

## DIGNITY AT WORK PROCEDURE

1	<b><u>Statutory and required – centrally provided template for adoption without amendment</u></b>
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Original document	Pay and Personnel Committee	26/04/2016	Version 1
Amended		Oct 2022	Version 3

### **STATEMENT OF INTENT**

ODST is committed to providing a safe, healthy, inclusive, and productive work environment free from harassment, bullying and victimisation or any behaviour that makes people feel excluded, offended, humiliated, or intimidated. This procedure provides a framework to help prevent bullying and harassment and enable those working within ODST schools to be treated with dignity and respect and explains the procedure that should be followed when incidents occur.

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

### **GENERAL PRINCIPLES**

#### **Definitions.**

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

#### **Consistency of Treatment and Fairness.**

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

### **Delegation.**

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

### **Monitoring and Evaluation.**

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

### **RESPONSIBILITIES**

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

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

### **DATE OF REVIEW**

The procedure will be reviewed as required by the Board of Trustees of ODST to take account of any legislative changes and / or national policy development as well as feedback from ODST staff and schools and in any event, by 31 December 2025 at the latest.

## **INTRODUCTION**

1. ODST is committed to providing a safe, healthy, and productive work environment free from harassment, bullying and victimisation.
2. School leaders and line managers are committed to ensuring that everyone is treated with dignity and respect and:
  - encouraged to meet their full potential,
  - treated without favouritism,
  - spoken to with courtesy
  - accorded due professional trust,
  - recognised for their achievements,
  - consulted about any changes in their role,
  - given adequate time and resources for the successful discharge of their duties,
  - provided with appropriate training and development opportunities,
  - accorded respect for their individual privacy.
3. It is the responsibility of everyone working within an ODST school and on behalf of ODST to maintain appropriate standards of behaviour and to ensure they support a positive working environment where affronts to dignity, bullying or harassment are not tolerated. All employees and members of the relevant body must:
  - uphold the values of the school and ODST,
  - treat colleagues with dignity and respect,
  - be aware of the effect that their own behaviour can have on others,
  - dress appropriately for the workplace,
  - support colleagues if they experience bullying, harassment or singling out,
  - challenge inappropriate behaviour and report any incident to a manager, governor or third party (e.g., ODST HR team, union representative),
  - set a positive example to others,
  - consider their language and attitudes and refrain from making personal comments to or about others,
  - co-operate with any investigation undertaken by the school into allegations of bullying and harassment.
4. This procedure provides a framework to help prevent bullying and harassment and explains the process that should be followed when incidents occur.
5. The procedure applies to everyone working for the school including agency or supply staff. It applies whether employees are working on school premises or at other locations and also covers work-related social events.

6. All complaints of bullying and harassment will be taken seriously and handled sensitively and discretely. Managers will take prompt action to investigate and respond to allegations. Where bullying or harassment is found to have taken place, disciplinary action may be taken up to and including dismissal.
7. No employee will suffer detriment for raising a concern in good faith, or for assisting a colleague to do so.
8. Everyone should be able to work without the fear of mischievous or malicious allegations and anyone found to be making a deliberately false or vexatious complaint may be subject to disciplinary action up to and including dismissal.

### **The law and definitions of bullying and harassment**

9. Bullying and harassment are terms often used interchangeably and cover a range of behaviours that undermine the right of others to be treated with dignity.
10. Harassment is: 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual' (Source: Equality Act 2010).
11. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories. This includes verbal, non-verbal, or physical conduct.
12. There is also legal protection against harassment on the basis of an individual's membership or non-membership of a trade union.
13. Bullying is: 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient' (Source: Advisory, Conciliation and Arbitration Service (ACAS)).
14. Discrimination is: 'treating a person unfairly because of who they are or because they possess certain characteristics.' (Source: EOC.org.uk). It can take the form of exclusion from recruitment, promotion or training opportunities, less favourable working conditions or terms of employment e.g., less overtime or shift work and even unlawful contract termination.
15. Victimisation is where an employee is subject to a detriment because they have brought proceedings, given evidence or information in connection with proceedings or made an allegation that another person has done something in breach of the Equality Act.
16. Both ODST and individual employees can be held liable for unlawful discriminatory harassment or bullying.

