

DIGNITY AT WORK POLICY AND PROCEDURE 2019-20

This policy was adopted in September 2019
This policy will be reviewed in September 2020

POLICY

1. INTRODUCTION

Individuals are entitled to be treated fairly and with dignity and respect. All members of the school community have a responsibility in creating an environment where harassment, bullying, unfair treatment, discrimination and disrespectful behaviour towards others is not tolerated.

2. PURPOSE

- 2.1 The aim of this policy and procedure is to ensure that individuals know what behaviours are expected of them, what behaviours are likely to be unacceptable and for the maintenance of high standards of behaviour of those individuals. School expects all employees and Governors to treat each other with respect, courtesy and consideration and they have the right to expect to be treated likewise by others.
- 2.2 School will take seriously any complaints raised under this policy and any employee or Governor found to be engaging in behaviour deemed to be unacceptable may be subject to disciplinary action.

3. SCOPE

- 3.1 This policy and procedure applies to all employees who are employed by, or under, a school Governing Body who has formally adopted this policy and procedure.
- 3.2 This policy and procedure applies to all members of the school's Governing Body where this policy and procedure has been adopted by the Governing Body.

4. DEFINITIONS

4.1 Bullying may be defined as:

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

4.2 Harassment as defined in the Equality Act 2010 is:

Unwanted conduct related to a relevant 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



5. **EXPECTED BEHAVIOURS**

5.1 Examples of behaviours expected of individuals include, but are not limited to: -

- To encourage and listen to others, appreciate their perspective and take account of views, concerns and feelings.
- To recognise the needs of others who may have special requirements and provide assistance and support with those needs.
- To act in a professional manner toward all members of the school community.
- To build working relationships based on trust, respect, co-operation and support.
- To have an understanding of how ones behaviours and interactions can impact on and affect others.
- To display a commitment to equality of opportunity and dignity at work.

6. **UNACCEPTABLE BEHAVIOURS**

6.1 Examples of unacceptable behaviours include, but are not limited to:-

- Spreading malicious rumours, or insulting someone by word or behaviour
- 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 material, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by blocking promotion or training opportunities without good reason.

7. **RESPONSIBILITIES**

7.1 It is the duty of every member of staff to take responsibility for their behaviour

7.2 Management have a duty of care to all employees and will ensure that this policy is effectively applied

7.3 Anyone experiencing unacceptable behaviours has the right to avail themselves of this policy



PROCEDURE

8. PRINCIPLES

- 8.1 Individuals are encouraged to deal with any instances of inappropriate behaviour under the informal stage, through open and honest discussion.
- 8.2 A complainant has the right to be represented at each stage of the formal procedure by a trade union representative or work colleague.
- 8.3 Any other party or parties who may be identified as the focus of the complaint also has the right to be represented by a trade union representative or work colleague at investigation meetings and dignity at work hearings.
- 8.4 The trade union representative or work colleague accompanying any of the individuals described above must not be involved/potentially involved in the complaint.
- 8.5 No Governor with prior involvement at an earlier stage may hear any subsequent appeal.
- 8.6 The manager or Governors dealing with the complaint or appeal may where appropriate be supported by the school's HR provider.
- 8.7 Timescales may be extended by agreement with both the employee and management.
- 8.8 Dignity at work appeals committees will have the power to allow or disallow the appeal or vary the decision appealed against. Their decision is final and there is no further internal process to follow.
- 8.9 Dignity at work appeal committees should normally consist of three governors. However, where this is not possible the committee may comprise two governors.
- 8.10 Where an employee pursues a complaint in good faith, which is not upheld after investigation, no action will be taken. If however an employee pursues a complaint that is proven to be malicious or vexatious, disciplinary action may be taken.
- 8.11 Where an employee pursues their Dignity at Work complaint to Stage 3 this part of the procedure will take place under the Stage 3 - Appeal Hearing of the Grievance Procedure. As such following the outcome of the Appeal Hearing the employee cannot raise a further grievance in relation to the original Dignity at Work complaint under the Grievance Procedure.



