



BOHUNT

EDUCATION TRUST

Dignity at Work Policy and Procedure

Enjoy, Respect, Achieve

I. Policy

The Trust Board of Bohunt Education Trust is committed to promoting an environment where staff can work without fear of being intimidated, harassed, victimised or bullied. Every member of staff has a responsibility to treat colleagues with dignity and respect, irrespective of Age, Appearance, Disability, Gender Reassignment, Health (physical or mental), Gender, Marriage or Civil Partnership, Political conviction or membership or non-membership of a Trade Union, Pregnancy or Maternity, Race, Religion or belief or Sexual Orientation. This list is not exhaustive.

The Trust is committed to investigate any incident or behaviour which is deemed unacceptable by the recipient, whether explicitly stated within the definitions contained within this policy or not. It is the perception of the recipient as to whether any incident or behaviour can be viewed as harassment or bullying.

Complaints will be assumed to have been made in good faith. Any vexatious or malicious complaints without genuine basis will be treated as a serious issue and may be referred for consideration under the Disciplinary Procedure. Whilst such cases may be considered to be gross misconduct, staff should be reassured that disciplinary action would not apply simply because a complaint is not upheld. There would need to be strong evidence that a complaint was vexatious or malicious.

The purpose of the Dignity at Work Policy and Procedure is to provide staff who believe they are subject to harassment/bullying a mechanism to have their concerns addressed.

Trust and School Leadership will address and endeavour to eliminate harassment / bullying at work by:

- Promoting a positive work environment where everyone treats each other with respect.
- Ensuring allegations of harassment / bullying are fully investigated in a sympathetic and positive manner.
- Use of the appropriate procedure(s) (eg. Disciplinary)
- Providing access to confidential support and counselling services.

It is important that any concern raised by a member of staff is dealt with as quickly and as sensitively as possible.

As well as recourse to the Dignity at Work Policy and Procedure, staff who feel they are being harassed / bullied can seek confidential advice and support from their Headteacher, Associate and Assistant Headteachers, their line manager or the HR Department.

The Dignity at Work Policy and Procedure applies to all staff (including Headteachers) in the Trust. It also applies to students on placements within a School, trainees, voluntary and casual workers, who for the purposes of this document will be referred to as 'staff'.

2. Legislation and guidance

2.1 TYPES OF DISCRIMINATION (EQUALITY ACT 2010)

The Equality Act 2010 outlines seven types of discrimination, as follows:

- **Direct Discrimination:** this occurs when a person who possesses one or more of the protected characteristics, is discriminated against directly, because of a protected characteristic.
- **Associative Discrimination:** this is when discrimination occurs against an individual because of they are associated with another who possesses one or more of the protected characteristics.
- **Discrimination by Perception:** this occurs when a person is discriminated against because it is perceived they have a protected characteristic.
- **Indirect Discrimination:** this occurs when a policy or procedure designed for all puts those with a protected characteristic at a disadvantage.
- **Harassment:** this is defined as behaviour which is deemed offensive by the recipient.
- **Harassment by Third Party:** an employer is potentially liable for the harassment of their staff by a non-employee, e.g.; a contractor.
- **Victimisation:** this occurs when an individual is treated badly because of a complaint made or supported under the Equality Act legislation.

2.2 HARASSMENT

Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading or offensive working environment for them.

Forms of harassment may include:

- Physical contact ranging from touching to serious assault.
- Verbal and written harassment through offensive gossip, language, slander, letters, including postings on social network sites, internet, email and text communications etc.
- Visual display of posters, obscene gestures
- Intrusion by pestering, spying, following etc.

It is the impact of the behaviour on the recipient which is important and, if the recipient feels that they have been harassed, the complaint must be taken seriously and investigated.

Harassment is normally characterised by more than one incident of unacceptable behaviour. One minor incident will not usually constitute harassment, however a series of incidents, particularly where a member of staff has expressed a dislike of such behaviour and has asked for it to stop, or just one incident if it is sufficiently serious, e.g. threatened or actual violence or threats of dismissal may constitute harassment.

Harassment is not only inappropriate behaviour, it may also be unlawful and criminal prosecution can result.

2.3 BULLYING

Bullying at work is repeated abuse or harassment that destroys self-confidence and creates harmful stress. It usually involves an abuse of power, for example a manager may bully a subordinate or a group may bully an individual. Equally, a manager can also be bullied.

