

Dignity at Work Policy

Audience:	All REAch2 Employees Local Governing Bodies Cluster Boards Trustees Agency staff and anyone else engaged to work for REAch2
Ratified:	REAch2 HR Committee March 2021
Policy owner:	Sue Northend, Director of HR
Review frequency:	Every 2 years – March 2023

REAch2 Dignity at Work Policy



At REAch2, our actions and our intentions as school leaders are guided by our Touchstones.

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| Integrity | We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour |
| Responsibility | We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements |
| Inclusion | We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style |
| Enjoyment | Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved |
| Inspiration | Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full |
| Learning | Children and adults will flourish in their learning and through learning discover a future that is worth pursuing |
| Leadership | REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual |

Contents

1. Policy Overview	3
1.1 Overarching Principles	3
1.2 Intended Impact.....	3
1.3 Roles and Responsibilities.....	3
2. Policy in Detail	4
3. DEFINITION OF HARASSMENT AND BULLYING.....	5
Examples of Harassment.....	5
Victimisation	6
Freedom of expression	6
What is bullying?.....	6
Examples of Bullying	7
Reasonable Management	7
Harassment and bullying of employees by members of the school community	7
4. IMPLEMENTATION	7
Informal Resolution.....	7
Formal Resolution	8
5. POSSIBLE OUTCOMES.....	9
6. APPEALS	10
7. MALICIOUS ALLEGATIONS	11
8. THIRD PARTY HARASSMENT	11
9. CONFIDENTIALITY	11
Policy Review	11

1. Policy Overview

1.1 Overarching Principles

All employees have the right to feel safe in a supportive and non-threatening working environment, free from bullying and harassment. The REAch2 Policy and Procedure seeks to:

- provide a working environment where no form of bullying, harassment or discriminatory treatment is tolerated, whatever the motivation and to help create a working environment where everyone is treated with dignity and respect;
- help identify conduct which may amount to bullying or harassment;
- set out the procedure to be followed if complaints of bullying or harassment are raised in the workplace;
- provide training, advice and guidance for managers, employees and governors on how to raise or respond to such complaints fairly, effectively and promptly.

REAch2 will not tolerate bullying or harassment of any kind and will ensure that:

- all allegations are investigated promptly, sensitively and confidentially by appropriately experienced investigating officers;
- disciplinary action is considered if appropriate; and
- all employees are protected from victimisation for making, or being involved in, a complaint in good faith under this Policy.

In accordance with the Equality Act 2010 and the public sector equality duty to eliminate discrimination and to advance equality of opportunity, monitoring of the procedure will be undertaken to collect information such as: the type and frequency of complaints arising; the proportion of complaints resolved satisfactorily; any problem areas to be addressed; and any additional training required.

Throughout this document the word 'complainant' will be used to describe the individual who has raised a bullying and/or harassment complaint.

1.2 Intended Impact

The aim of the policy is to ensure a positive, enjoyable working environment where workers can do their best and know they are safe from bullying or harassment from anyone else in the workplace.

1.3 Roles and Responsibilities

Employee's responsibilities

- Ensure that they are familiar, and act in accordance, with the terms of the Policy.
- Treat one another with dignity, respect and courtesy when carrying out their day-to-day duties.
- Avoid participating in, or condoning, acts of bullying, harassment, victimisation or discriminatory behaviour in the work-place.

- Encourage individuals who are the subject of this behaviour to seek support and assistance through the informal and/or formal stages of this Policy.
- Offer assistance to the complainant by providing truthful evidence in support of such complaints.

