



**South East Cornwall Multi Academy Regional Trust**

# **Dignity at Work Policy**

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## 1. Introduction

- 1.1 This policy is based on the ACAS guidance on discrimination, bullying and harassment at work (<https://www.acas.org.uk/discrimination-and-bullying>). It applies to everyone working in schools including employees, casual workers, agency workers and supply staff, apprentices, volunteers, contractors, and visitors. It also applies to all members of the Trust Board, the Local Governing Committees and the Trust Shared Services team. It applies whether the individual is working on school premises or at other locations and it also covers work-related social events.
- 1.2 The policy does not form part of any contract of employment, and we may amend it at any time.

## 2. Policy statement

- 2.1 The Trust Board, Local Governing Committees and Headteachers/Head of School/Nursery Lead are committed to providing a safe, healthy and productive work environment free from harassment, bullying and victimisation.
- 2.2 All line managers are committed to ensuring that everyone is treated with dignity and respect and are:
- encouraged to meet their full potential
  - treated without favouritism
  - spoken to with courtesy
  - accorded due professional trust
  - recognised for their achievements
  - consulted about any changes in their role
  - given adequate time and resources for the successful discharge of their duties
  - provided with appropriate training and development opportunities
  - accorded respect for their individual privacy.
- 2.3 The Trust Board, Local Governing Committee members and colleagues have a responsibility to maintain appropriate standards of behaviour and to ensure they support a positive working environment where harassment, bullying and victimisation are not tolerated. All members of the Trust Board, Local Governing Committees and colleagues must:
- treat each other with dignity and respect
  - be aware of the effect that their own behaviour can have on others
  - dress appropriately for the workplace
  - support colleagues if they experience harassment, bullying or victimisation
  - challenge inappropriate behaviour and/or report any incident to a line manager
  - set a positive example to others
  - consider their language and attitudes, and refrain from making personal comments to or about others
  - co-operate with any investigation undertaken by the school into allegations of harassment, bullying and victimisation.

- 2.4 This policy provides a framework to help prevent harassment, bullying and victimisation and explains the procedure that should be followed when incidents occur.
- 2.5 All complaints of harassment, bullying and victimisation will be taken seriously and handled sensitively and discretely. They will be assessed against the impact of the action(s) on the victim rather than the intent of the alleged perpetrator. Line managers will take prompt action to investigate and respond to allegations. Where harassment, bullying or victimisation is found to have taken place, disciplinary action may be taken which, depending on the circumstances, could result in dismissal or cessation of voluntary position.
- 2.6 No employee will suffer detriment for raising a concern in good faith, or for assisting a colleague to do so.
- 2.7 Everyone should be able to work without the fear of mischievous or malicious allegations, and anyone found to be making a deliberately false or vexatious complaint may be subject to disciplinary action.

### **3. The law and definitions**

- 3.1 All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.
- 3.2 If someone reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.
- 3.3 Both the school and individual employees can be held liable for unlawful discriminatory harassment, bullying or victimisation.

#### **Harassment**

- 3.4 Harassment, as defined in the Equality Act 2010, is:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

- 3.5 The protected characteristics defined in the Equality Act 2010 are:

age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 3.6 The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves.
- 3.7 An individual may find the behaviour offensive even if it is not directed at them, or they may be:
- Associated with a person who has a protected characteristic
  - Wrongly perceived to have a protected characteristic
  - Treated as if they have a protected characteristic.
- 3.8 Harassment may involve unwanted conduct of a sexual nature or that relates to gender reassignment or sex, which has the same purpose or effect on the individual as described above. This is unlawful and the Trust has a separate Sexual Harassment policy.
- 3.9 Behaviour which meets the definition of harassment but is not specifically related to a protected characteristic will still be considered as harassment by the Trust and dealt with in accordance with this policy.
- 3.10 It is unlawful to subject another person to harassment on the grounds of that individual's membership or non-membership of a trade union.

## **Bullying**

- 3.11 Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

- 3.12 Bullying can take the form of physical, verbal and non-verbal conduct.
- 3.13 Harassment occurs when bullying or unwanted behaviour is about any of the protected characteristics defined in the Equality Act 2010 (as defined in section 3.5).

## **Victimisation**

- 3.14 Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because he/she does a protected act, or it is believed he/she has done or may do a protected act.

- 3.15 A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act.

