



Trinity Multi Academy Trust

<b>Policy:</b>	Dignity at Work Policy
<b>Date or review:</b>	December 2017
<b>Date of next review:</b>	December 2020
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Non-Statutory

## **1. Purpose of policy and guiding principles**

- 1.1. Trinity Academy Multi Academy trust strives to be a centre of excellence for learning, and staff and students aim for the highest standards of attainment and behaviour. The trust is committed to providing a working environment in which all staff, contractors and volunteers are treated with dignity, consideration and respect. Our behaviour expectations are based on our Christian values of empathy, honesty, respect and responsibility. The way in which we treat each other will have a wide impact on our students and the communities we serve.
- 1.2. This policy aims to promote a climate in which employees understand that bullying and harassment is unacceptable and encourages employees to bring forward complaints about unacceptable behaviour.
- 1.3. The trust will not tolerate any form of harassment or bullying at work, including work that is off-site or out of hours, and is committed to ensuring that all staff are able to work confidently and without fear of harassment.
- 1.4. This policy aims to make all employees aware of the type of behaviour which may constitute bullying or harassment and their responsibilities for preventing such behaviour. It also outlines the actions that will be taken in the event of an employee alleging that they have been either bullied or harassed in the workplace.
- 1.5. Through this policy any allegations of bullying or harassment at work will be taken seriously, properly and promptly investigated, whilst protecting both the victim and the person accused of bullying/harassment. Disciplinary action will be considered for employees who do not display professional standards of behaviour.
- 1.6. All complaints will be dealt with fairly, promptly and observing confidentiality. In addition, the trust recognises the sensitive nature of dealing with alleged complaints of harassment and bullying, and in particular relating to sexual harassment. The member of staff therefore may need to discuss the matter confidentially with someone of the same gender.
- 1.7. Complaints of alleged bullying or harassment will be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of this confidentiality may result in disciplinary action against those concerned.
- 1.8. The overriding aim of this policy is to resolve any complaints at the earliest possible stage and to support and promote professional, respectful working relationships, whilst addressing any instances of unacceptable behaviour.

## **2. Links with other policies or legislation**

- 2.1. This policy links to the provisions of the Equalities Act 2010 and refers to the ACAS guidance on 'Bullying and harassment at work'.
- 2.2. All relevant legislation applies, such as the Equality Act 2010, the Data Protection Act 2018 and all employment legislation.

## **3. Consultation**

- 3.1. This policy has been developed in consultation with recognised Trade Unions.
- 3.2. The policy was approved by Directors after consultation with the recognised Trade Unions.
- 3.3. Trade Union representatives have confirmed their agreement of this policy.

## **4. Definitions**

- 4.1. The terms bullying and harassment are used interchangeably by most people, however for the clarity below are the definitions, as provided by ACAS.
- 4.2. Harassment  
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.
- 4.3. Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

- 4.4. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.
- 4.5. Both harassment and bullying could occur on one isolated incident or be repetitive. The perception of bullying / harassment varies from person to person, but the perception of the person feeling bullied / harassed is central to the consideration of any complaint.
- 4.6. Appendix 1 gives some examples of forms that bullying and harassment can take.

