

# Deyes High School



## Dignity at Work Policy & Procedure for Schools

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# Dignity at Work Policy and Procedures for Schools

## **Policy Statement**

The School is committed to the fundamental principle that ALL employees, regardless of their position, are entitled to be treated with dignity and respect when carrying out their work. It is recognised that harassment and bullying at work can cause personal distress and negatively impact on families, work groups and the School, leading to stress, illness, absenteeism and poor performance.

The Dignity at Work Policy provides guidance on behaviour, a complaints procedure and support mechanisms to enable all employees to be part of and contribute to a fair and inclusive work environment.

Bullying and Harassment will not be tolerated. Complaints will be taken seriously and dealt with quickly, sensitively and in confidence. Proven acts of harassment and bullying will be treated as a disciplinary offence. They may also be unlawful and result in legal action against the School or the perpetrator.

This Policy Statement will be implemented by the following documents:

- Dignity at Work Policy
- Dignity at Work Complaints Procedure

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## Introduction

1. To support its Policy Statement on Dignity at Work, the School is committed to taking all practicable steps to ensure that employees can work in an environment that is free from unfair discrimination and inappropriate or oppressive behaviour. An important part of this is the Dignity at Work (Harassment and Bullying) Policy (hereafter referred to as the Dignity at Work Policy) which sets out in detail:
  - The School's commitment to achieving a working environment which is free from harassment and bullying
  - The practical steps which will be taken to implement this commitment - The type of behaviour which falls within the scope of this policy
  - The responsibilities of everyone who falls within the scope of this policy
  - The support mechanisms in place to assist those involved in cases where allegations of harassment and bullying are made
2. The following policy is supported by a Complaints Procedure.

## Scope of the Policy

### Employees

3. The Dignity at Work policy covers all employees with a contract of employment with the School, including non-permanent contracts and any other persons acting in the name of the School, for example agency workers (see Appendix 1) and employees on secondment from other organisations.
4. The Policy covers employees in the workplace and outside the workplace both during work hours and outside normal working hours.
5. Harassment and bullying at work-related social activities (e.g. Christmas party) may be covered by this policy and everyone who comes under the scope of this policy is therefore expected to maintain standards of behaviour which are consistent with the policy at all such events.

## Roles and Responsibilities

6. Everyone has the responsibility to recognise bullying and harassment when it happens and to take steps to eliminate it.
7. All employees must ensure that their behaviour is appropriate to the workplace and does not contribute to an environment in which bullying and harassment is either condoned or encouraged.
8. Individuals subjected to offensive behaviour should challenge it or bring it to the attention of the Head teacher or Trade Union Representative. Employees who witness it should offer support to the individual concerned and seek their permission to report it.
9. In addition to the responsibilities that everyone has, some people have specific responsibilities:

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## Senior Leadership Group

- Set good examples and standards of behaviour. An emotionally intelligent manager will positively influence the culture, and appropriately, assertive behaviour will become the norm.
- Responsible for taking complaints of harassment made to them seriously, ensuring that appropriate action is taken to address the matter promptly and as sensitively and confidentially as possible.
- Implement, communicate and explain this policy to staff. Take action to prevent bullying and harassment and encourage an open environment where incidents can be reported. - The Headteacher is responsible for allocating a member of the Senior Management Team to investigate a complaint.

## Trade Union Representatives

- Provide information, advice and support to their members acting in their best interests.
- Represent Complainants and alleged harassers throughout the Dignity at Work procedure.
- Work with the Headteacher to reach a satisfactory resolution of complaints.

## The Impact of Harassment and Bullying

10. Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including:

- Poor morale and poor employee relations
- Loss of respect for managers and supervisors
- Poor performance
- Lost productivity
- Increased absence and turnover of staff
- Damage to the School's reputation
- Employment Tribunal and other Court cases and payment of unlimited compensation
- Negative publicity

11. Bullying and harassment can also have a devastating effect on individuals and their families, resulting in: -

- Feelings of fear, humiliation, anger, frustration and loss of control
- Stress, Anxiety and Depression
- Ill health, absences, poor timekeeping
- Low morale, low motivation
- Reduced work output
- Poor quality work and/or mistakes
- Resignation

12. It is in everybody's interest to address bullying and harassment and promote a safe, healthy and fair environment in which people can work.