9. MEDIATION

9.1 Mediation is a proven tool to resolve work place issues and is highly recommended. It is an informal, confidential, fast and a fair way for people to work through a disagreement. It is a voluntary process and encourages solutions which work for all participants.

9.2 At the earliest opportunity consideration should be given to resolving issues via mediation. Mediation can be entered into at any point. As mediation is voluntary, both parties need to agree to enter into the process. Any mediation undertaken will take place with a trained mediator agreed by both parties.

9.3 The mediator is a suitably trained independent person who does not take sides but who will help the people in dispute find a solution to the issues that both can agree to. Further information on mediation can be found on the Acas website at www.acas.org.uk and in the guide *Mediation Explained*.

10. STAGES OF THE PROCEDURE

10.1 *Stage 1 - Informal Stage – Discussion*

- 10.1.1 If an individual feels that they have been treated inappropriately they should wherever possible speak to the other person(s). They should describe the behaviour which they find offensive, explain how this behaviour makes them feel and ask for this to stop.
- 10.1.2 If, after addressing this, the inappropriate behaviour continues or the complainant remains dissatisfied they should consider moving to stage 2 – formal stage.



10.2 Stage 2 - Formal Stage – Investigation

10.2.1 Individuals should put their complaint in writing.

A pro-forma is included at Appendix 1. Employees are not required to complete Appendix 1, however this may assist them in detailing their complaint. The written complaint should detail the following:

1. The nature of the complaint. Details of any informal action to resolve this. If no informal action has been taken the reasons why.
2. Why they are still dissatisfied. The outcome they are seeking and how this might be achieved. The written submission should be given to the Head teacher, or where the Head teacher is the complainant or subject of the complaint, to the Chair of Governors. It is expected that formal complaints are raised within 20 working days of the outcome of the stage 1 - informal stage discussion, or within 20 working days of the inappropriate behaviour, or where a series of associated incidents have occurred, within 20 working days of the last of these incidents, where this could not be raised informally. Where a formal written grievance has been received the Head teacher or Chair of Governors will write back to the complainant to confirm receipt. An investigating officer will be appointed. Where possible this person will be agreed by all parties however in the event that agreement cannot be reached, the final decision will rest with the school. The Head teacher or Chair of Governors, if they have had no previous involvement, may choose to investigate the complaint themselves. The Investigating Officer will arrange to interview the complainant to gather information. Notes of the interview will be given to the complainant and they will be asked to sign a copy of the notes. The Investigating Officer will also write to the person being complained about to inform them that a formal complaint has been received. They will also be informed that they will be interviewed as part of the investigation. The Investigating Officer will carry out an investigation and will interview appropriate witnesses. Notes of all interviews will be taken. The interviewee will be given a copy of the notes and will be asked to sign them. If, for any reason, the interviewee wishes to remain anonymous this will be respected, however depending on the nature of the complaint and the information gathered the Investigating Officer may not be able to guarantee future anonymity. Following the investigation the Investigation Officer will offer both parties the opportunity to meet with them individually to discuss the findings and outcomes. Outcomes of the investigation can include but will not be limited to: -
 - No action to be taken
 - Complaint upheld
 - A recommendation to attempt to resolve the issue between the parties through discussion and/or mediation.
 - A recommendation to invoke the disciplinary procedure against the person(s) being complained about.
 - A recommendation to invoke the disciplinary procedure against the complainant, should the Investigating Officer believe that the complaint was malicious or vexatious.
 - Some other action e.g. retraining, counselling



10.2.2 The findings will be confirmed in writing to both parties. Where the investigating Officer recommends invoking an investigation under the disciplinary procedure against the person being complained about or the complainant, as the Investigating Officer believes that the complaint was malicious or vexatious, this decision will **not** be relayed to the other parties involved. The investigation from this procedure will be used to inform the disciplinary procedure and all witnesses should be asked for consent for their information to be shared.