### **Behaviours that could be regarded as bullying and harassment**

17. Bullying, harassment, and discrimination are not always verbal or face to face, but can involve written communications, inappropriate comments, or visual images, such as pictures of a sexual nature or embarrassing photographs sent by text, instant messaging, email or social media.
18. Bullying and harassment may involve single or repeated incidents, ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. It can often occur with or without witnesses. It can occur where someone is treated less favourably because they have refused to submit to certain behaviour in the past.
19. Employees should be familiar with the ODST guidance on social media when posting messages and material that could be open to wider publication and circulation e.g., using Facebook, Twitter.
20. Examples of unacceptable behaviour include:
  - personal insults (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief or any of the other protected characteristics),
  - physical aggression or intimidation,
  - practical jokes which embarrass or humiliate,
  - engaging in banter or making jokes which are degrading or make people feel excluded,
  - verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip, or innuendo,
  - making homophobic, biphobic or transphobic insults and threats or outing an individual as LGBT+ (Lesbian Gay Bisexual or Trans) without their consent,
  - abuse of an individual's right to personal privacy, for example, intrusion into another employee's personal property or into their private life (this may also be a breach of the Data Protection Act 1998 or the General Data Protection Regulation 2016),
  - deliberate isolation or non-cooperation and exclusion from normal social or professional contact in the workplace,
  - unwelcome sexual advances – assault, touching, standing too close, the display of offensive materials, making decisions on the basis of sexual advances being accepted or rejected,
  - personal intrusion from pestering, spying, and stalking.

This list is not exhaustive.

### **Legitimate management actions**

21. School leadership and managers at times are required to make decisions that affect employees' jobs and ways of working and to speak to employees about their performance and expected standards. This does not constitute bullying and harassment. However, managers must carry out these functions fairly, consistently and in a professional manner.
22. In order to carry out their role it is necessary for managers to:
  - issue instructions to employees,
  - set work-related objectives and monitor achievement,
  - set standards of workplace performance and monitor compliance with these,

- address poor performance or unacceptable behaviour.

### **Unacceptable behaviour by managers**

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

- humiliation, for example reprimanding an employee in front of others,
- singling out an employee, for example for unjustified criticism,
- intimidation, for example aggressive behaviour or threats directed at an employee,
- persistently placing excessive demands on employees, setting unrealistic work targets or objectives and/or changing targets or objectives without good reason,
- preventing individuals progressing by intentionally blocking promotion or training opportunities,
- making threats or comments about job security without foundation.

### **Responsibilities of managers**

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

25. Managers must make sure employees are aware of this procedure and the workplace they are responsible for is one where employees feel able to talk to them about problems or concerns; where everyone is treated with dignity and respect and where any form of bullying or harassment is not tolerated.

26. Managers must prevent harassment and bullying wherever possible and take immediate action once it is identified. Where managers receive a report of unacceptable behaviour or observe it at first-hand, they have a responsibility to take immediate steps to address the matter, whether or not a formal complaint has been made.

27. Managers must also:

- provide a good example of appropriate behaviour,
- be alert to the possibility of bullying or harassment,
- act promptly to correct behaviour which could cause offence or be seen to contravene this procedure,
- make sure all new employees are aware of expected standards of behaviour and remind employees at regular intervals,
- record any incidents of harassment or bullying and the outcomes of any action or investigations,
- treat all cases of harassment or bullying sensitively and with appropriate confidentiality.

28. Due to the serious effects of bullying and harassment, managers may need to continue with an investigation or disciplinary process even when an allegation is withdrawn by an employee or the employee declines to make a formal complaint.

