this will normally take place within 10 working days of receipt of the formal appeal, wherever possible.

The employee should ensure they attend the meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they should inform the HR Department of this as soon as possible. If the employee fails to attend without explanation, or if it appears that, they have not made sufficient attempts to attend, the appeal hearing may take place in their absence.

The appeal hearing will be conducted by either a member of the senior leadership team, the Head of School, Executive Principal or CEO, who will consider the grounds the employee has put forward, assessing whether or not the conclusion reached originally was appropriate.

Following the appeal meeting, the employee will normally be informed of the outcome within 10 working days. The outcome of the appeal hearing is final.

Recording of Meetings

The employee or any person acting on their behalf, will not normally be permitted to record electronically any meeting held by the Trust as part of this procedure. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

However, in certain limited circumstances, the Trust may permit an employee to record the meeting electronically. For example where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the Trust permits the meeting to be recorded electronically, it will take responsibility for making the recording.

7. THIRD PARTY EXPECTATIONS

Any instances of work related violence will not be tolerated, including verbal abuse from students, customers, suppliers or contractors. This policy does not cover student behaviours

as expectations regarding students are detailed in other school policies, such as the Behaviour for Learning Policy.

Third party relationships are important to the Trust and the intention is that positive, healthy, productive relationships are developed and maintained. Work-related violence will not be tolerated and this may include any incident where a member of staff is abused, threatened or assaulted by a third party. This is based on the Health and Safety Executive's definition of work related violence.

Managers must treat reports of work related violence, threats of abuse and verbal abuse seriously, responding to them promptly and effectively. Details of incidents must be recorded and may be investigated where appropriate. Affected staff must be offered additional support, such as the Employee Assistance Package.

Staff are responsible for their own behaviour and for ensuring that they comply with this policy. To prevent or minimise the risk of work related violence staff must:

- Be aware of third party needs and expectations and ensure third parties are treated with dignity and respect.
- Recognise and assess the potential for work related violence and take action to resolve it either proactively or as early as possible as early intervention can minimise the risk of escalation
- Be supportive of colleagues who are victims of work related violence
- Report incidents or near misses
- Suggest additional measures managers may make to minimise any risk of work related violence
- Act in a way that doesn't incite or increase the likelihood of violence. Any member of staff found to be encouraging or inciting work related violence may be subject to disciplinary action
- Access appropriate training, particularly front line staff that are at a greater risk of work related violence, as training can support staff in understanding strategies for managing third party relationships effectively

Third parties are expected to adhere to this policy and procedure, treating others on and off-site with dignity and respect. Breaches of this policy by third parties will not be tolerated. Where the inappropriate behaviour, bullying and/or harassment is from a third party, appropriate action will be taken which may range from the Trust discussing the matter with the individual and/or their employer to, in very serious cases, imposing a ban or terminating a third party contract. Whether or not a complaint is upheld, the Trust must consider how the on-going working relationship may be managed. Options such as mediated discussions and/or a review of reporting lines may be initiated.

8. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this procedure will be monitored on an annual basis.

9. REVIEW

This Policy and Procedure will be reviewed annually with recognised trade unions at local secretary level.