



South East Cornwall Multi Academy Regional Trust

Dignity at Work Policy

Date	Changes
14/10/19	First draft
18/10/19	Circulated to unions, LGCs and Trust Board
14/11/19	JCNC consultation meeting
5/12/19	Approved by Trust Board
30/06/22	JCNC consultation meeting following circulation to Trustees and governors
19/07/22	Approved by Trust Board

Adopted Date: 19th July 2022

Status: Approved

Review Date: Spring 2025

Policy approved by Trust Board July 22

Contents

Introduction	3
Policy Statement	3
The law and definitions of bullying and harassment	4
Behaviours that could be regarded as bullying and harassment	4
Legitimate management actions	5
Unacceptable behaviour by line managers	5
Responsibilities of line managers	6
How to deal with bullying and harassment – informal approach	6
Who else can you speak to?	7
Mediation	7
Making a formal complaint of bullying or harassment	7
Confidentiality	8
Bullying or harassment by parents or members of the public	8
Disciplinary Procedure	8
Support for employees	8
Equality Monitoring & Accessibility	8
Related Policies	8
Further Advice and Support	9

Introduction

This policy applies to all employees working in schools including agency or supply staff, volunteers, contractors and visitors. It also applies to all members of the Trust Board, the Local Governing Committees and the Central Business Unit. It applies whether employees are working on school premises or at other locations and it also covers work-related social events.

Policy Statement

The Trust Board, Local Governing Committees and headteachers are committed to providing a safe, healthy and productive work environment free from harassment, bullying and victimisation.

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.

The Trust Board, Local Governing Committee members and employees have a responsibility to maintain appropriate standards of behaviour and to ensure they support a positive working environment where there is no toleration of affronts to dignity, bullying or harassment. All members of the Trust Board and Local Governing Committees and employees must:

- treat colleagues 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 bullying, harassment or singling out;
- 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 bullying and harassment.

This policy provides a framework to help prevent bullying and harassment and explains the procedure that should be followed when incidents occur.

All complaints of bullying and harassment will be taken seriously and handled sensitively and discretely. Line managers will take prompt action to investigate and respond to allegations. Where bullying or harassment 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.

No employee will suffer detriment for raising a concern in good faith, or for assisting a colleague to do so.

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.

The law and definitions of bullying and harassment

Bullying and harassment are terms used interchangeably and cover a range of behaviours that undermine the right of others to be treated with dignity.

Harassment 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'. Source: Equality Act 2010.

The relevant protected characteristics under UK law are: age; disability; race; religion and belief; gender reassignment; sex and sexual orientation.

Behaviour which meets the definition of Harassment but is not specifically related to a protected characteristics will still be considered as Harassment by the Trust and dealt with in accordance with this policy.

Sexual harassment is also unlawful under the Equality Act 2010.

SMART will protect staff on the basis of membership or non membership of a trade union.

According to ACAS, bullying and harassment means "any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not always obvious or apparent to others and may happen in the workplace without an employer's awareness. Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face."

Both the school and individual employees can be held liable for unlawful discriminatory harassment or bullying.

Behaviours that could be regarded as bullying and harassment

Bullying and harassment is not always verbal or face to face, but can involve written communications or visual images, such as pictures of a sexual nature or embarrassing photographs sent by text, instant messaging, email or social media.

Bullying and harassment 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.

Employees should be familiar with the SMART's Acceptable Use Policy (<http://www.smart-trust.net/hr/>) and exercise care and restraint when posting messages and material that could be open to wider publication and circulation e.g. using Facebook, Twitter.

Examples of unacceptable behaviour include:

- personal insults (particularly on the grounds of age, race, sex, disability, sexual orientation, gender identity and religion or belief, marriage, civil partnership, pregnancy and maternity);
- physical aggression or intimidation;
- practical jokes which embarrass or humiliate;
- verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip or innuendo;
- abuse of an individual's 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.

This list is not exhaustive.

Legitimate management actions

Headteachers and line managers at times are required to make decisions that affect employees' jobs 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. Head teacher has a duty to ensure anyone in a line management position is given appropriate training to fulfil these responsibilities.

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

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.

Responsibilities of line managers

It is the responsibility of all line managers to behave in accordance with this policy and set an example to others.

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 bullying or harassment is not tolerated.

Line managers must make all efforts to address harassment and bullying 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.

Line managers must also:

- provide a good example of appropriate behaviour;
- be alert to the possibility of bullying or harassment;
- 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 HR Officer of any incidents of harassment or bullying and the outcomes of any action or investigations;
- treat all cases of harassment or bullying sensitively and with appropriate confidentiality.

Due to the serious effects of bullying and harassment, 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.

How to deal with bullying and harassment – informal approach

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.

It can be helpful to keep a diary of all incidents, a record of dates and times and the names of any witnesses.

Letting the person know their behaviour is unwelcome or offensive will give them the opportunity to stop.

Who else can you speak to?

If you find it difficult to approach the person directly, you should talk the matter through with your line manager, or with:

- another line manager in the school;
- a trade union representative;
- SMART's counselling service that is provided by DAS. This is a free, confidential, 24 hours confidential telephone counselling service that is available to staff and their families. The telephone number for DAS' counselling service is 0117 934 2121.

If your complaint is with your line manager, you are advised to speak to a person in the school or Trust who is in a more senior position to your line manager.

If you are not sure who to speak to, you can contact SMART's HR Officer.

Incidents that could form part of a future complaint or allegation should not be shared with other staff members 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.

Mediation

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.

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.

Contact SMART's HR Officer to find out more about mediation.

Making a formal complaint of bullying or harassment

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 formal complaint using the formal grievance procedure for staff and formal complaint to the clerk for governors or for non employees to the Parent and Visitor Behaviour Policy.

You are advised to speak to your line manager or trade union representative about raising a complaint of bullying formally. In cases where the complaint is regarding your line manager you are advised to speak to a person in the school or Trust who is in a more senior position to your line manager. If this complaint relates to the CEO then you would be advised to approach the Chair of the Trust Board, via the Clerk to the Trust Board.

Confidentiality

Complaints must be treated confidentially and should not be discussed with anyone who is not involved in the procedures. Confidentiality must be maintained by all parties. No-one must be victimised as a result of making a complaint or being subject to a complaint of bullying or harassment.

Bullying or harassment by parents or members of the public

If an employee experiences offensive or unwelcome behaviour from parents or members of the public, they should speak to their line manager. Please refer to Parent and Visitor Behaviour Policy for further information. Separate procedures apply to verbal abuse, threatening or physical behaviour by parents or members of the public.

Disciplinary Procedure

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

Support for employees

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

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.

Employees who are members of a trade union may wish to contact their representative for support.

Equality Monitoring & Accessibility

If any aspect of this procedure causes difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this with your line manager.

All SMART policies are subject to an annual equality impact assessment review.

Related Policies

These can be found at: <http://www.smart-trust.net/hr/>

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

Further Advice and Support

Further advice and support is available from:

- SMART's HR Officer
- DAS Counselling Service on 0117 934 2121. This is a free, confidential, 24 hour telephone counselling service that is available to staff and their families
- Advisory, Conciliation and Arbitration Service www.acas.org.uk. Tel 0300 123 1100 8am-6pm
- Equal Opportunities Commission www.eoc.org.uk Tel 08456 015901