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## The Legal Position

13. An extensive range of legislation exists to protect people from harassment and discrimination, some of which can be used for bullying. Employers are responsible for acts of harassment committed by employees during their employment, with or without the employer's knowledge or approval.
14. Individual harassers, and managers who allow harassment to go unchecked, may also be cited in a claim.
15. Proven cases of harassment can result in employers and individual harassers being ordered to pay compensation to claimants and there is no limit to the amount of compensation that can be awarded.
16. An employer can defend a claim by arguing that reasonable practicable steps were taken to prevent harassment occurring or recurring. However, having a harassment policy is not enough to escape liability. An employer also needs to demonstrate that the policy has been properly communicated, staff have been trained in its application and written guidance has been provided on how to raise and deal with issues effectively. In addition to this, complaints must be dealt with and treated seriously and sensitively and the policy must be regularly monitored.
17. A summary of the legislation is provided at Appendix 1.

## What is Bullying and Harassment?

18. Before you can deal with a problem you need to know what the problem is. Bullying and harassment are not the same thing and it is important to be able to identify the types of behaviour that constitute bullying and harassment and the impact it has on the victims so that they can be recognised and dealt with.
19. It is also important to be aware that bullying and harassment are addressed differently by legislation and further information is provided in Appendix 1.

## Defining Harassment

20. The legal and accepted definition of Harassment is "unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive working environment for them".
21. Each person has the right to decide what behaviour is either acceptable or unacceptable to them; if an individual finds certain behaviour unacceptable and they feel damaged by it, then that individual has every right to say so, and their right to do so will be respected. This does not necessarily mean that harassment has occurred.
22. Where it cannot be established that there was an intention to offend, conduct will be regarded as harassment, if taking all the circumstances into account, particularly including the recipient's views, it would be reasonable to come to that conclusion.

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23. People can be subjected to harassment on a wide variety of grounds. These include:

- Sex
- Sexual orientation
- Transgender
- Marital status
- Race, nationality, ethnic origin, national origin or skin colour
- Disability
- Age
- Employment status, e.g. part-time, fixed-term, permanent, self-employed, agency worker, etc.
- Membership or non-membership of a trade union
- The carrying out of health and safety duties
- Religious or political beliefs
- Deeply held personal beliefs
- Criminal record
- Health, e.g. AIDS/HIV sufferers, etc.
- Physical characteristics
- Willingness to challenge harassment - being ridiculed or victimised for raising a complaint

24. Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk.

25. Harassment on any grounds, including the above, will not be tolerated.

### **Examples of Harassment**

26. Harassment takes many forms: from relatively mild banter to actual physical violence. Employees may not always realise that their behaviour constitutes harassment, but they must recognise that what is acceptable to one employee may not be acceptable to another - determining what is acceptable is an individual right that we must all respect.

27. Examples of harassment include (but are not restricted to):

#### Verbal harassment

Examples include crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs.

#### Non-verbal harassment

Examples include wolf-whistles, obscene gestures and/or facial expressions/body language designed to demean, sexually suggestive, offensive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive emails, text messages or video material on mobile phones and offensive objects.

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### Physical harassment

Examples include standing too close to someone, unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion.

### Coercion

Examples include pressure for sexual favours (e.g. to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc.

### Isolation or non-cooperation

Examples include failure to provide requested information, exclusion from workplace activities, e.g. meetings, and from social activities involving the group.

### Intrusion

Examples include stalking, pestering, spying, etc.

## **Defining Bullying**

28. Unlike harassment there is no one common definition of exactly what bullying means. Research has revealed that bullying is a sustained form of psychological abuse, where the bully embarks on a course of aggressive and abusive behaviour with the aim of gradually wearing the victim down so that they feel demeaned and inadequate.

29. A useful definition could therefore be as follows:

'offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society '.

## **Examples of bullying**

30. Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work.

31. These can be split into two categories:

### Obvious bullying:

Examples include:

- Shouting or swearing at people in public and private
- Persistent criticism
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort
- Dispensing disciplinary action which is totally unjustified
- Spontaneous rages, often over trivial matters

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Less obvious bullying:

Examples include:

- Withholding information or supplying incorrect information
- Deliberately sabotaging or impeding work performance
- Constantly changing targets
- Setting individuals up to fail by imposing impossible deadlines
- Removing areas of responsibility and imposing menial tasks
- Blocking applications for holiday, promotion or training
- Ignoring or deliberately excluding people

32. These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

33. Bullying will not be tolerated.

### **What is not Harassment and Bullying?**

34. The Head teacher and the Senior Management Team have a duty to manage performance, conduct, absenteeism, workload etc. This role requires them to issue instructions, provide employees with accurate feedback which may be critical, or to take steps to improve performance when required.

