

# St John's Catholic Junior School

"Love one another as I have loved you."

## **Dignity at Work Policy and Procedure**



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## Dignity at Work Policy and Procedure

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# **Dignity at Work Policy (Anti-Bullying and Harassment)**

## **1. Policy Statement**

The School is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Harassment and bullying can have very serious consequences for individuals and the School. Harassment or bullying may make people unhappy, cause them stress and affect their health, family and social relationship. It may affect their work performance and can cause them to leave their job. The effects on the School can include loss of morale, poor work performance, and increase in turnover of staff, legal claims and damage to the School's reputation.

The School will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The School will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Staff facing allegations of harassment or bullying may face disciplinary action, up to and including dismissal and could be personally liable to pay compensation in legal claims. In some instances, harassment may be a criminal offence and a civil action under the Protection from Harassment Act 1997.

## **2. Legal Context**

The Equality Act 2010 established that employees with a protected characteristic should not be subject to harassment (unwanted behaviour) relating to one of the following:

- age
- sex
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race

- religion or belief
- sexual orientation

### **3. Who the Policy covers?**

This policy covers bullying and harassment of all staff, governors, contractors, agency staff and anyone else engaged to work in a paid or unpaid capacity at the School, whether by direct contract with the School or otherwise.

If the complainant or alleged harasser is not employed by the School, e.g. if the worker's contract is with an agency, this policy will apply but the School could not dismiss the worker and would instead require the agency to remove the worker, if appropriate, after investigation.

***N.B. The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. off-site visits, social media and work-related social events.***

### **4. Definitions and Principles**

#### **What is bullying and harassment?**

**4.1 Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end.

**4.2 Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, pregnancy and maternity, and age, that:

- Has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

**or**

- Has the purpose or effect referred to above because the unwanted conduct is of a sexual nature?

Conduct may be harassment whether the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which would be likely to offend will be harassment without the recipient having to make it clear to the person that this is not acceptable, e.g. inappropriate touching.

In some situations, it might not be so clear that some forms of behaviour would be unwelcome or could offend. In these cases, one instance of behaviour which may not have been intended to cause offence might not amount to harassment. It will become harassment if the individual continues their behaviour after the recipient has made it clear (by words or conduct), that the behaviour is not acceptable or is unwanted.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic e.g. perception that they are gay or disabled; when the recipient does not, have a protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom they are connected or associated.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party. If a member of staff feels that they have been bullied or harassed by parent, carer, visitor, suppliers, or vendors they should report any such behaviour to (named person (insert name or position)) who will take appropriate action.

#### **4.3 Examples of bullying or harassment (not an exhaustive list)**

- i. Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email, through social media or by a person's unspoken actions.

##### **ii. Unacceptable behaviour includes:**

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- Demeaning comments about a person's appearance
- Unwelcome jokes or comments in relation to a protected characteristic
- Questions about a person's sex life

- Unwanted nicknames related to a protected characteristic
- The use of obscene gestures
- Excluding an individual because they are associated or connected with someone with a protected characteristic
- Ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic e.g. a member of staff is thought to be Jewish, or is perceived to be a transsexual
- The open display of pictures or objects with sexual or racial overtones (even if not directed at any person)
- The offer of rewards for going along with sexual advances,
- Threats for rejecting sexual advances
- Spreading malicious rumours or insulting someone, including comments and/or postings on social media and blogs
- Picking on someone or setting them up to fail
- Making threats or comments about someone's job security without good reason
- Ridiculing someone
- Banter or flirting.
- Harassment by association e.g. if their child is disabled, wife is pregnant, friend is a devout Christian.

#### **4.4 Examples of Poor Working Relationship**

- Undermining a person
- Isolation or non-cooperation at work
- Disrespectful
- Inconsiderate
- Sarcasm
- Negativity and making negative comments
- Treating staff less favourably
- Avoidance of a person
- Mocking
- Deliberately excluding someone from social activities
- Poor communication
- Inconsistent application of policies and procedures

The School will treat complaints of bullying and harassment / poor working relationship sensitively and maintain confidentiality to the maximum extent possible.

#### **4.5 What is victimisation?**

**Victimisation** is subjecting a person to a detriment because they have complained (whether formally or otherwise) that someone has been bullying, harassing or discriminating against them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

The School will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised them.

Making a complaint that a person knows to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

Staff are also protected from victimisation or detriment if they have raised a protected disclosure under the School's Whistleblowing Policy.

