

Exceed Learning Partnership

• EVERY CHILD • EVERY CHANCE • EVERY DAY •

‘Innovative Education - Transforming Lives’

Dignity at Work Policy

Status	Statutory
Responsible Directors' Committee	Staffing, Resource, Finance & Premises Committee (SRFP)
LGB Committee	Human Resources & Finance Committee
Responsible Persons	Mr A Hibbitt
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Version Control

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V2	August 2018	D Ashmore	None
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1. Context

- 1.1 Exceed Learning Partnership aims to provide a working environment where all its employees in all schools are treated with dignity and respect and are valued for their skills and abilities. It is firmly opposed to all forms of harassment and bullying at work and promotes every employee's entitlement to carry out their duties without fear of being subjected to unreasonable behaviour.
- 1.2 Unreasonable behaviour can take many forms and can range from physical attack to subtle comment. It can include actions, jokes or suggestions that might create a stressful working environment or the production, distribution, display or communication/discussion of material that may give rise to offence. It can also include behaviour which deliberately or inadvertently excludes individuals from normal activities in the workplace. Examples of unreasonable behaviour can be seen in Appendix A.
- 1.3 Exceed Learning Partnership has both a moral and legal duty to provide a working environment where dignity is preserved and is free from all forms of harassment and bullying.
- 1.4 Incidents of harassment and discrimination are often based on sex or race, but are not exclusively so. No individual or group of people should fear unfair treatment arising from their gender, race, religion or belief, culture, age, impairment or sexuality.
- 1.5 All employees are required to comply with this policy whether working at their normal place of work or off site.
- 1.6 It applies to harassment and bullying that takes place during normal working hours and **also outside normal working hours**, where an individual's actions affect the Trust or have a bearing on any workplace relationship.
- 1.7 Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates the policy. Violation of the policy may also include those employees who make what can clearly be seen as malicious claims.
- 1.8 This policy is based on the following guidance and principles:
 - [Bullying and Harassment at work: a guide for managers and employers \(2014\)](#)
 - [Equality act 2010](#)
 - [Protection from Harassment Act 1997](#)
 - [Employment Rights Act 1996](#)
 - [Employee Relations Act 1996](#)

Where it becomes necessary to bar an individual from school premises, we will refer to the Department for Education's [guidance on controlling access to school premises](#)

This policy is designed to protect all current and former members of the school workforce. For the purpose of this policy, the term 'school workforce' includes:

Agency workers

Consultants

Casual workers

Trainees

Apprentices

Volunteers including governors

Job seekers and job applicants

2. Effects of Harassment/Bullying

2.1 Harassment as defined in the Equality Act 2010 is:

Harassment/bullying is a serious problem which has often been dismissed as individuals being over sensitive. The sufferer may feel humiliated and unable to face the harasser.

Bullying can take the form of physical, verbal and non-verbal conduct. The words 'bullying' and 'harassment' are often used interchangeably in the workplace and the impact of bullying on the individual can be the same as harassment. Typical reactions include embarrassment and a misplaced sense of personal guilt.

An individual may find it difficult to tackle the harasser/bully themselves, for fear of not being believed. The resultant pressure can affect a person's health, work performance, promotion and job prospects.

2.2 For the employer, harassment/bullying can result in increased levels of absence, lost productivity, resignations, damage to the Trust's reputation, tribunal/court cases and payment of potentially unlimited compensation.

3. Occupational Health

3.1 In addition to the formal and informal procedures set out in this document, an individual may wish to seek a referral to occupational health where their health or feeling of well-being is being affected by a situation at work.

3.2 Employees seeking additional support should contact their General Practitioner (GP) in the first instance. However, if an employee does not feel confident in talking to their GP, or has spoken to them but found there is a waiting list of several weeks and failure to access support could lead to absence from work, then employees can raise this with their manager to request a referral to the Trust's occupational health service. A self-referral for support or access to support resources can also be obtained from the Schools Advisory Service via the website www.schoolsAdvice.co.uk or by contacting them on 01773 814400.

4. Safeguards

- 4.1 Employees rights under the grievance and disciplinary procedures are not affected by this policy.
- 4.2 An individual's right to legal redress will not be affected by this policy.
- 4.3 All records concerning allegations or complaints of harassment will be treated as confidential.

5. Aims

- 5.1 The Policy aims to: -
 - 5.1.1 Ensure the dignity at work of all employees;
 - 5.1.2 Respect and value differences;
 - 5.1.3 Ensure that all employees are aware of the types of behaviour which may constitute harassment and bullying;
 - 5.1.4 Identify individual responsibilities in preventing such behaviour;
 - 5.1.5 Provide procedures which enable complaints to be investigated promptly and appropriately, within agreed time limits, and ensure that effective action is taken to prevent a recurrence;
 - 5.1.6 Provide procedures which recognise the sensitivity of the issues raised;
 - 5.1.7 Provide a working environment in which employees feel confident to bring forward complaints of harassment and bullying without fear of victimisation;
 - 5.1.8 Enhance the Trust's compliance with its legal obligations and policy commitments in relation to equal opportunities;
 - 5.1.9 Provide access to mediation in appropriate circumstances;
 - 5.1.9.1 Give access to counselling where sought;
 - 5.1.10 Provide appropriate training and guidance for all individuals involved in the handling of harassment and bullying complaints.