Line Manager's responsibilities

- Ensure that all staff and governors are made aware of the Policy and of their rights and responsibilities under it.
- Ensure that all staff know how to access the Policy if they feel they have been subject to bullying or harassment or wish to support a colleague with the process.
- Assist employees to understand the nature of this Policy compared to the Grievance Policy and the Speak Up! / Whistle Blowing Policy, and to follow the appropriate procedure, according to their needs.
- Lead by example in promoting a culture where everybody is treated with dignity and respect.
- Take appropriate action to eliminate bullying and harassment if this is witnessed in the workplace, regardless of whether a complaint has been made or not.
- To be aware of trends and patterns of behaviour in school that may indicate that unwanted behaviour is taking place, even if a formal complaint has not been made.
- Take allegations of bullying, harassment or other unwanted behaviour seriously and deal with them promptly, consistently, sympathetically and confidentially.

2. Policy in Detail

This Policy covers bullying, harassment and/or discriminatory treatment in the workplace and in work-related settings, and events, outside the workplace, e.g. school trips, visits and/or some social events.

It applies to employees, agency staff, contractors and anybody engaged to work for REAch2 in a school or other location. It relates to individual and collective complaints of bullying, harassment or discriminatory treatment. If the complainant or person allegedly causing the unacceptable treatment or behaviour is not an employee of the school, it may apply with some necessary modifications. For example, complaints received about an agency worker, would need to be referred to the relevant agency.

This Policy does not apply to complaints unrelated to bullying, harassment or discriminatory treatment, which should be dealt with under the Grievance Procedure or complaints under the Public Interest Disclosure Act, which should be dealt with under the REAch2 Speak Up / Whistle-Blowing Policy.

The policy is non contractual and may be varied by the Trust.

3. DEFINITION OF HARASSMENT AND BULLYING

What is Harassment?

Harassment is a recognised legal concept within discrimination law. It is defined as unwanted conduct related to a relevant protected characteristic which:

- has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual; or
- is reasonably considered by that individual to have the same effect as above, even if this effect was not intended by the person(s) alleged to be responsible for the conduct.

Protected characteristics are: sex, gender reassignment, race (including colour, nationality, and ethnic or national origins), disability, sexual orientation, pregnancy and maternity, marriage and civil partnership, religion or belief or age.

Where similar behaviour is not motivated by one of the protected characteristics recognised in the Equality Act 2010, the matter may be dealt with under the bullying section of this Policy (see below).

Conduct becomes harassment if it persists once the recipient has made it clear that it is unwelcome. However, a single act can amount to harassment if it is sufficiently serious. Furthermore, some actions may be so obviously offensive, that the recipient will not necessarily need to make it clear that it is unwelcome.

Individuals can also be subjected to harassment on other grounds:

- Membership (or non-membership) of a trade union including participating in union activities and being a union representative
- Employment status (e.g. part-time, temporary/fixed-term)
- Criminal record
- Health
- Physical characteristics.

Bullying and harassment can take a variety of forms, including physical (e.g. unnecessary touching or assault), verbal (e.g. jokes, offensive language, gossip, slander or offensive songs) and/or nonverbal (e.g. offensive or threatening letters, emails, text messages and/or social media postings). A single incident can amount to harassment. Conduct may be bullying and/or harassment whether or not the individual behaving in that way intends to offend.

Examples of Harassment

It is not possible to set out all types of behaviour which will constitute harassment but a non-exhaustive list may include:

- Physical conduct ranging from unwelcome touching to serious assault.
- Unwelcome sexual advances or contact.
- Spreading malicious rumours.
- Insulting an individual through words or conduct.
- Demeaning comments about an individual's appearance.

- Derogatory or demeaning jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion.
- Offensive written remarks or comments.
- Verbal or physical threats and intimidation.
- Exclusion or victimisation.
- Ridiculing or demeaning someone in front of others e.g. picking on them or setting them up to fail.
- Unjustified, persistent criticism or negative comments.
- Overbearing supervision or other misuse of power or position.
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities.
- Deliberately undermining an individual by overloading and/or constant criticism.
- Deliberately ignoring an individual because they are associated or connected with somebody with a protected characteristic.
- Repeated, unnecessary observation.
- The display of offensive material, graffiti or badges.
- Intrusive questioning about someone's private life.
- Sharing information about an individual with others who do not need to know.