## **5. Making a complaint**

- 5.1. Where a complaint has come from a student or parent, consideration should be given to using the 'Managing allegations against staff policy'.
- 5.2. It is helpful for anyone who believes they have been subjected to harassment or bullying to make notes of any details of the incident as soon afterwards as possible. This should include names, dates, location, what actually happened, how the person felt at the time, any witnesses, actions taken at the time and who (if anyone) this was reported to.
- 5.3. There are generally three courses of action that are available to an individual who believes they have been bullied or harassed. The option taken will depend on how confident the individual feels in addressing the situation, what they want to happen and how serious the individual perceives the situation to be.
- 5.4. Should any member of staff require advice and help in dealing with the situation they can discuss the case with a member of the HR team or their trade union representative.
- 5.5. Preferably complaints should be dealt with internally and informally and this may be better for all concerned as solutions can be reached speedily, with minimum risk to confidentiality and personal embarrassment.
- 5.6. Informal resolution – ask the person to stop
  - 5.6.1. The first step, if at all possible, should be for the person suffering harassment/bullying to inform the perpetrator, either verbally or in writing, that their behaviour is causing offence and ask for it to stop.
  - 5.6.2. Sometimes individuals do not realise their behaviour is causing offence and this may stop any unwanted behaviour successfully without invoking the formal procedure.
  - 5.6.3. You may also make them aware that, if it continues, you can make a formal complaint under this policy.
- 5.7. Informal resolution – ask a colleague to mediate on your behalf
  - 5.7.1. In some circumstances where you feel unable to approach the person to stop, you may ask for support from your line manager, trade union representative or another leader/manager in the academy.
  - 5.7.2. All these sources of support will be prepared to mediate on your behalf. You will be asked what action you believe will remedy the situation e.g. a facilitated meeting between parties, or a more general team meeting to discuss the issues. The action taken at this stage should be taken with the agreement of the complainant.
- 5.8. Formal action
  - 5.8.1. Where an individual perceives the issue to be more serious, or where an informal approach has failed, then the matter can be raised more formally.
  - 5.8.2. The complaint should be made in writing to a Principal or the CEO (for non-academy based staff). Except in cases where the complaint is about the Principal or CEO, in which case the complaint should be addressed to the Chair of Governors or the Chair of Directors. See Appendix 2 on guidance on how to make a formal complaint.
  - 5.8.3. A written allegation of bullying or harassment will be viewed as a potentially serious disciplinary offence and be dealt with formally.
  - 5.8.4. On receipt of a complaint the Principal will appoint an investigating officer to carry out a formal investigation and produce a written report on their findings. The investigating officer will seek HR advice throughout their investigation and any meetings will be recorded.

- 5.8.5. The investigating officer will consider any appropriate action in order to minimise contact between both parties during the investigation. This may include temporarily relocating offices, amending hours or in extreme cases; suspension.
- 5.8.6. Any action taken will be precautionary and will be without any assumption of culpability and for a short period of time.
- 5.8.7. The investigating officer will undertake a formal, thorough and impartial investigation, which will be carried out with due regard of the need for a swift, but effective conclusion. The investigating officer will keep all parties informed of the progress of the investigation, including any timescales. The purpose of the investigation is to establish the facts and conclude if the allegation is supported or there are no grounds to pursue. Appendix 3 explains the process for the investigation.
- 5.8.8. A formal meeting with the investigating officer will be arranged within five working days of receiving the complaint. The complainant has the right to be accompanied at the meeting by a colleague or trade union representative.
- 5.8.9. Statements will be taken from the alleged perpetrator and any witnesses, or other parties that are relevant to the investigation. Any employee interviewed as part of the investigation has the right to representation.
- 5.9. Outcome of investigation
- 5.9.1. Once the investigating officer has concluded their investigation they will provide a report summarising the findings of their investigation.
- 5.9.2. The report will conclude if bullying or harassment has occurred and will outline their recommendations to action. These will be:
- Complaint not upheld. There is no, or insufficient, evidence to confirm that harassment or bullying occurred and therefore no, or limited, action is required. Where possible, the investigating officer will make recommendations on ways to improve the working relationship between the parties.
  - Evidence of unacceptable behaviour that may be dealt with informally. In some cases where the complaint has been substantiated (in full, or part), but does not warrant disciplinary action, it may be possible to agree an acceptable resolution. The investigating officer may recommend appropriate actions to address this behaviours, such as:
    - training/coaching/mentoring;
    - rearrangement of working conditions;
    - monitoring of the situation
  - Disciplinary action. Bullying or harassment did occur and disciplinary action is required. In these cases the matter will be referred to the academy's staff disciplinary policy.
- 5.9.3. The outcome of the investigation and the investigating officers' recommendations will be communicated to the complainant and the alleged perpetrator as soon as possible, explaining the outcome.

## **6. Appeals**

- 6.1. If the complainant is not satisfied with the outcome of the investigation, they can appeal against the decision made, and should submit their appeal, in writing, within 10 working days of receiving the written decision.
- 6.2. An appropriate senior leader who has not been previously involved will meet with the individual to discuss the investigation report and consider the reasons why they feel the original outcome is not appropriate. (This will be delegated to a Governor or a Director in the event that the complaint is from a senior leader, or it is considered more appropriate for impartiality reasons).
- 6.3. The complainant has the right to be accompanied at this meeting by a colleague or trade union representative.
- 6.4. The person considering the appeal has the right to override the original decision, and will advise the individual of the outcome of the appeal meeting within five working days of the meeting.
- 6.5. The decision of the appeal is final, and no further appeal can be made.
- 6.6. This does not affect either party's right of appeal against disciplinary action that may be brought as a result of the complaint. This is documented in the staff disciplinary policy.