10.2.3 If the complainant remains dissatisfied with the response from the Investigating Officer they should consider moving to stage 3 – appeal hearing. This involves putting their case before a committee of Governors and is dealt with under the Grievance Procedure

10.3 Stage 3 - Appeal Hearing

10.3.1 The complainant should put their appeal in writing to the Investigating Officer within five working days of receipt of the letter confirming the findings and outcomes from the stage 2 investigation.

10.3.2 A pro-forma is enclosed at Appendix 2. Complainants are not required to complete Appendix 2, however this may assist them in detailing their grounds for appeal.

10.3.3 The written appeal should detail the following;

- The nature of the complaint
- Details of any previous action to resolve this.
- Why they are still dissatisfied.
- The outcome they are seeking and how this might be achieved.
- Grounds of appeal

10.3.4 The purpose of the appeal hearing is to determine whether the investigation was fair and/or whether the outcomes are reasonable in all the circumstances. There will be no reassessment of the case unless the process has been found to be flawed. The committee is under no obligation to consider new information, which has not been considered previously, at this stage.

10.3.5 If the Investigating Officer's outcome is to invoke the disciplinary procedure against the person(s) being complained about, the original complainant has no right of appeal against any disciplinary sanction issued to the offender.

10.3.6 The person(s) being complained about will be informed by the Investigating Officer that the complainant has appealed and when they can expect to be informed of the outcome.

10.3.7 The appeal hearing will be arranged without unreasonable delay. The complainant will receive five working days notice of the hearing.

10.3.8 At the hearing the complainant will have the opportunity to state their complaint and the reasons why they remain dissatisfied with the outcome of the 2nd stage investigations.



10.3.9 The hearing committee will consider all relevant information, this can include but is not limited to;

- Any written information relating to the informal and formal stages
- Any witness statements/interview notes
- Any documentary evidence presented by the employee and Investigating Officer.

10.3.10 All written information from the complainant and gathered by the Investigating Officer at the 2nd stage will be given to the hearing committee three working days before the hearing.

10.3.11 The hearing committee may adjourn the hearing for the purposes of gathering any further relevant information which can include the interviewing of witnesses.

10.3.12 Once the hearing committee has considered all the relevant information relating to the complaint the outcome will be confirmed without unreasonable delay.

10.3.13 The decision of the committee is final and there will be no further internal right of appeal nor is there scope for the same issue to be considered under the Grievance Policy.

11. **WITHDRAWING A COMPLAINT**

If a complainant decides to withdraw a complaint at any stage during the procedure, they should advise the appropriate person in writing of the reason for the decision.

11.2 Whilst in the majority of cases the school will respect the rights of the complainant to withdraw the complaint, there may be instances where the concern impacts on the duty of care towards others and school may take the decision to investigate independently of the complaint.

12. **FURTHER INFORMATION**

12.1 Further information can be found in the Acas advice leaflet, *Bullying and Harassment at Work; Guidance for Employees* on the website www.acas.org.uk





Dignity at work Form - Stage 2 - Investigation

Name.....

School.....

Role.....

Please outline the nature of your complaint

What informal action have you taken to resolve this? If no informal action has been taken please explain the reasons why.



Please outline why you are still dissatisfied.

Please explain what outcome you are seeking and how this might be achieved.

Signed

Date





Dignity at Work Form - Stage 3 - Appeal Hearing

Name.....

School.....

Role.....

Please outline the nature of your complaint

Who investigated your complaint at the formal stage?

Please give details of the outcomes from the formal investigation.



Please outline why you are still dissatisfied.

Please explain what outcome you are seeking and how this might be achieved.

Please state your grounds for appeal

Signed

Date



DIGNITY AT WORK FLOWCHART