## **4. Examples of unacceptable behaviour**

- 4.1 Harassment, bullying and victimisation may occur verbally, face to face, through written communication, using visual images (for example, pictures of a sexual

nature or embarrassing photographs of colleagues), via email, via telephone or communication platforms, via instant messaging, email or social media. This list is not exhaustive.

- 4.2 Harassment, bullying and victimisation may involve single or repeated incidents, ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. It can often occur without witnesses.
- 4.3 Employees should be familiar with the SMART's Acceptable Use Policy and exercise care and restraint when posting messages and material that could be open to wider publication and circulation e.g. using Facebook, X or other social media platforms.
- 4.4 Examples of unacceptable behaviour include:
- Insulting someone verbally or through offensive behaviour
  - physical aggression or intimidation
  - practical jokes which embarrass or humiliate
  - verbal abuse, including inappropriate stereotyping, taunts, threats, malicious rumours or innuendo
  - sharing information about an individual with others who do not need to know
  - abuse of an individuals' right to personal privacy, for example, intrusion into another employee's personal property or into their private life (this may also be a breach of the General Data Protection Regulations)
  - deliberate isolation or non-cooperation and exclusion from normal social or professional contact in the workplace
  - unwelcome sexual advances – assault, touching, standing too close, the display of offensive materials, up-skirting, making decisions on the basis of sexual advances being accepted or rejected
  - personal intrusion from pestering, spying and stalking
  - putting humiliating, offensive or threatening comments or photos on social media.

This list is not exhaustive.

## **5. Legitimate management actions**

- 5.1 Headteachers/Head of School/Nursery Lead and line managers at times are required to make decisions that affect an employee's job and ways of working and to speak to employees about their performance and expected standards. This does not constitute bullying and harassment. However, line managers must carry out these functions fairly, consistently and in a professional manner. Headteachers/Head of School/Nursery Lead have a duty to ensure anyone in a line management position is given appropriate training to fulfil these responsibilities.
- 5.2 In order to carry out their role it is necessary for line managers to:
- issue instructions to employees
  - set work-related objectives and monitor achievement
  - set standards of workplace performance and monitor compliance with these
  - address poor performance or unacceptable behaviour.

## **Unacceptable behaviour by line managers**

- 5.3 The following are examples of unacceptable behaviour by line managers, over and above those already mentioned above:
- humiliation, for example reprimanding an employee in front of others
  - singling out an employee, for example for unjustified criticism
  - intimidation, for example aggressive behaviour or threats directed at an employee
  - persistently placing excessive demands on employees, setting unrealistic work targets and/or changing targets that are outside the remit of the job
  - preventing individuals progressing by intentionally blocking promotion or training opportunities
  - making threats or comments about job security without foundation.

## **6. Responsibilities of line managers**

- 6.1 It is the responsibility of all line managers to behave in accordance with this policy and set an example to others.
- 6.2 Line managers must make sure employees are aware of this policy and the workplace they are responsible for is one where employees feel able to talk to them about problems or concerns, where everyone is treated with dignity and respect and where any form of harassment, bullying or victimisation is not tolerated.
- 6.3 Line managers must make all efforts to address harassment, bullying and victimisation wherever possible and take immediate action once it is identified. Where line managers receive a report of unacceptable behaviour or observe it at first-hand, they have a responsibility to take immediate steps to address the matter, whether or not a formal complaint has been made.
- 6.4 Line managers must also:
- provide a good example of appropriate behaviour
  - be alert to the possibility of harassment, bullying and victimisation
  - act promptly to correct behaviour which could cause offence or be seen to contravene this policy
  - make sure all new employees are aware of expected standards of behaviour and remind employees at regular intervals
  - record and inform line manager and SMART's Senior HR Officer of any incidents of harassment or bullying and the outcomes of any action or investigations
  - treat all cases of harassment, bullying or victimisation sensitively and with appropriate confidentiality.
- 6.5 Due to the serious effects of harassment, bullying and victimisation, line managers may need to continue with an investigation or disciplinary process even when an allegation is withdrawn by an employee or the employee declines to make a formal complaint. This will be communicated to the employee in a sensitive and appropriate manner.

## **7. How to deal with harassment, bullying or victimisation – informal steps**

- 7.1 Sometimes people make genuine mistakes or might not be aware their behaviour is unwelcome or offensive. If you feel able to, speak to the person concerned at the time of the incident, explain clearly that you find their behaviour offensive or unwelcome, and ask for it to stop.
- 7.2 It can be helpful to keep a diary of all incidents, a record of dates and times and the names of any witnesses.
- 7.3 Letting the person know their behaviour is unwelcome or offensive will give them the opportunity to stop.