35. The legitimate exercise of managerial responsibility is not Bullying and Harassment, neither is a firm but fair management style.

36. Personality clashes are not bullying and harassment unless they result in behaviour which meets the above definitions. There may sometimes be a fine line between behaviour which is bullying and harassment and behaviour which is not acceptable for other reasons, e.g. inappropriate management style due to lack of experience or training. It will be important to investigate the reasons for behaviour to ensure that it is dealt with effectively and those affected by it are given appropriate support.

37. The policy is not intended to deal with occasional minor lapses of good manners, courtesy or respect. It is recognised that the behaviour of individuals in the workplace can vary from day to day. Someone who is normally civil may occasionally appear impatient or discourteous. This may be for a variety of reasons including work pressure, domestic difficulties or ill health and should be dealt with sensitively, initially by monitoring the situation and offering assistance as appropriate.

### **Malicious or false complaints**

38. If it is considered that an employee has knowingly made a false or malicious complaint of bullying or harassment, this will be treated seriously and may lead to formal disciplinary action against the complainant and any other employees, e.g. witnesses who have provided false information.

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39. A complaint will be deemed to be malicious when an investigation identifies that it has intentionally been made to deliberately cause distress and/or to discredit the person against whom the allegation has been made.

## What to do about a problem

40. Any employee who believes they are being harassed or bullied can obtain guidance and support to resolve the situation. Dependent on the nature of the problem and the alleged perpetrator, one of the following procedures should be used.

- Dignity at Work Complaints procedure
- Assaults on Employees Policy

41. See Scope of the Policy above for further guidance on the appropriate policy.

## Support and Counselling

42. People who believe they are being bullied/harassed may want to talk about options available to them to resolve a situation. If someone decides to address a problem themselves or pursue a formal complaint they may need support to do so.

43. They may need assistance and coping strategies to deal with their feelings or the consequences of how someone else is behaving towards them.

44. Members of staff who are accused of harassing, bullying or victimising others can feel isolated, stressed and unsure of what will happen to them.

45. Members of staff who have witnessed bullying and harassment may feel stressed and upset, particularly if they are involved in formal meetings and it is important therefore that sources of help are available to witnesses, victims and alleged perpetrators of harassment and bullying.

46. Although employees are encouraged to bring any concerns to the Head teacher, it is recognised that it is not always possible or appropriate for them to do so. Guidance and support can be obtained from:

- Trade Union Representative
- Occupational Health staff
- A member of the Senior Management Team Mediation and Conciliation

47. Mediation is a method of conciliatory conflict resolution which brings people (the disputants) together with an objective third party to air and „let go“ of their sense of grievance enabling them to move on, resolve problems and mend broken relationships. Careful consideration should be given to the suitability of mediation in each individual harassment case.

## Equalities

48. Equalities cover everything the School does in relation to employment. The Dignity at Work Policy, which includes mechanisms for employees to receive support and express concerns, is an important aspect of Equalities.

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## Monitoring the Policy

49. This policy will be monitored and reviewed in consultation with the Trade Unions and other appropriate groups, and may be amended with the approval of the Governing Body.

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# APPENDIX 1

## LEGISLATION

### CATEGORIES OF WORKERS PROTECTED

Through a combination of **legislation** and case law, the following five categories of worker are protected against harassment:

1. Job applicants
2. Employees
3. Self-employed people applying for work and carrying out work, provided their contract for service requires them to carry out the work personally (i.e. do it themselves and not delegate to a third party).
4. Contract/agency workers.
5. Ex-employees, where the harassment arises out of, and is closely connected to the employment relationship, on the basis that, during the working relationship the employee had complained about an act regarded as unlawful under the legislation (e.g. at an appeal against dismissal, an ex-employee who had previously won a discrimination claim against the employer while employed, is harassed during the appeal as a retaliatory measure, causing such humiliation that she walks out of the hearing).