Some of the examples set out in the section below on bullying (which are not listed above) could also amount to harassment.

The examples listed above must be viewed in terms of the distress that they cause to the individual. It is the impact on the recipient that will determine whether or not there is a case to answer for harassment.

Harassment can be both a civil and criminal offence. Furthermore, employees can be held vicariously or jointly liable for incidents of harassment by an employee to another.

Victimisation

Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about bullying, harassment or other discriminatory behaviour. This could include an employee who has, or who intends to give, evidence relating to a complaint made by another employee.

Freedom of expression

Freedom of expression may sometimes be used as a defence to allegations of harassment. Although it is a fundamental right and REAch2 recognises that workers have the right to express their religious, political and philosophical beliefs in the workplace within limits, freedom of expression will never be used as justification for making statements or comments which discriminate against or harass, or incite violence or hatred against other people, particularly by reference to their protected characteristics.

What is bullying?

Bullying is a type of harassment where the behaviour is not motivated by one of the protected characteristics. There are various definitions of bullying. ACAS defines bullying as 'offensive,

intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’.

Examples of Bullying

The examples below illustrate conduct which may be regarded as bullying. Some of these are similar to the examples of harassment above and the list is not exhaustive:

- verbal or physical threats and intimidation.
- humiliation in front of others.
- unjustified, persistent criticism or negative comments.
- offensive or abusive personal remarks.
- setting unobtainable targets, imposing unreasonable deadlines or constantly changing work targets in order to cause a person to fail.
- belittling a person’s opinion.
- making false allegations.
- monitoring work unnecessarily and intrusively.
- removing areas of work without justification.
- imposing unfair sanctions.
- exclusion.

Reasonable Management

It is important to distinguish between reasonable management, which is firm and fair and behaviours associated with harassment, bullying or victimisation.

Legitimate, justifiable, appropriately conducted monitoring of an employee’s behaviour or job performance does not therefore constitute harassment, bullying or victimisation.

Harassment and bullying of employees by members of the school community

Employees may experience bullying or harassment from governors, parents, and other visitors to the school as well as harassment from pupils or colleagues. It is not part of an employee’s duties to accept or tolerate such behaviour.

All such complaints of harassment made by employees will be investigated and REAch2 will provide support to any employee who is the victim of harassment by a member of the public in the course of their employment.

4. IMPLEMENTATION

Informal Resolution

Any employee who considers that the behaviour of someone else in the workplace is unacceptable to them is encouraged to try and resolve complaints in an informal manner before addressing the formal stages below. It is acknowledged that misunderstandings can occur, which can lead to a perception that bullying is taking place. Early informal attempts to diffuse a situation may bring more lasting and beneficial results than using the formal steps, particularly where the recipient may be unaware that they have caused offence in the first place.

Informal approaches include: face-to-face discussion with the person allegedly causing the unacceptable treatment or behaviour; a summary of the complaint shared with the person allegedly causing the unacceptable treatment, to allow them to respond; mediation; and/or counselling.

If they feel able to do so, the complainant should meet with the person allegedly causing the unacceptable treatment or behaviour to bring the unwanted behaviour to their attention and to ask for it to stop. This gives the person allegedly causing the unacceptable treatment or behaviour an opportunity to change their behaviour. It is recommended that a note of the conversation is kept (including date, time, concerns and who was present).

Whilst employees do not have a statutory right to be accompanied by a companion or trade union representative at informal meetings, this support may be beneficial to both parties in contentious or difficult cases and the employee is encouraged to seek HR support and the support of a trade union representative at this informal stage.

Any employee who feels that they have been subject to bullying or harassment should make a written record of the incident(s), date(s), times and witnesses for future reference and may wish to contact their trade union representative, companion and/or line manager for advice and support.