## **How to deal with bullying and harassment – informal approach**

29. Sometimes people make genuine mistakes or might not be aware their behaviour is unwelcome or offensive. If you feel able to, speak to the person concerned at the time of the incident, explain clearly that you find their behaviour offensive or unwelcome, and ask for it to stop.
30. It can be helpful to keep a diary of all incidents, a record of dates and times and the name of any witnesses.
31. Letting the person know their behaviour is unwelcome or offensive, will give them the opportunity to stop.

## **Who else can you speak to?**

32. If you find it difficult to approach the person directly, you should talk the matter through at the informal stage with your manager, or with:
  - another manager in the school,
  - a trade union representative,
  - a representative from the Employee Assistance Programme/ Occupational Health provider in place at the school.

If you are not sure who to speak to, you can also contact a member of the ODST HR team on 01865 208734.

33. In some cases, the offensive behaviour or comments may not be directed personally to an employee or worker, but they may still find them offensive. For example, they may overhear a team member make derogatory or discriminatory comments to or about someone else. In such instances, the employee should speak to the individual(s) if they feel able to or raise their concern with their line manager.

## **Mediation**

34. Mediation can be an effective way of resolving disputes and helps avoid matters escalating and the need for formal procedures. Mediation can be used at any stage and can address a range of issues including relationship and communication breakdown.
35. Mediators do not make judgments or determine outcomes - they ask questions that help uncover underlying problems, assist the parties to understand each other's point of view and help them look at options for resolving their dispute.
36. Contact the ODST HR team on 01865 208734 or [odst.hr@oxford.anglican.org](mailto:odst.hr@oxford.anglican.org) to find out more about mediation.

### **Making a formal complaint of bullying or harassment**

37. If it is not possible to resolve matters informally, or if you believe the situation is so serious as to warrant formal action, you can make a formal complaint using the formal grievance procedure. Please provide as much relevant information as possible as this written statement will form the basis of the formal grievance meeting and any investigations and will only be shared with relevant parties.
38. You are advised to speak to your manager or trade union representative about raising a complaint of bullying formally.

### **Confidentiality**

39. Complaints must be treated confidentially and not discussed with anyone who is not involved in the procedures. Steps should be taken to ensure confidentiality and fairness to all parties. No-one must be victimised as a result of making a complaint or being subject to a complaint of bullying or harassment.

### **Bullying or harassment by trade union officials or representatives**

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

### **Bullying or harassment by members of the public**

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

### **Disciplinary Procedure**

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

### **Support for employees**

43. Allegations of bullying and harassment can be upsetting and stressful for all parties and managers have a responsibility for making sure all individuals involved are offered appropriate support. This can be provided by offering additional one to one meetings or by assigning a key contact for the employee. Where a school has subscribed to, or has access to, an Employee Assistance Programme this may also be an option.
44. Employees who are members of a trade union may wish to contact their representative for support.

### **Other Sources of Information and advice**

## **Appendix 1 - Definitions of unlawful discrimination**

1. Direct discrimination occurs when a person treats another less favourably than they treat or would treat others because of a protected characteristic. For example, in recruitment, promotion or advancement decisions, access to training, selection for redundancy.
2. This includes discrimination by perception when an individual is treated less favourably because others mistakenly think they possess one of the protected characteristics.
3. It also includes 'Associative' discrimination where someone is treated less favourably because they associate with another person who possesses one of the protected characteristics.
4. Indirect discrimination may occur when a working condition, practice or rule is applied which puts workers sharing a protected characteristic at a disadvantage. This will be unlawful, unless objectively justified which means that the reason for the working condition, practice or rule is legitimate and it has been applied in a proportionate way.
5. Positive action is not the same as positive discrimination which is unlawful. Positive action is permitted under the law, allowing employers to take certain steps to improve work opportunities for people who share a protected characteristic. Where there is evidence for the need to improve equality of opportunity for certain groups sharing a protected characteristic, ODST may decide to take positive steps to address this in accordance with the law.