



The Athelstan Trust

Dignity at Work Policy

Dignity at work policy

Introduction

- 1 **Purpose:** The purpose of this policy is to ensure that all staff of the Trust are treated with dignity and respect and are free from harassment, intimidation, victimisation or other forms of bullying at work.

Legal framework and personnel

- 2 **Harassment: The effects of harassment on individuals are damaging, long-lasting and profound. All harassment is unacceptable. Sexual harassment, harassment and victimisation are unlawful and will not be tolerated by the Trust.**
- 3 **The Trust's commitment:** The Trust has a responsibility to ensure that you are not harassed, victimised, bullied or discriminated against in the course of your work on the grounds of your sex, sexual orientation, marital or civil partnership status, gender reassignment, race, religion or beliefs, pregnancy and maternity, disability or age. The Trust is also committed to ensuring a working environment free from harassment. In some situations we may also be responsible for the actions of our employees towards each other and towards third parties. In certain circumstances harassment can amount to unlawful discrimination. This policy serves to demonstrate our commitment to identifying and wherever possible eliminating such unlawful behaviour.
- 4 **Overall responsibility:** The Trustees have overall responsibility for this policy but have delegated day-to-day responsibility for overseeing and implementing action required under it to the respective Headteachers.
- 5 **Line managers:** Those with line management duties have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that staff understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards.
- 6 **Staff responsibility:** All staff are responsible for treating their colleagues with dignity, and for the success of this policy and should ensure that they take the time to read and understand it. Staff should disclose any instances of harassment or bullying of which they become aware to their Headteacher. Questions about this policy should be directed to the Company Secretary.

What are the different types of harassment and bullying?

- 7 **Types of harassment:** There are three types of harassment. These occur when:
 - 7.1 A person engages in unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, violating a staff member's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the staff member. Such conduct is commonly related to sex, sexual orientation, marriage and civil partnership status, gender reassignment, race, religion or belief, pregnancy and maternity, disability or age (**Protected Characteristic**), to the staff member's perceived Protected Characteristic or to the Protected Characteristic of someone associated with the staff member.

Unwanted or unwelcome conduct covers a wide range of behaviour. It can include:

- 7.1.1 spoken words and banter;



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- 7.1.2 written words;
- 7.1.3 posts or contact on social media;
- 7.1.4 imagery and graffiti;
- 7.1.5 physical gestures, facial expressions or mimicry;
- 7.1.6 jokes or pranks;
- 7.1.7 acts affecting a person's surroundings;
- 7.1.8 aggression; and
- 7.1.9 physical behaviour towards a person or their property.

- 7.2 A person engages in unwanted sexual conduct which has the purpose or effect of violating a staff member's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the staff member.

Sexual conduct includes a wide range of behaviour, such as:

- 7.2.1 sexual comments or jokes;
- 7.2.2 displaying sexually graphic pictures, posters or photos;
- 7.2.3 suggestive looks, staring, leering or sexual gestures;
- 7.2.4 propositions and sexual advances;
- 7.2.5 making promises in return for sexual favours;
- 7.2.6 intrusive questions about a person's private or sex life or a person discussing their own sex life;
- 7.2.7 sexual posts or contact on social media;
- 7.2.8 spreading sexual rumours about a person;
- 7.2.9 sending sexually explicit emails or text messages; and
- 7.2.10 unwelcome touching, hugging, massaging or kissing.

- 7.3 A person engages in unwanted conduct of a sexual nature or that relates to gender reassignment or sex which has the purpose or effect of violating a staff member's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the staff member and because of the staff member's rejection of or submission to that person's conduct, the person treats the staff member less favourably than they would have treated the staff member if the staff member had not rejected or submitted to the conduct.

- 7.4 It may be the same person who is responsible for the initial unwanted conduct and the subsequent less favourable treatment, or it may be two (or more) different people.

- 8 **Instances:** Harassment generally arises where a staff member has made it clear that they find certain behaviour towards them unwelcome and that behaviour has continued unchanged. In some cases it will be obvious that conduct is unwelcome because it would plainly violate a person's dignity but not always. It is not necessary for the recipient to say that they object to the conduct for it to be



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unwanted or unwelcome. Harassment can also arise as a result of a single incident provided it is sufficiently serious. It is important to remember that even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment. Staff who believe they are being subjected to harassment should not hesitate to use the procedures set out below. All staff should consider whether their actions could be offensive to others. There may also be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point it becomes unwanted.

9 **Examples of harassment:** Examples of harassment in the workplace might include:

- 9.1 unwanted physical contact, ranging from touching or brushing against another employee's body; to assault or coercing sexual relations;
- 9.2 unwelcome sexual advances, propositions or pressure for sexual activity;
- 9.3 continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- 9.4 offensive or intimidating comments by colleagues or third parties;
- 9.5 suggestions that sexual favours may further an employee's career or that refusal of sexual favours may hinder it;
- 9.6 the display of pictures, objects or written materials that may be considered pornographic or offensive to particular ethnic or religious groups;
- 9.7 conduct by colleagues or third parties that denigrates or ridicules an employee because of his or her sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
- 9.8 insensitive jokes or pranks; and
- 9.9 shunning an employee, for example, by deliberately excluding him or her from conversation.

The list is not exhaustive and other behaviour may constitute harassment.