In practice, in relation to contract and agency workers, this means that they will have legal protection from harassment by employees of the School, however, as they are not employees of the School themselves they cannot be required to comply with the Dignity at Work Policy. The Dignity at Work Policy is therefore commended to them and any contravention of the Policy by contract or agency worker should be raised with their employer immediately.

The following legislation defines the term „harassment“ and specifically list it as an unlawful act.

### **THE SEX DISCRIMINATION ACT 1975**

This Act gives protection against discrimination and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment.

Harassment under this legislation can be

- a) on the grounds of sex, i.e. unwanted conduct that takes place because of a person’s sex, but that is not of a sexual nature. For example:
  - A female manager was subjected to humiliating and embarrassing remarks (which were not sexual in nature) by her line manager. In one incident, the line manager depicted the claimant as „brash“ which the tribunal found to be insensitive and to have gender undertones – it being more frequently applied to a woman than a man.
  - A sole woman in team always gets asked to take notes and make tea/coffees because it’s considered „women’s work“.

or

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b) Sexual harassment, i.e. unwanted conduct of a sexual nature, for example

- A colleague makes derogatory sexual comments to the claimant and makes sexual remarks to other service users about the claimant.
- On three occasions, male colleagues working in the same room as the claimant download pornographic images onto a computer screen. Viewed objectively, the behaviour complained of clearly has potential to cause affront to a female employee working in close proximity to men and is thus to be regarded as degrading or offensive to her as a woman. The fact that the claimant does not complain to her employer is irrelevant, given the obviously detrimental effect that the behaviour has in undermining her dignity at work.

### **THE RACE RELATIONS ACT 1976**

This gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act (Race Regulations 2003) also give a standalone right to protection from harassment on the grounds of race and ethnic or national origin.

Although there is no express prohibition of harassment in discrimination law on the grounds of colour or nationality, harassment would still be a form of direct discrimination where the complainant could show that they had been treated less favourably on any of these grounds and, as a result had suffered a detriment.

Examples under each category include the following:

**Race:** African, Asian, Arab, Jew

**Ethnic Origin:** Chinese, Serb, Gypsy

**National Origin:** English, Scottish, Irish

**Colour:** Black, White, Yellow skin tint

**Nationality:** Citizenship of UK, Germany, France etc. A Greek Cypriot is Cypriot by nationality but Greek by national origin

### **THE DISABILITY DISCRIMINATION ACT 1995**

This act gives protection against discrimination and victimisation and it was amended on 1st October 2004 to make harassment unlawful for a reason relating to a person's disability. It could be the disability itself, e.g. offensive remarks to an employee for being partially sighted, or something connected with the employee's disability, e.g. offensive remarks about the employee's guide dog.

### **THE EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS 2003**

These give protection against discrimination and harassment on the grounds of sexual orientation. Orientation is defined as „same sex“ – lesbian/gay – „opposite sex“ – heterosexual and „both sexes“ – bisexual.

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## THE EMPLOYMENT EQUALITY (RELIGION OR BELIEF) REGULATIONS 2003

These give protection against discrimination and harassment on the grounds of religion or belief which means any religion, religious belief or similar philosophical belief. The definition does not include any philosophical or political belief unless that belief is similar to a religious belief. The courts and tribunals may consider a number of factors when deciding what is a „religion“ or „belief“ such as: collective workshop, a clear belief system, a profound belief affecting a way of life or view of the world.

## THE EMPLOYMENT EQUALITY (AGE) DISCRIMINATION REGULATION 2006

Gives protection against discrimination and harassment on the grounds of age.

## THE PROTECTION FROM HARASSMENT ACT 1997

Under this legislation, bullying and harassment can be both a civil and criminal offence and it contains a definition of harassment which can also be used for Bullying.

Harassment is also a criminal offence under the:

- Criminal Justice and Public Order Act 1997
- Criminal Justice and Police Act 2001
- Anti-terrorism, Crime and Security Act 2001 which cites religiously aggravated harassment as a criminal offence.

### Legal Implications of Harassment

It is important to be aware of the following:

- Employers are responsible for acts of harassment committed by employees during their employment with or without the employer’s knowledge or approval.
- Employers could also be liable for acts of discrimination at events involving employees that are held outside of work time, but where the nature of the event can be linked to work e.g. the work Christmas party.
- Employers can defend a claim of discrimination if they can prove that they took reasonably practicable steps to prevent harassment occurring or recurring. Simply having a policy is not enough to escape liability.
- Usually both the employer and the individual harasser and/or manager who allowed the harassment to go unchecked are cited in the claim. If individuals are found liable for harassment, they may be required to pay compensation out of their own pockets.
- There is no minimum length of service qualification necessary for an employee to bring a claim, nor are there any age restrictions.
- In general, a complaint will not be considered unless presented to the tribunal within a period of three months beginning with the point at which the act complained of was committed. A continuing act of harassment will be treated as having been committed on the date when the last of the series of acts complained of took place.