### **Dignity at Work Procedure (Anti-Bullying & Harassment)**

#### **5 Introduction**

The School has informal and formal procedures for the management of bullying and harassment. Formal complaints will be managed under the School's Grievance Policy and Procedure and, if relevant, the School's Disciplinary Policy and Procedure.

#### **6 Dealing with Harassment, Bullying and Victimisation complaints**

The School's policy is to try and resolve matters informally and as early as possible where that approach is appropriate depending on the nature of the complaint.

## **7 Roles and Responsibilities**

### **7.1 Governors**

- Ensures that the school complies with the Dignity at Work Policy and Procedure
- Ensures that the Governing Body monitors all relevant dignity at work complaints to establish if there are any organisational and cultural concerns about the leadership and management of the school and relationships between staff.

### **7.2 Headteacher**

- Sets a good example by their own behaviour.
- Ensures that there is a supportive working environment.
- Makes sure that staff know what standards of behaviour are expected of them
- Intervenes to stop bullying or harassment.
- Ensures appropriate training and guidance is in place for staff.
- Seeks advice at an early stage, from the Schools' HR Consultancy team.

### **7.3 Employee**

- Promote dignity at work in the workplace.
- Report incidents to the appropriate person, in line with the policy and procedure
- Can be held personally liable as well as, or instead of, the school for any act of unlawful discrimination.

*N.B. Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault. A single incident can be considered to constitute harassment if it is sufficiently serious.*

*All substantiated allegations of bullying and harassment will be considered as misconduct and dependent upon the nature of the allegations are often considered to be gross misconduct. The level of disciplinary action will be determined following a full investigation and may lead to disciplinary action up to and including dismissal without notice.*



#### **7.4 Professional Association/Trade Unions**

- Professional Association/Trade Unions are available to advise and support their members involved in a complaint and attend any appropriate meetings.
- Promote the principles of dignity at work.

### **8 School responsibility to manage people effectively**

It is important to differentiate between the exercise of 'management' responsibility and bullying or harassing behaviour. Headteacher/Senior Leaders/Governors are responsible for ensuring that staff who report to them undertake their duties to an acceptable standard and conduct themselves appropriately.

Headteacher/Senior Leaders/Governors have a responsibility to manage processes fairly and consistently with all staff within their team. Therefore legitimate, justifiable, and appropriate monitoring of staff behaviour or job performance does not constitute bullying or harassment. Carrying out these functions in a fair, firm and consistent manner is not an act of bullying or harassment, although it is recognised that some staff may feel stressed or anxious while the procedures are on-going. It is in the School's interests that Headteacher/Senior Leaders/Governors should be able to carry out their duties without threat of ill intentioned, malicious or vexatious complaints.

Where a complaint is made, a determination will be made as to whether a Headteacher/Senior Leader/Governors has bullied or harassed a member of staff or managed them fairly, but firmly and this will normally involve an investigation under the School's Grievance Policy and Procedure.

### **9 Creating a Positive Culture/Working Environment**

All staff and governors have a responsibility to help create and maintain a work environment free of bullying and harassment. They can help to do this by:

- Being aware of how their own behaviour may affect others and changing it, if necessary - they can cause offence even if they are "only joking"
- Treating their colleagues with dignity and respect
- Taking a stand if they think inappropriate jokes or comments are being made
- Making it clear to others when they find their behaviour unacceptable
- Intervening, if possible, to stop harassment or bullying and giving support to recipients
- Making it clear that they find harassment and bullying unacceptable
- Reporting harassment or bullying to their line manager, Headteacher/Governors and supporting the School in the investigation of complaints
- If a complaint of harassment or bullying is made, not prejudging of victimising the complainant or alleged harasser.

*N.B. If a member of staff witnesses or is subject to behaviour that is obviously unacceptable (e.g. racist, sexist or homophobic), they should report this issue directly to the appropriate person in the school.*

## **10 Support for Staff**

The School acknowledges that issues of bullying and harassment can be very difficult and very upsetting for both the complainant and the alleged harasser. If a member of staff feels that they are being bullied, raising the issue or making a complaint can be a significant step and if they are accused of bullying or harassment, this can be hurtful and damaging. Support that can be offered to the person raising the complaint and the alleged harasser.