10 **Definition of bullying:** Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure a colleague. Bullying does not include legitimate and constructive criticism of your performance or behaviour, an occasionally raised voice, or an argument. Examples of bullying include ridiculing or demeaning others, particularly junior colleagues, overbearing supervision and unjustifiably excluding colleagues from meetings / communications.

11 **Conduct outside the workplace:** This policy covers harassment or bullying which occurs both in the workplace itself, cyber-bullying and in settings outside the workplace, such as school trips, events or social functions organised for or on behalf of the Trust or the Academies and on or off Academy premises.

12 **Harassment by third parties:** This policy applies to acts of harassment which occur in the course of your employment even if carried out by individuals who are not employees of the Trust. You should not be subjected to harassment by third parties. You should immediately report any instances of harassment by third parties to your Headteacher who will consider the matter and take appropriate action.



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What to do if you have been bullied or harassed: informal procedure

- 13 **Stage one:** If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that the behaviour in question is not welcome and that it offends you or makes you uncomfortable.
- 14 **Stage two:** If stage one is too difficult or embarrassing for you to do on your own, you should seek support from your Head of Department / Line Manager. Your Head of Department / Line Manager will provide confidential advice and assistance to staff who have concerns that they have been bullied or harassed and will assist in the resolution of any problems, whether through formal or informal means. If the person concerned is your Line Manager or Head of Department, you should ask the person at the next level of management to speak to him or her.
- 15 **Stage three:** If the conduct continues or if it is not appropriate to resolve it informally, you should keep a record of any relevant incidents and follow the formal procedure set out below.
- 16 **Guidance:** If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then in the first instance you should approach your Head of Department / Line Manager confidentially, on an informal basis. They will be able to advise you as to how the matter should be dealt with.

What to do if you have been bullied or harassed: formal procedure

- 17 **Formal procedure:** The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with your Headteacher, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. (If the matter concerns the Headteacher, you should refer it to the Chief Executive Officer. If the matter concerns the Chief Executive Officer, you should refer it to one of the Trustees.)
- 18 **Pursuing a complaint:** As a general principle, the decision to progress a complaint rests with you. However, as an employer the Trust has a duty to protect its employees and workers and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.
- 19 **Necessary details:** If you wish to make a formal complaint, you should set out full details of the unwanted conduct in writing. These details should include the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) when the harassment or bullying occurred, the names of any witnesses and any action taken so far (by you or another) to attempt to stop the harassment or bullying.

Formal procedure: investigation

- 20 **Conduct of investigation:** Complaints will be managed in a timely and confidential manner via an independent investigation to establish the details of what happened. Your name and the name of the alleged harasser will not be divulged other than on a "need to know" basis which may include to those individuals involved in the investigation, insurers or professional advisers. At the outset, either the Headteacher or Business Manager will investigate the complaint or will approach an individual with no prior involvement in the complaint to carry out an investigation. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.



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- 21 **Arrangements during the investigation:** Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, suspended on full pay or whether reporting lines should be altered pending the outcome of the investigation.
- 22 **Meeting:** As part of the investigation, the person investigating the complaint will meet with you to hear your account of the events leading to your complaint. You may be accompanied by a colleague or a trade union official of your choice. The person investigating will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union official of his / her choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
- 23 **Conclusion:** At the conclusion of the investigation, the person investigating will prepare a report. You and the alleged harasser will be provided with a copy of the report together with any findings. You will be informed of your rights of appeal.
- 24 **Disciplinary sanctions:** If it is found that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under the Trust's disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether he or she should remain in his or her current post or be transferred. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

Formal procedure: appeal

- 25 **Appeal procedure:** If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within five working days of being notified of the outcome. If you need more time to appeal, you should notify your Headteacher within the five day period. You should submit your full written grounds of appeal to your Headteacher. Arrangements will then be made for your appeal to be heard by a panel of one or more Trustees and/or Local Governors at an appeal meeting. You may be accompanied by a colleague or a trade union official of your choice. You will be notified of the outcome of the appeal within seven days of this meeting. This is the final stage of the formal procedure.

General

- 26 **Protection from victimisation:** Employees who, in good faith, make complaints under this policy will be protected from intimidation or victimisation in connection with their involvement. If you have been subjected to any such intimidation or victimisation you may raise a complaint in writing under this procedure or the grievance procedure. Employees who, after investigation, are found to have given information falsely and in bad faith will however be subject to action under the disciplinary procedure.
- 27 **Confidentiality:** Confidentiality is very important throughout all parts of this procedure. It is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.



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Procedure following termination of employment

- 28 **Procedure:** If a complaint is raised by you following termination of your employment, if appropriate the Academy may follow all or part of this procedure at its discretion.

Breach

- 29 **Breach:** Breach of this policy will be dealt with under our disciplinary and dismissal procedure. Harassment, bullying or victimisation may lead to disciplinary action and may be treated as gross misconduct leading to summary dismissal if it is committed:
- 29.1 in a work situation (on or off site);
 - 29.2 during any situation related to work such as at a social event with colleagues;
 - 29.3 against a colleague or any member of the Trust community outside of a work situation, including on social media; or
 - 29.4 outside of a work situation and does not involve anyone connected to the Trust but where your conduct is such that it is relevant to your continued suitability to carry out your role.
- 30 Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.