## **7. Time limits**

- 7.1. The employee should lodge any complaint promptly or at least within three calendar months of the last example of bullying or harassment. If the complaint is lodged after this time the trust may be unable to take further action.
- 7.2. While this procedure is designed to deal with complaints as quickly as possible, there may be occasions when some flexibility is needed. This does not apply to the limit for lodging a complaint.

## **8. Roles and responsibilities**

- 8.1. The role of the Principal/CEO
  - 8.1.1. The role of CEO is to ensure that this policy is applied fairly and consistently across the trust.
  - 8.1.2. The role of a Principal is to ensure that this policy is applied fairly and consistently across an academy.
  - 8.1.3. The Principal, with the assistance of other Senior Leadership colleagues, will review records and related information, including the effectiveness of this policy, and where required, report to their Governing Body.
- 8.2. The role of the Local Governing Body/Board of Directors
  - 8.2.1. The Board of Directors will approve this policy and are committed to ensuring that this policy is applied consistently and fairly.
  - 8.2.2. Governors and Directors will inform all staff of the policy which has been adopted.
  - 8.2.3. The Local Governing Body and Board of Directors will ensure that complaints are dealt with promptly, seriously and confidentially.
  - 8.2.4. The Local Governing Body and Board of Directors will respond promptly and effectively to any complaint submitted by, or about, the Principal/CEO.
- 8.3. The role of senior leaders
  - 8.3.1. The HR Manager is responsible for ensuring that professional, effective HR advice is provided to any staff involved in this process.
  - 8.3.2. The HR Manager is responsible for making this policy available to all employees, promoting awareness of expected behaviours and of how to raise a complaint. Training and support will be arranged by the HR team where required.
  - 8.3.3. The HR Manager will delegate all relevant administration processes, including ensuring records are retained appropriately.
  - 8.3.4. All leaders will set a good example by treating all employees with respect and dignity and promoting a climate where all forms of bullying, harassment and discrimination are unacceptable.
  - 8.3.5. Make every reasonable effort to provide timely and constructive resolutions to address any situations of bullying or harassment.
- 8.4. The role of the employee/other staff
  - 8.4.1. All staff should ensure that their own behaviour to colleagues does not cause offence.
  - 8.4.2. Make it clear to others that they find a particular behaviour unacceptable.
  - 8.4.3. Support colleagues who are suffering unacceptable treatment by being alert to unacceptable behaviour and taking appropriate action.
  - 8.4.4. Inform a senior leader of any behaviour that contravenes this policy.
  - 8.4.5. Raise any concerns at the earliest opportunity.
  - 8.4.6. All employees are required to keep the details of any complaints of alleged bullying or harassment and this will be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of this confidentiality may result in disciplinary action against those concerned.

## **9. Monitoring and Evaluation**

- 9.1. Wherever possible complaints under this policy will be recorded, for reporting purposes. This may not always be possible when informal resolutions have been swiftly agreed.

- 9.2. Records will be kept for monitoring purposes and the HR Manager will report annually to Directors on the operation and effectiveness of these procedures.
- 9.3. This policy should be reviewed at least every three years to ensure compliance to legislation, organisation needs, national and local terms of employment and good practice.
- 9.4. Any reviews to this policy will be in consultation with staff, including representatives of unions and associations recognised by the trust.

## Appendix 1 – Examples of bullying and harassment

Harassment and bullying can take many forms. Examples of unacceptable behaviour include:

- Offensive songs, remarks, jokes, e-mails or gestures
- Display of offensive posters, publications or graffiti
- Unwanted physical contact or advances
- Offensive remarks about a person's dress or appearance
- Offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age
- Shouting, abusive or intimidating language
- Spreading malicious rumours, allegations or gossip
- Excluding, marginalizing or ignoring someone
- Intrusion by pestering, spying or stalking
- Copying information/forwarding emails where the content is critical about someone, to others who do not need to know
- Deliberately undermining a competent member of staff by overloading, taking credit for his/her work or constant criticism
- Removing areas of responsibility and imposing menial tasks
- Cyber-bullying: that is the sending or posting of harmful, cruel or offensive texts or images via mobile phones or through the use of e-mail, internet (e.g. YouTube), social networking websites (e.g. Facebook) or other digital communication devices. Some examples of cyber-bullying are considered criminal offences and as such would be referred to the Police for further advice and/or investigation.
- Requests for sexual favours
- Speculation about a person's private life and their sexual activities
- Threatened or actual violence
- Use of racist words
- Excessive supervision
- Isolation (e.g. by-passing information, leaving out of meetings, etc)
- Ridiculing or demeaning someone, picking on them or setting them up to fail
- Making threats or comments about job security without foundation
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

It should be noted that this list is not exhaustive.

## **Appendix 2 – Guidance on making a formal complaint**

Where an individual perceives the issue to be more serious, or where an informal approach has failed, then the matter can be raised more formally.

This appendix provides some advice on what a formal complaint should contain.

The member of staff making a written complaint should, include a detailed written account of the allegation as follows:

- Time and date of the alleged incident(s).
- Details of the alleged bully or harasser.
- The nature of the behaviour concerned.
- Full factual account of what happened, where this took place, what led up to this and what happened immediately afterwards.
- Details of any witnesses.
- Information relating to whether this was forwarded to a leader or manager.



### **Appendix 3 – Guidance on the investigation process**

- The purpose of the investigation is to establish the facts and conclude whether the allegation is supported or refuted.
- The Investigating Officer must, as soon as possible, meet the complainant in order to investigate his/her complaint. The complainant has the right to be accompanied at this meeting and any further meetings by a work colleague or union representative.
- At the meeting the complainant will have the opportunity to go through their written formal complaint and fully explain what has happened. The Investigating Officer will have the opportunity to ask any questions and discuss any points that require clarification.
- After this meeting, the Investigating Officer will invite the alleged harasser as soon as possible to an investigation meeting where he/she will have the opportunity to respond to the complaint and allegations made against him/her. The Investigation Officer should be clear about the reasons for seeing the individual, but use their judgement as to how much detail they go into and how much documentary evidence is provided prior to and during any investigation meetings.
- The Investigating Officer will meet with any witnesses cited by either the complainant or the alleged harasser. Notes of these meetings should be taken and the Investigating Officer may take statements from these individuals. Any witness will be extended the right to be accompanied by a work colleague or union representative at these meetings.
- Where there is conflicting evidence, the Investigating Officer may wish to meet with any of the parties again to clarify and complete the investigation.
- Once the Investigating Officer has heard and considered all of the information collected, he/she should assess the evidence and write a report summarising the findings of the investigation. The Investigating Officer's decision relating to the complaint will then be communicated in writing to the complainant and the alleged harasser / bully, without undue delay, specifying the decision reached with an explanation of the outcome. The report written by the Investigating Officer will state whether harassment or bullying occurred and will outline any recommendations for action. Therefore, the report will outline the Investigating Officer's decision to be specified in one of the following ways:
  - It is essential that at the earliest opportunity the alleged bully or harasser is made aware of the allegation(s) being made against them and is offered appropriate support and guidance.
  - Where a counter complaint is made by the person alleged of harassment or bullying, this will be dealt with as part of the same investigation.

#### **Right to be accompanied**

At every stage in the procedure, all employees have the right to be accompanied by a Trade Union representative, colleague, not employed in a legal capacity. Any person against whom a complaint is made may be accompanied by a support person, who will take no part in the proceedings.

If the chosen representative cannot attend on the proposed date, it is the employee's responsibility to propose an alternative date which is no more than five working days after the date originally proposed by the employer. Both parties must ensure there are no unreasonable delays to the process.

The representative may participate in meetings in support of the employee, including asking appropriate questions, but may not answer questions on the employee's behalf.

Records of meetings and discussions relating to the complaint should be written during, or as soon after the event as possible, to ensure the accuracy of the record. Written records should be circulated to all parties to allow amendments or clarifications as required. The employee may also wish to keep records of events to support their case.

All records relating to complaints should be kept on the individual who raised the complaint's personal file. No duplicate records should be kept. All records will be retained in accordance with the Data Protection Act and trust's Records Management Policy.