Mediation may be attempted at any stage of this process subject to agreement between the parties. However, if it is attempted, the formal process will be suspended pending the outcome of the mediation process. If mediation is unsuccessful, this Policy will continue.

If an informal solution is found, then the manager should do all that they reasonably can to manage the situation to ensure that the working relationships are back on track and do not deteriorate.

REAch2 recognises that the informal suggestions above may not be appropriate for more serious complaints of bullying or harassment; that some staff may not be comfortable having a direct conversation with the person(s) concerned or that the concerns continue despite an informal approach and/or mediation being attempted. In these circumstances, staff should use the formal approach outlined below.

Formal Resolution

Any employee who wishes to raise a complaint of bullying and/or harassment formally should set them out in writing and should ensure that they are as detailed as possible. This should include:

- the name of the person(s) whose behaviour they believe amounts to harassment and/or bullying.
- the type of behaviour that is causing offence, with specific examples (including dates, times and location(s) as appropriate) and details of how this made them feel.
- the names of anyone else who witnessed the incidents.
- any action that the complainant has already taken to deal with or stop bullying or harassment (e.g. informal steps above).

If a matter relates to one specific incident, an employee should do all that they reasonably can to lodge a formal complaint within 20 working days of the incident taking place. However, it is recognised that

complaints of this nature may relate to cumulative actions taking place over time, in which case an employee should lodge a formal complaint within 20 working days of the latest incident taking place.

The formal complaint should be sent to the Headteacher, unless the complaint is about the Headteacher, in which case it should be passed to the Chair of Governors, or to the Headteacher's line manager, the Deputy Director of Education. If the complaint is also against the Chair, it should be passed to the Vice-Chair or another independent governor.

Complaints made by a Headteacher should be passed to the Deputy Director of Education in the first instance. If, for any reason, the employee feels uncomfortable raising a formal complaint about a Headteacher with the Chair, or Deputy Director of Education, they should take advice from HR or from their trade union representative. In very serious cases, the allegation may be a criminal offence and the member of staff may also wish to report matters directly to the police.

The person receiving the complaint, known as the Commissioning Officer, should:

- acknowledge the complaint in writing within five working days (and refer to the date of receipt), unless there are exceptional circumstances in which case the response will be made as soon as reasonably practicable.
- arrange for the complaint to be investigated promptly under the Disciplinary Procedure by contacting HR and commissioning an independent Investigating Officer.
- send a letter to the employees concerned (including witnesses) to confirm that they will be contacted by an independent investigator and invited to an investigation meeting where they can be accompanied by a trade union representative or workplace colleague who is not already involved in the case.
- inform the alleged harasser or bully of the complaint.

The investigator will be impartial, at an appropriate level of seniority and with experience and/or training to allow a thorough understanding of relevant issues. Investigating officers must be available to conduct the investigation within the timescale below.

5. POSSIBLE OUTCOMES

The investigation will conclude with a written report by the Investigating Officer to the Commissioning Officer and will include any evidence of whether the alleged conduct took place. The outcome and the next steps are the decision of the Commissioning Officer. This decision will be based on the facts presented in the report and advice from HR. The Commissioning Officer can discuss the findings with the Investigating Officer in order to obtain a greater understanding of the evidence before a final decision is made.

Whatever the outcome, the Commissioning Officer should meet with the person allegedly causing the unacceptable treatment or behaviour and the Complainant individually to discuss the findings as soon as possible after the conclusion of the investigation.

If the Commissioning Officer considers that there is no case to answer for disciplinary action, the Commissioning Officer will meet with the complainant and the person allegedly causing the unacceptable treatment or behaviour individually to discuss a summary of the findings and recommendations, and agree any next steps. This could include: a request to the harasser to stop the

behaviour which caused the complainant to feel harassed and counselling, guidance training or mediation.