6. Individual Responsibilities

- 6.1 The Trust's Commitment
 - 6.1.1 To accept its legal responsibility to deal with harassment at work and to provide an environment free from all forms of harassment and bullying
 - 6.1.2 To provide guidance and support to those responsible for dealing with complaints of harassment and bullying

6.2 Trust Management, School Leaders and Supervisors

- 6.1.2.1 To be responsible for promoting a positive working environment and for preventing harassment at work by:
 - 6.1.2.2 Ensuring that through their own actions or inactions, remarks or other behaviour, they do not conduct themselves in a manner which may reasonably be perceived by other employees as bullying or harassment
 - 6.1.2.3 Ensuring that workplace arrangements and practices foster good working relations and behaviour and do not allow scope for harassment or bullying
 - 6.1.2.4 Implementing the procedure consistently and fairly

Employees

- 6.1.2.5 To treat their colleagues and customers with dignity and respect and take responsibility for their

behaviour, in accordance with this policy and the law

6.1.2.6 Not to harass/bully any other member of staff and to discourage any forms of harassment/bullying

6.1.2.7 To support colleagues who are being harassed or bullied

Trade Unions

6.1.2.8 To support the Trust in its efforts to provide a working environment free from harassment and bullying

6.1.2.9 To help inform the workforce of the policy and to encourage employees who may have a problem to use the procedure available to them

6.1.2.10 To advise members accordingly in cases where they appear to be making malicious claims

6.1.2.11 To advise members of their rights and responsibilities under the policy and to represent members as and when appropriate.

7. Legal Action

7.1 Where harassment or bullying takes place this may constitute a criminal offence. If pursued, the complainant who has suffered harassment may take legal action against the harasser.

8. Monitoring

8.1.1 Records of complaints and where, why and how they occurred will be monitored by the school Senior Leadership Team to identify problem areas and possible corrective action.

8.1.2 Individual complaints will also be monitored to ensure they are promptly and effectively resolved and that no victimisation or retaliation occurs.

9. Victimisation

All employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Individuals' who retaliate against an employee for complaining about harassment or bullying, or for assisting in any investigation or being a witness, will be dealt with in accordance with the Trust's Disciplinary Procedure. Such conduct will be regarded as a serious disciplinary matter which may result in action being taken, up to and including dismissal.

10. Confidentiality

10.1.1 All parties concerned will treat complaints of harassment or bullying in confidence. Disciplinary action may be taken against any person revealing the nature of any disciplinary action taken against a bully/harasser

11. Procedure for Dealing with Harassment/Bullying

11.1 Allegations of harassment and bullying need to be dealt with in a sensitive and timely manner, ensuring minimal stress for both the complainant and the alleged perpetrator, and also allowing a degree of flexibility appropriate to the individual circumstances of each case.

11.2 If at any stage in the procedure an individual does not receive a response as required within this

policy, or where the response is considered inappropriate, the individual is entitled to raise a grievance in the usual manner.

- 11.3 An individual who believes they have suffered from harassment or bullying is advised to keep a personal record of the event(s).
- 11.4 Such record(s) should include details of the date, time and place of the event, the name of the alleged harasser, details of the incident, names of witnesses, if any, and any action taken to attempt to remedy the problem. These records should be made as soon as practicable after the event(s) occurred.
- 11.5 Members of the school senior leadership team are the nominated First Contact Officers to provide confidential advice as to the courses of action available under this policy and where appropriate, to facilitate a meeting between the parties to help the informal resolution of the situation.

12. Informal Action

- 12.1 Wherever possible, an employee who believes that he or she has been the subject of harassment or bullying should in the first instance ask the person to stop the offensive behaviour.
- 12.2 Help may be sought from a colleague, senior leader or union representative. A colleague may be of assistance particularly where they have been a witness to the events. Employees are therefore encouraged to be supportive of anyone needing help in challenging harassment/bullying at work.
- 12.3 If the complainant finds it too difficult to speak to the alleged harasser/bully directly, the complainant may wish to consider writing to the individual or using a third party, such as a colleague, union representative or senior leader, as an intermediary.
- 12.4 The initial, informal approach should be made as soon as possible after the events have occurred. The complainant may exercise their right to move to formal procedures where matters at this stage are not being dealt with in a timely manner.
- 12.5 Where informal action has been taken to resolve the complaint, any records maintained should merely record the action taken and should not contain any implied decision that harassment had or had not taken place.