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- If a tribunal upholds a complaint of harassment, it can make a declaration order, award compensation, and/or make a recommendation that the employer takes steps to obviate or reduce the adverse effect of discrimination on the complainant.
- An employer's failure to deal adequately with complaints of discrimination may amount to a fundamental breach of contract entitling the employee to resign and claim a case of unfair constructive dismissal and discrimination.

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## APPENDIX 2

### COMPLAINTS PROCEDURE

#### INTRODUCTION

1. Complaints of bullying and harassment normally arise from the behaviour of one employee, or a group of employees, towards another individual or group. This behaviour can manifest itself in many ways, including direct verbal and physical actions, for example standing too close to someone, or telling sexist jokes or indirect actions, such as e-mail or letter. Definitions of bullying and harassment and examples, which are not exhaustive, can be found in the Dignity at Work Policy.
2. Most people will agree on extreme cases of bullying and harassment but it is sometimes the grey areas that cause most problems. For example, a group of employees who have worked together for many years are likely to have developed an understanding of acceptable behaviour. However, a new employee may find, for example, their sexual banter embarrassing and their inability to join in will isolate them. Is this harassment or bullying?
3. On the other hand, as stated above, there will be cases of behaviour which is intentional, which contravenes the School's Dignity at Work Policy, which may contravene other policies, e.g. Internet and e-mail Code of Practice and which warrants disciplinary action. Added to this it is well known that the majority of employees who are subjected to Bullying and Harassment want it to stop, as quickly as possible. Some people feel able to do something about it themselves and others need someone to help or do it for them.
4. As an organisation, for a number of reasons, not least the impact on employees and resultant impact on the School, we need to ensure any incidents of harassment and bullying are effectively resolved. Due to all the above, there is a need for an appropriate method of resolving complaints, dependent on the circumstances.
5. The procedure for resolving complaints is described in this document and consists of 3 stages:
  - Action by the individual
  - Action by management – Informal
  - Action by management – Formal

As detailed below, the complaints procedure can be entered at any stage and, for example, it is not necessary to have progressed through the informal stage before going into the formal stage. I

6. It is important to note that the stage used to address an issue will not in any way influence the outcome; for example, it should not be assumed that a complaint dealt with at the informal stage initially could not result in disciplinary action if that is appropriate. Similarly, if an employee prefers to resolve a problem by his/her own actions but it is a matter of serious or gross misconduct, he/she will be provided with advice on this and the School will reserve its right to take formal action.

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7. It is also important that informal management action is not seen as a soft option or a way of brushing problems under the carpet. It is intended to provide an effective option to deal with particularly “grey” areas with minimum disruption and damage to those involved.
8. Vexatious allegations of harassment or bullying are taken very seriously and employees who make vexatious complaints are likely to be subject to disciplinary action.

## **PRINCIPLES**

9. Throughout all stages of the procedure the following principles must be observed.

### **Natural Justice/Fair Hearing**

10. Both the complainant and the respondent must be given a fair and equal opportunity to put forward their case, verbally and/or in writing, including an explanation for their behaviour or their complaint.

### **Confidentiality**

11. The highest level of confidentiality possible should be maintained by all concerned throughout all stages of the procedure. Details should be confined to a “need to know basis” to minimise the unnecessary spread of information which can result in not only speculation and gossip but the stigmatisation of individuals and flawed investigations (see below).

## **INVESTIGATIONS**

12. The investigation is potentially the most stressful and damaging aspect of a Dignity at Work complaint for all concerned. Investigations should only ever be conducted by Managers who have the skills and training to do so in accordance with the guidance provided. Investigations should be confined to the minimum number of people (e.g. witnesses) to obtain a fair and objective outcome.