If the Commissioning Officer considers, having regard to the investigator's report, that there is a case to answer for disciplinary action against the person allegedly causing the unacceptable treatment or behaviour, the disciplinary procedure will be followed. Where this results in a disciplinary sanction other than dismissal then, wherever practicable, the complainant may be able to transfer to another location/position if there is a vacancy for the same post in another REAch2 school and they are the best candidate to fill the vacancy. Any such move should not lead to any disadvantage in terms and conditions of employment.

6. APPEALS

If the complainant is dissatisfied with the outcome of the investigation into their formal complaint of bullying or harassment, they have the right of appeal against that decision.

The appeal must be made in writing to the Chair of the hearing panel within five working days of receiving written notification of the outcome. The appeal letter must clearly set out the appellant's (ie the Complainant) specific concerns and the basis for those concerns. The letter should be accompanied by any additional evidence to be presented in support of the appeal. If the appellant does not wish to provide any supporting evidence, they must confirm this in their letter of appeal. They may not be able to use evidence not previously provided at any appeal hearing. The appellant should also name any witnesses they wish to call and to indicate whether they will be accompanied by a companion or trade union representative.

The appeal must be heard by an impartial committee of three individuals comprising head teachers, governors, senior managers, or directors. All must be at a higher level in the organisation than the employee who has submitted an appeal. None of these individuals should have been involved in the process previously.

The Commissioning Officer will liaise with HR to arrange the appeal as quickly as possible. Every effort will be made to agree a date with the employee's representative if they are already involved in the case, before sending out the formal invite letter and supporting paperwork to the relevant parties.

In circumstances where their representative is not available, the appellant may suggest an alternative time and date no more than 5 working days after the original date. The Chair of the Appeal Committee may reject the suggestion if it is unreasonable and may proceed to hear the case in the absence of the employee or the employee's representative. The Chair may also defer the date of the hearing to reach mutual agreement on a particular date.

The Chair will give a minimum of five working days' notice of the hearing to all participants and the appellant will be entitled to receive a full copy of the investigation report and appendices at this stage.

Present at the appeal hearing, will be the Appeal Committee, the Appellant, the Commissioning Officer, the Investigating Officer and the Appellant's representative. The Appellant will start by presenting their grounds of appeal and the Investigating Officer and/or the Commissioning Officer will respond.

Following an adjournment to consider the evidence, the Appeal Committee may dismiss/reject the employee's appeal (so that the original outcome stands); or uphold/accept the employee's appeal and determine what further action should be taken

The Appeal Committee may announce the decision to the parties on the same day or may notify the employee of the decision within five working days of the hearing.

There is no further stage of internal appeal.

7. MALICIOUS ALLEGATIONS

The fact that an allegation has not been substantiated following a formal investigation does not mean that it should be considered as malicious. No action will be taken against any member of staff who makes an allegation in good faith, reasonably believing it to be true, even if the outcome is that there is no case to answer.

However, there may be exceptional cases which lead the Commissioning Officer to believe that an allegation of bullying and/or harassment is malicious. In these circumstances, REAch2 will pursue a new investigation under the Disciplinary Procedure against the original complainant, with new terms of reference. Following this process, the Investigating Officer may conclude that there is no case to answer or that the matter should continue to be dealt with as a disciplinary matter in accordance with the REAch2's Disciplinary Procedure.

8. THIRD PARTY HARASSMENT

REAch2 will maintain a zero-tolerance policy towards harassment from third parties. REAch2 will ensure that employees are aware of what to report, and to whom, if they believe that they have been subject to harassment of this nature.

9. CONFIDENTIALITY

Confidentiality will be respected for both the complainant and the subject of the complaint. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it necessary to give details to properly investigate the matters raised).

Information will be processed in line with General Data Protection Regulations (GDPR). It will be kept securely, only for as long as necessary and in line with the Trust's Information and Records Retention Policy and privacy notices.

Policy Review

This policy will be reviewed by the REAch2 HR Committee every 2 years as per the REAch2 policy cycle or sooner if required.