These include:

- A referral to the School's Occupational Health Service (including medical support and the counselling service) is available if required during the investigation of harassment/bullying complaint. The staff will be told in advance of a referral to Occupational Health.
- The Schools Occupational Health Provider may offer free, confidential and independent advice on a range of issues from the Employee Assistance Programme.
- Initial advice on procedure from the schools' HR Consultancy provider.
- Advice from professional association/trade union

## **11. Dealing with Dignity at Work Complaints**

### **11.1 Informal Resolution (informal grievance)**

#### **11.1.1 Informal Discussion**

Staff may be able to sort out matters informally. The person against whom the complaint is made may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. Staff may feel able to approach the person themselves, or with the help of another member of staff.

Alternatively, an initial approach could be made on behalf of the member of staff. The member of staff should tell the person what behaviour they find offensive and unwelcome and say that they would like it to stop immediately. They may want to add that, if the behaviour continues, they may make a formal complaint.

At the meeting the member of staff should clearly describe the behaviour to the offending person and explain to them the impact it is having upon them. Say that it is unwanted and describe the appropriate behaviour that they would prefer to be used. Seek agreement for the behaviour to stop

The benefits of this approach are that issues can be resolved quickly, and relationships can be improved. Alternatively, there may be circumstances where it may be appropriate and preferable to write to the person regarding their offending or unwanted behaviour.

When writing the letter, the member of staff should clearly describe the negative behaviours explain why the behaviours are unwanted and the impact they have upon them. Describe the alternative, appropriate

behaviours and say how they want the situation resolved (e.g. a meeting or acknowledgement of the letter).

The benefits of this approach are that:

- it allows preparation time
- it enables the member of staff to say what they want
- it acts as a record

The member of staff may wish to seek advice from their professional association or trade union prior to submitting any letter. The employee may wish to consider sharing their concerns with a senior member of staff.

### **11.1.2 Mediation**

In some cases, mediation offers staff an alternative informal process to resolving perceived bullying and harassment issues rather than by pursuing concerns / complaints through the School's Grievance Policy and Procedure. It can be a more effective way to resolve such matters informally although it may also be used at any stage of the Grievance Procedure. If a member of staff agrees to take part in mediation, this does not prevent them from pursuing their bullying and harassment complaint through the formal Grievance Procedure if mediation does not resolve the issue.

It is the responsibility of the line manager/Headteacher/Senior Leaders/Governors to try to resolve day to day workplace differences and independent mediation cannot be used to resolve all disputes or problems. Further information can be obtained from Schools' HR Consultancy Team who will also advise on use of mediation cases.

It can be a more effective way to resolve such matters informally although it may also be used at any stage of the Grievance Procedure. If a member of staff agrees to take part in mediation, this does not prevent them from pursuing their bullying and harassment complaint through the formal Grievance Procedure if mediation does not resolve the issue.

### **11.1.3 Counselling**

In some cases, the offer of counselling could provide options to support addressing concerns. This support could be offered to both the employee who has alleged the bullying and/or the employee accused of bullying, to

assist in reflecting on the concerns raised and where relevant, identify actions to ensure this does not happen again.

***NB where a resolution cannot be found or in certain circumstances the informal approach is not suitable, then employee can lodge a formal grievance***

## **11.2 Formal approach**

### **11.2.1 Use of Grievance Procedure**

If an informal approach does not resolve matters, the employee may lodge a formal grievance

Where the situation is considered so serious that it should be dealt with formally, a discussion should take place between your HR Provider and where appropriate the employees representative.

In accordance with that procedure, they should provide the following information:

- a) The nature of the grievance – what is alleged to have occurred, by whom and when.
- b) Where relevant, what the outcome of the informal approach was and the reason for their dissatisfaction with the informal solution.
- c) The remedy or resolution they are seeking.
- d) Any witnesses to the incidents complained about.

The dignity at work complaint will then be subject to the procedures laid out in the school's grievance procedure.

### **11.2.2 Duty of Care**

In certain circumstances, where the nature of the complaint is very serious for example where the legal/regulatory risk is high, the headteacher/Chair of Governors may need to inform the employee that the matter may need to be dealt through an alternative procedure such as Disciplinary.

If following a formal investigation there are still concerns about the conduct the alleged harasser, disciplinary proceedings may be brought against them.

Where a disciplinary investigation is instigated and appropriate action is taken against the harasser, the employee will be notified of the outcome of their grievance at the conclusion of the investigation or disciplinary process.

## **12. Confidentiality**

The School will treat complaints of bullying and harassment / working relationships sensitively and maintain confidentiality to the maximum extent possible. A formal investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so that they are able to respond to the allegations.