## **ACCOMPANIMENT/REPRESENTATION**

13. Throughout all stages of the procedure the complainant and the respondent have a right to be accompanied or represented by a person of their choice, i.e. TU representative or school colleague.
14. The co-operation of all representatives and people accompanying staff will be requested to ensure, as far as possible, that there is no undue delay, e.g. dates for investigatory interviews to be agreed at the beginning of the process.

## **THE THREE STAGES**

### **Action by The Individual**

15. Employees who believe they are being bullied or harassed are likely to feel a range of emotions and suffer a number of effects. These can include feelings of being undermined and disliked, disbelief, uncertainty, isolation, fear, helplessness and loss of control. This can lead to poor work performance, stress, sickness and absenteeism, and, in extreme cases, mental breakdown.

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16. If it is appropriate (see below), and if an employee can resolve a situation him/herself it will not only contain it, but it is likely to restore his/her feelings of self-worth, confidence and being “in control”, which is vital to good mental health.

17. Any employee who wishes to attempt to resolve a situation him/herself will be provided with advice, guidance and support to do so.

18. The guidance and support available can be obtained from:

- The Head teacher
- Trade Union representative
- A member of the Senior Management Team
- Occupational Health staff

19. The guidance and support provided will be:

- to listen to their concerns and provide or refer for counselling if required;
- discuss actions to be taken, e.g. approaching the harasser, alone or accompanied, writing to the harasser to explain issues etc.;
- outline alternative actions in the procedure, i.e. action by management, informal or formal.

20. The above guidance and support will be provided to the employee on a confidential basis and ideally, he/she will have the right to choose which action he/she would prefer to take. However, there may be occasions when an employee complains of behaviour which is of such a serious nature that the School will need to take appropriate action (e.g. formal action) in accordance with its obligations as an employer. In these cases, this will be fully discussed with the employee concerned.

21. If the employee chooses to address the issue him/herself, alone or accompanied, and this resolves the problem, that will be the end of the matter. If the problem is not resolved, if it stops but then reoccurs or alters, (e.g. becomes retaliation or victimisation), or if the employee feels unable to address the problem him/herself, he/she should seek advice and consider the other available options.

#### **Action by Management - Informal Stage**

22. This stage of the process can be instigated by an employee who feels he/she is being subjected to harassment or bullying, but does not wish, or feel able to, address the issue him/herself, or has done so without success. It can also be instigated by another employee or employees who witness harassment or bullying, or any of the people identified in 18 above.

**NB. If it is instigated by anyone other than the employee who is the target of the behaviour it must be discussed with the employee concerned by the individual(s) who intend(s) to report it.**

23. The employee should report his/her complaint in writing to the Head teacher.

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24. The Headteacher should acknowledge this with the employee concerned and discuss with the individual how it will be taken forward to ensure maximum confidentiality. The Head teacher will assign an appropriate manager to the task of investigating and resolving the issue. This should normally be either the Head teacher or a member of the Senior Management Team. That manager will have:

- the necessary skills, experience and training
- knowledge of employees involved but no personal involvement in the issue
- an appropriate position in the organisation bearing in mind the potential for formal action in the future if the matter is not resolved

25. The manager may be provided with appropriate guidance and support from the Human Resources Team.

26. The manager will meet with the complainant(s) [the person(s) making the complaint] initially to gain a thorough understanding of the problem and any action that may have been taken to date. The manager will then meet with the respondent(s) (the person(s) against whom the complaint is made) to discuss the complaint and provide them with a full opportunity to respond.

27. Unless information provided dictates otherwise, these meetings will be informal and should be conducted in a relaxed atmosphere to minimise the stress to all concerned. The Manager should keep notes of the meeting as he/she may need to refer to them at a later date.

28. Following these meetings, the manager, in conjunction with the Human Resources Adviser, should be able to decide on the next appropriate course of action. The most likely alternatives are the following:

a) **Further Investigation**

- This will be necessary if there is conflicting, unclear or inconclusive information. It may involve further meetings with the complainant and the respondent to clarify certain issues or it may involve meeting with witnesses.

**NB. The manager and his/her adviser should, at this stage, assess the potential for formal/disciplinary action based on the information obtained. If formal action is considered more appropriate and disciplinary action is a potential outcome, further investigation must be carried out under the guidance on Action by Management (Formal).**

- If it is considered that the matter can be resolved informally, any further investigations required should be conducted in a confidential, thorough, contained, and low-key manner.