13. Formal Action

- 13.1 The nature of the harassment/bullying will influence whether an attempt at informal resolution is appropriate. Subject to the complainant's agreement, informal measures should be encouraged in most circumstances.
- 13.2 Formal action may be appropriate when:
 - 13.2.1 The harassment/bullying is too serious to be open to informal resolution
 - 13.2.2 The harassment/bullying persists after informal attempts at resolution

- 13.2.3 The person complaining of harassment/bullying prefers to use the formal procedure.
- 13.3 Where formal action is deemed appropriate the complainant should submit their complaint, in writing, in accordance with the Trust's Grievance Procedure. The complaint should give:
- 13.3.1 The name of the alleged harasser(s)
 - 13.3.2 The nature of the problem
 - 13.3.3 The dates of any incidents
 - 13.3.4 Details of any informal action taken.
- 13.4 An employee may ask a union representative or other officer to submit a written complaint on their behalf. In the case of another employee, the complainant must clearly authorise that individual to act in that capacity.
- 13.5 The Principal receiving the complaint should formally acknowledge receipt of the complaint within 10 working days. Where the complaint is about the Principal, the CEO should be sent a copy of the complaint.
- 13.6 Following receipt of the complaint, the Principal will convene an investigating panel of two officers unconnected with the case, to carry out an investigation in accordance with the Grievance Procedure. At least one officer will be trained in conducting investigations. The investigation should be completed within an agreed timescale.
- 13.7 The Trust will ensure there is an available Investigation Officer who may form or be part of the investigation panel. Wherever possible, steps will be taken to ensure that the panel composition is sensitive to the nature of the complaint.
- 13.8 The alleged bully/harasser should be informed in writing of the nature of the allegation made against them and given the opportunity to respond. Where appropriate, action may be taken to separate the complainant and the alleged harasser in the workplace during the investigation. Dependent on the nature of the allegation the alleged harasser may be suspended on full pay in accordance with the provisions of the Trust's Disciplinary Procedure. When considering the separation of the alleged harasser and victim, account will be taken of any potential claim of victimisation as a result of such a move.
- 13.9 Both the complainant and the alleged harasser are entitled to representation by a work colleague or Trade Union representative throughout the procedure.
- 13.10 The Investigating Officer will submit a report of the findings of the investigation to the Principal or the CEO, as appropriate who will then consider whether further action(s) is necessary. On receipt of the report it is expected that the Principal/CEO will make a decision and hold separate meetings with the complainant and the alleged harasser as soon as is possible from the point of receiving the report.
- 13.11 If the complaint is in relation to the CEO, then the report will be received by the Chair of the Board of Directors and the same procedures followed. If the complaint is in relation to the Chair of the

Board of Directors, then the Vice Chair or Chair of the Members will receive the report and the same procedures followed.

13.12 If at the end of the investigation, it is decided that harassment may have occurred, a disciplinary hearing will be convened as soon as is reasonably practicable in accordance with the Trust's Disciplinary Procedure.

13.13 Where the complaint is not upheld no record of the investigation will be kept on the alleged harasser's personal file.

14. Appeals Process

14.1 Where the complaint is not upheld, the complainant has the right to appeal against the decision within 7 calendar days of receipt of the decision. The appeal should be in accordance with the Trust's Grievance Procedure.

14.2 Where the alleged harasser/bully is unhappy with the operation of the procedures, they should raise their concerns in any disciplinary hearing, if appropriate, or they may wish to utilise the Trust's Grievance Procedure.

15. Disciplinary Procedure - Variation to the Trust's Normal Procedure

15.1 The investigation undertaken as part of this procedure will serve as the investigation for the purposes of the Trust's Disciplinary Procedure.

15.2 The complainant will be informed in writing of the decision of the disciplinary hearing, including the level of any disciplinary sanction taken and of any subsequent appeal. This will be on the clear understanding that this information is confidential to the complainant. The complainant has no right of appeal against the outcome of any disciplinary hearing in respect of the alleged harasser.

15.3 Where a complaint is upheld and it has been agreed that it is necessary to transfer one party, the complainant should be given the choice of remaining in their post or transferring to another location, if this is possible.

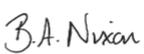
15.4 Where a complaint is not upheld, consideration may be given to transferring or rescheduling the work of one of the employees concerned, rather than requiring them to work together.

16. Mediation

16.1 Mediation can be a valuable resource in helping to resolve harassment and bullying complaints. It can be used where informal discussions have failed to resolve the matter satisfactorily or where a complainant feels that the matter needs raising more formally. Both sides must agree to mediation and either side has the right to withdraw during the process. If mediation does not resolve the issue, then the complainant still has recourse to the formal procedure.

