



DIGNITY AT WORK PROCEDURE

Original document	Pay and Personnel Committee	26/04/2016	Version 1
Amended			

STATEMENT OF INTENT

ODST is committed to providing a safe, healthy and productive work environment free from harassment, bullying and victimisation. This procedure provides a framework to help prevent bullying and harassment and explains the procedure that should be followed when incidents occur.

The starting point for developing this procedure was the Oxfordshire County Council model policy which had been drawn up following consultation with all the recognised Trade Unions and Associations. It has been amended to reflect the independent status of ODST as a multi academy trust, although the substantive content remains the same. It meets the requirements of relevant legislation and the ACAS Guidance. ODST intends that future changes to this procedure will be subject to consultation with its schools / academies, their staff and any recognised Trade Unions and Associations.

GENERAL PRINCIPLES

Definitions.

- Where the term “relevant body” has been used within this procedure, this means the Board of Directors of ODST;
- Unless indicated otherwise, all references to “school” include both schools and academies;
- Unless indicated otherwise, all references to “teacher” include the Headteacher;
- Unless indicated otherwise, all references to ‘staff’ include both teaching and support staff.

Consistency of Treatment and Fairness.

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

Delegation.

The relevant body has chosen to delegate some of its functions to local governing bodies as set out in this procedure.

Monitoring and Evaluation.

The Local Governing Body and Headteacher will monitor the operation and effectiveness of the school's dignity at work procedure. Any feedback or concerns regarding the procedure should be reported to the ODST Pay and Personnel Committee.

RESPONSIBILITIES

Specific responsibilities of line managers, members of staff, governors and relevant body are captured within the body of this procedure.

Day to day responsibility for school staffing matters is delegated to the Local Governing Body and they should formally adopt this model procedure.

DATE OF REVIEW

The procedure will be reviewed as required by the Board of Directors of ODST to take account of any legislative changes and / or national policy development as well as feedback from ODST staff and schools and in any event, by 31 December 2019 at the latest.

INTRODUCTION

1. The head teacher and relevant body are committed to providing a safe, healthy and productive work environment free from harassment, bullying and victimisation.
2. School managers are committed to ensuring that everyone is treated with dignity and respect and:
 - 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.
3. It is the responsibility of all employees and members of the relevant body to maintain appropriate standards of behaviour and to ensure they support a positive working environment where affronts to dignity, bullying or harassment are not tolerated. All employees and members of the relevant body 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 report any incident to a 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 in to allegations of bullying and harassment.
4. This procedure provides a framework to help prevent bullying and harassment and explains the process that should be followed when incidents occur.
5. The procedure applies to everyone working for the school including agency or supply staff. It applies whether employees are working on school premises or at other locations and also covers work-related social events.
6. All complaints of bullying and harassment will be taken seriously and handled sensitively and discretely. 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.
7. No employee will suffer detriment for raising a concern in good faith, or for assisting a colleague to do so.

8. 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

9. Bullying and harassment are terms used interchangeably and cover a range of behaviours that undermine the right of others to be treated with dignity.
10. 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).
11. The relevant protected characteristics under UK law are: age; disability; race; religion and belief; gender reassignment; being pregnant or having a child, being married or in a civil partnership, sex and sexual orientation.
12. Sexual harassment is also unlawful under the Equality Act 2010.
13. There is also legal protection against harassment on the basis of an individual's membership or non-membership of a trade union.
14. Bullying is: 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient' (Source: Advisory, Conciliation and Arbitration Service (ACAS)).
15. 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

16. 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.
17. 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.
18. Employees should be familiar with the ODST guidance on social media when posting messages and material that could be open to wider publication and circulation e.g. using Facebook, Twitter.
19. Examples of unacceptable behaviour include:
 - personal insults (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief or any of the other protected characteristics);
 - 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 Data Protection Act 1998);
- 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, 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

20. School leadership and 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, managers must carry out these functions fairly, consistently and in a professional manner.

21. In order to carry out their role it is necessary for 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 managers

22. The following are examples of unacceptable behaviour by managers, over and above those already mentioned in paragraph 19:

- 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 or objectives and/or changing targets or objectives without good reason;
- asking employees to perform inappropriate tasks which 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 managers

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

24. Managers must make sure employees are aware of this procedure 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.
25. Managers must prevent harassment and bullying wherever possible and take immediate action once it is identified. Where 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.
26. Managers must also:
- be alert to the possibility of bullying or harassment;
 - act promptly to correct behaviour which could cause offence or be seen to contravene this procedure;
 - make sure all new employees are aware of expected standards of behaviour and remind employees at regular intervals;
 - record 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.
27. Due to the serious effects of bullying and harassment, 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.

How to deal with bullying and harassment – informal approach

28. 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.
29. It can be helpful to keep a diary of all incidents, a record of dates and times and the name of any witnesses.
30. Letting the person know their behaviour is unwelcome or offensive, will give them the opportunity to stop.

Who else can you speak to?

31. If you find it difficult to approach the person directly, you should talk the matter through with your manager, or with:
- another manager in the school;
 - a trade union representative.

If you are not sure who to speak to, you can also contact a member of the ODST HR team on 01865 208278.

Mediation

32. Mediation can be 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.
33. 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.
34. Contact the ODST HR team to find out more about mediation.

Making a formal complaint of bullying or harassment

35. 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.
36. You are advised to speak to your manager or trade union representative about raising a complaint of bullying formally.

Confidentiality

37. Complaints must be treated confidentially and not 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 trade union officials or representatives

38. The recognised trade unions take bullying and harassment seriously. An employee who is being bullied or harassed by a trade union official should bring this to the attention of an appropriate union officer or notify their manager or headteacher.

Bullying or harassment by members of the public

39. If an employee experiences offensive or unwelcome behaviour from a member of the public they should speak to their manager. Each school should have a process in place for dealing with such situations.

Disciplinary Procedure

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

Support for employees

41. Allegations of bullying and harassment can be upsetting and stressful for all parties and 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. Where a school has subscribed to, or has access to, an Employee Assistance Programme this may also be an option.
42. Employees who are members of a trade union may wish to contact their representative for support.

Other Sources of Information and advice

Advisory, Conciliation and Arbitration Service www.acas.org.uk Tel: 08457 474747
Equal Opportunities Commission www.eoc.org.uk Tel: 08456 015901