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**b) Conciliation/Mediation**

- The aim of conciliation/mediation is to enable, via a third party or „facilitator“, complainants and respondents to agree an acceptable way forwards.
- The complainant and respondent must both agree to participate in mediation for it to be successful.

**c) Training/Coaching**

- Please contact Corporate Personnel.

**d) Written instruction about behaviour**

- To be issued to the respondent and/or complainant (as appropriate) and to include expected changes in behaviour with timescales. This does not constitute formal action or disciplinary action but will be placed on the individual’s personal file.

**e) Counselling**

- Employees can be referred to counselling. Counselling can help employees explore their difficulties and concerns, and provide support to pursue their chosen option and, hopefully, come to terms with and resolve the problems they face.

**f) No further action**

- If no further action is required all notes of the incident must be removed from the complainant’s and respondent’s files and confidentially destroyed.

**g) Recommendation for Disciplinary Action**

- There may be situations when an issue is referred to or addressed by managers at the informal stage when it becomes clear through the identification of the facts that the correct course of action is to recommend that disciplinary action be taken. In these cases, the manager must ensure that the requirements of the formal stage have been met.

**Action by Management - Formal Stage**

29. This stage can be invoked by an employee who feels he/she is being subjected to harassment or bullying, but does not wish or feel able to address the issue him/herself or has done so without success. It can also be instigated by another employee or employees who witness harassment or bullying.

**NB. If it is instigated by anyone other than the employee who is the target of the behaviour it must be discussed with the employee concerned by the individual(s) who intend(s) to report it.**

30. The employee should report his/her complaint in writing to the Headteacher.

31. The Headteacher should acknowledge this with the employee concerned and discuss with the individual how it will be taken forward to ensure maximum confidentiality. The Head teacher will assign an appropriate manager to the task of investigating and resolving the issue. This should normally be either the Headteacher or a member of the Senior Management Team.

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32. If a manager has already been assigned at the Informal Stage, he/she should continue with the investigation unless there are exceptional reasons why that is not possible. In assigning the manager, the considerations identified at 24 above will apply.
33. The manager will conduct a thorough investigation in accordance with the guidance provided. The complainant will be interviewed first to obtain comprehensive details of the complaint and produce a statement which will be signed. Potential witnesses will be identified but will not be interviewed until an interview has been held with the respondent to enable him/her to respond to the complaint. A statement will be produced from this interview and signed. The respondent will also be asked to identify any appropriate witnesses or supporting evidence.
34. The manager will obtain all necessary and appropriate evidence and documentation to enable him/her to produce a comprehensive report at the end of the investigation.
35. The report will conclude with recommendations based on the manager's findings from the investigation which will normally be one of the following:
- a) **No case to answer**
    - If the finding is that there is no case to answer, the manager will write to the complainant and respondent at the same time advising them of the outcome of the investigation. The correspondence will include information on the process of the investigation, who was interviewed and the considerations in reaching a decision.
  - b) **Action not involving the disciplinary process**
    - If the finding is action not involving the disciplinary process, the manager may wish to recommend, for example, conciliation or mediation, training, the issuing of a written instruction or other appropriate action.
    - The manager will write to the complainant and respondent at the same time advising them of the outcome of the investigation and his/her recommendation. The correspondence will include information on the process of the investigation, who was interviewed and the considerations in reaching a decision.
  - c) **Disciplinary Action**
    - If the findings of the investigation and the manager's recommendation are that disciplinary action should be taken, this will be dealt with under the School's Disciplinary Procedure and in accordance with that a hearing will be convened.
  - d) **Vexatious Complaints**
    - If the investigation concludes that a complaint is vexatious or malicious, the manager will discuss his/her findings with the Governing Body. Vexatious or malicious complaints are taken very seriously and, in most cases, disciplinary action will be taken against the complainant.

## APPEALS

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36. If the complainant is dissatisfied with either the manager's investigation or the findings and recommendation of action **other than disciplinary action** he/she may appeal against them using the following process:

- An appeal must be submitted in writing to the Governing Body within 10 working days of the receipt of the manager's letter confirming his/her decision.
- The Governing Body will acknowledge the appeal and convene a hearing within 10 working days of receiving it.
- The Governing Body will hear the appeal in accordance with the guidelines and decide on the matter and that decision will be final. The complainant will be notified of the decision within 5 days of the hearing.

37. Appeals against Disciplinary Action will follow the process outlined in the Disciplinary Guidelines

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