16.2 Where required, mediation can be sourced and commissioned via the academy Principal. The timescale and number of sessions required will be dependent upon many factors which may include the complexity of the case, the commitment from the parties involved, the nature of the process used and external events or circumstances.

Policy Reviewed and Agreed: September 2020

Signed CEO: 

Signed: Chair of Directors: 

Policy to be reviewed in autumn 2021

Appendix A- Bullying & Harassment Definitions

Differences of attitude and culture and the misinterpretation of social signals can mean that what is perceived as harassment/bullying by one person may not seem so to another. However, it is the impact of the action and not just the underlying intention of the act which determines what constitutes harassment/bullying of any kind.

The following examples should be used as a guide to assist in understanding what may or may not be considered unacceptable rather than an exhaustive list of types of unacceptable behavior.

Harassment

The Advisory, Conciliation and Arbitration Service (ACAS) define harassment as “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, impairment, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

It may involve action, behavior, comment or physical contact which is found objectionable or which causes offence, and which can result in the recipient feeling threatened, humiliated or patronised. Examples include:

- Threats or insults
- Offensive or suggestive comments
- Mimicking someone's accent
- Using derogatory or informal slang about people's characteristics, e.g. their impairment, race, religion, sexual orientation, age, physical appearance, gender,
- Pressure for dates
- Offensive jokes or teasing
- Practical jokes
- Offensive gestures or looks
- Staring or leering
- Display of offensive posters, photos or graffiti
- Circulating offensive or suggestive letters or e-mails
- Offensive, suggestive or invasive telephone calls or text messages
- Sending jokes by text
- Posting offensive messages on blog sites or websites
- Filming a person using a mobile phone
- Unwelcome physical contact, even if assuming that someone needs reassurance
- Asking intrusive questions about someone's personal life

- Gossiping about colleagues with other people
- Expressing strong opinions that could alienate/offend colleagues
- Physical assault

Deliberate harassment is illegal under the Criminal Justice and Public Order Act 1994. This covers harassment at work on grounds of race, gender, sexuality, impairment, age or any other grounds. The offence carries a maximum prison sentence of six months.

Unintentional harassment may also amount to an offence under the Protection from Harassment Act 1997, where a person pursues a course of conduct which amounts to harassment or which causes a person to fear that violence will be used against them. The offence can be committed even where the perpetrator did not intend their actions to have that effect.

Forms of Harassment	
Sex	Unwanted conduct which is offensive to the recipient(s) on the grounds of the recipient's sex or unwanted verbal, non-verbal or physical conduct of a sexual nature. Sexual harassment can affect both men and women.
Race	<p>Unwelcome and unpleasant behavior towards an individual or group, on the grounds of their race, colour, national or ethnic origin, which is regarded as offensive by the recipient(s).</p> <p>The Trust has adopted the Stephen Lawrence Recommendation of a racist incident as highlighted in the inquiry report: "A racist incident is any incident which is <u>perceived</u> to be racist by the victim or any other person"</p> <p>In investigating complaints of racial harassment or bullying, regard will be given to the definition of institutionalised racism as defined in the Macpherson report, i.e. "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behavior which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people."</p>
Disability	Derogatory remarks, mimicking, invasive personal questions, staring, ostracising, which is directed at any individual with an impairment, or group of disabled people, which results in the individual feeling threatened or compromised. Making assumptions about an individual's ability because of their impairment.
Age	Ridiculing or demeaning behavior focused towards people because of their age, or making assumptions about lifestyle based on perceived age.

Sexual Orientation	Behavior which condemns or ridicules people because of their perceived or actual sexual identity. It includes derogatory remarks, jokes or graffiti which results in the individual feeling uncomfortable, excluded or threatened.
Religion or Belief	Behavior that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behavior which may not be intended to be malicious but nevertheless is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of religious jokes.

Bullying

- Bullying can be described as the use of oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine their self-confidence.
- Examples include:
- Malicious rumours and allegations, including fabricating complaints from clients and other members of staff
- Open aggression, threats, shouting, abuse and obscenities, persistent negative attacks
- Sending aggressive emails (avoid CAPITALS it makes you look like you are shouting!).
- Humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- Withholding information or training with the intent of deliberately affecting a colleague's performance
- Picking on one person when there is a common problem
- Ostracising, isolating and marginalising an individual, excluding the person from any discussion or decision making
- Removing areas of responsibility, reducing work to menial, routine tasks
- Insulting or offensive remarks made about your appearance, lifestyle, habits or attitudes
- Imposing inappropriate tasks
- Repeatedly interrupting someone else because you feel what you have to say is more important
- Using appraisals or peer reviews to take out the frustration you feel about someone who irritates you.
- Making jokes about someone in front of others with intent to isolate them from the group, or excluding them from social gathering.