### **Who else can you speak to?**

- 7.4 If you find it difficult to approach the person directly, you should talk the matter through with your line manager, who can support you with this.
- 7.5 Alternatively, you can speak with:
- another line manager in the school
  - a trade union representative.
- 7.6 If you are unable to speak to your line manager (e.g. because the complaint concerns your manager) you should speak informally to a more senior manager, which could be the Headteacher, CEO, Chair of Governors, or Chair of the Trust Board.
- 7.7 If you are not sure who to speak to, you can contact SMART's Senior HR Officer.
- 7.8 Raising the matter informally will involve discussing the events with the intention of reaching an agreement that the behaviour will cease with immediate effect.
- 7.9 If a colleague informs an individual that their behaviour is unacceptable to them, the individual should try not to respond in a defensive manner. They should listen to what the colleague has to say, ask for clarification if necessary and think about their point of view. Often a simple acknowledgement of the effect the behaviour has had, even if no offence is intended, and agreement to stop the behaviour is enough to resolve the situation.
- 7.10 Incidents that could form part of a future complaint or allegation should not be shared with other colleagues not on the list above as all staff have a duty to respect the confidentiality of others. Sharing unfounded allegations with other staff could be considered a form of harassment.

## **8. Mediation**

- 8.1 Mediation is an effective way of resolving disputes and helps avoid matters escalating and the need for formal procedures. Mediation can be used at any

stage and can address a range of issues including relationship and communication breakdown. Mediation can be an option when all parties agree to the process.

8.2 Mediators do not make judgments or determine outcomes - they ask questions that help uncover underlying problems, assist the parties to understand each other's point of view and help them look at options for resolving their dispute.

8.3 The Headteacher/Head of School/Nursery Lead should discuss any mediation requirements with the SMART Senior HR Officer.

## **9. Formal procedure for managing complaints**

9.1 If it is not possible to resolve matters informally, or if you believe the situation is so serious as to warrant formal action, you can make a written complaint. You are advised to speak to your line manager or trade union representative about raising a complaint of harassment, bullying or victimisation formally (see section 7).

9.2 The mechanism for submitting a formal complaint varies according to the status of the alleged perpetrator and these are:

- For complaints about an employee of the school or Trust - please use the formal procedure of the Grievance Policy
- For complaints relating to a parent or visitor - please use the Parent and Visitor Behaviour Policy.

9.3 Where a complaint has been raised, the school will consider requests to temporarily change working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.

## **10. Disciplinary procedure**

10.1 Where harassment, bullying and/or victimisation is found to have taken place, disciplinary action may be taken, the outcome of which may include dismissal, depending on the circumstances.

## **11. Protection and support for those involved**

11.1 Anyone who makes a complaint, reports that they have witnessed wrongdoing, or who participates in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Policy.

11.2 If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied, you should raise it formally using our Grievance Policy.

11.3 Allegations of harassment, bullying and victimisation can be upsetting and stressful for all parties and line managers have a responsibility for making sure everyone involved is offered appropriate support. This can be provided by offering additional one to one meetings or by assigning a key contact for the employee.

- 11.4 SMART provides a counselling service for use by all employees and their families. This is a free, 24 hour, confidential telephone counselling service on 0117 934 2121.
- 11.5 Employees who are members of a trade union may wish to contact their representative for support.
- 11.6 Support and guidance can also be obtained from the following external services:
- Advisory, Conciliation and Arbitration Service <https://www.acas.org.uk/contact>  
Tel 0300 123 1100, Monday to Friday 8am-6pm
  - Equal Opportunities Commission <https://www.eoc.org.uk/>

## **12. Reporting outcomes, confidentiality and record-keeping**

- 12.1 Confidentiality is an important part of the procedures provided under this policy. Details of the complaint, the person making it and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy.
- 12.2 When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.
- 12.3 Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

## **13. Monitoring arrangements**

- 13.1 The Trust will confidentially monitor formal complaints of harassment, bullying and victimisation to ensure this policy is operated fairly and consistently. Any data gathered will not identify individuals. An equality impact assessment will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy.

## **14. Related Policies**

- 14.1 SMART policies can be found at:

<https://www.smart-trust.net/information/policies/all-policies>

- Acceptable Use Policy
- Code of Conduct - Staff
- Disciplinary Policy
- Grievance Policy
- Parent and Visitor Behaviour Policy
- Sexual Harassment Policy