Forms of bullying may include:

- Spreading malicious rumours
- Cyber Bullying (via any form of information communication technology including postings on social networking sites, internet, email and text communications etc.)
- Persistent and inappropriate criticism.
- Setting unachievable deadlines or unequal workloads.
- Excessive supervision.
- Exclusion or victimisation.
- There are also less obvious examples of bullying behaviour, such as:
 - Supplying incorrect information or unreasonably withholding relevant information, such as information without which the member of staff may not be able to undertake their job
 - Belittling a person in front of colleagues
 - Blocking applications for promotion, holidays or training

The above lists are not exhaustive. People can be harassed / bullied for many reasons and the actions listed above must be viewed in terms of the distress they cause; it is the perception of the recipient that determines if an action can be viewed as harassment and / or bullying.

Harassment and Bullying can also occur as a result of perceptions of a third party who is not necessarily the direct victim of such behaviour but who may overhear or see something that makes them feel uncomfortable. Perception is the process of interpreting information that individuals gather about other people through listening, talking, observing and general interactions. Complaints made by third parties should be dealt with in accordance with this procedure.

Further examples of harassment / bullying are included in Appendix B.

It is important to differentiate between management and bullying or harassing behaviour. School Leadership are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of a member of staff's behaviour or job performance does not therefore constitute bullying or harassment.

Carrying out these functions in a fair, firm and consistent manner does not constitute 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 interests of each School that the Headteacher and other leadership should be able to carry out their duties without threat of

ill intentioned, malicious or vexatious complaints. Further details and examples of firm, fair management are included in Appendix C.

4. Roles and Responsibilities

The **Trust Board** is responsible for ensuring all complaints are dealt with efficiently and effectively and in accordance with this procedure. The BET Scheme of Delegation will apply (see Appendix A).

The **Headteacher** is responsible for ensuring that the working environment is free from harassment, bullying or intimidation of any nature. The Headteacher should be vigilant in respect of the identification and elimination of bullying or harassment at work and ensure implementation of, and adherence to, this policy and procedure.

All staff have a responsibility to help create an environment free from harassment and bullying by treating their colleagues with dignity and respect. Employees can do much to discourage harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who experience such treatment and who are considering making a complaint. Employees who witness incidents of harassment are encouraged to report the occurrence and offer supporting evidence in any investigation.

It is the role of the **HR team** to advise and support the Headteacher in the application of the Dignity at Work Policy and Procedure and any other HR policy / procedures that may be implemented following the outcome of an investigation.

The School must ensure the **Investigating Officer** in all cases is impartial. The role of the Investigating Officer will be to investigate the issues raised, interview witnesses as appropriate, establish the facts and make recommendations. In certain cases it may be appropriate for the investigator to be sourced externally.

5. Procedure

Stage I

Wherever possible, staff who feel that they have been the subject of harassment / bullying should be supported in trying to resolve the problem informally. This can often be done effectively by the individual raising the issue directly with the person who is creating the problem, either orally or in writing. If this is not appropriate or it would be difficult or embarrassing to pursue the complaint, e.g. the harasser / bully is their direct line manager, they may seek support from:

- A member of the Trust Board (in cases where the Headteacher is the alleged harasser / bully)
- The Headteacher

- Another member of Senior Staff
- The HR department
- A Trade Union Representative
- A colleague who may take the initial approach if requested.
- It may be agreed that the nature of the grievance is such that the involvement of a third party (for example, another manager or external advisor with counselling / mediation skills) might assist in resolving the matter.

The use of a third party to help mediate or facilitate a solution is dependent upon the agreement of all persons affected by the complaint. Such mediation / facilitation should then be conducted over an agreed timescale after which the situation will be reviewed and a decision made as to whether the matter is resolved.

How an individual raises the subject with the alleged harasser / bully depends on themselves and their situation. It can be done face to face, by letter or with support from one of the sources listed above, but the alleged harasser/bully needs to be made aware that their conduct is unwelcome, offensive and / or affecting the member of staff's ability to undertake their work.

If the member of staff feels able, often the quickest and most effective means of dealing with an issue is to raise the matter informally with the person(s) concerned, explaining that they find their behaviour offensive and unacceptable. If the above preliminary measures prove to be ineffective or the member of staff feels them to be inappropriate or serious harassment / bullying is perceived to have occurred, then the member of staff should be supported and encouraged to take formal action. However, it is recognised that this requires courage and determination and despite the support offered, staff have the right not to pursue their complaint formally if they so wish. Nevertheless, under its duty of care obligations, the School may investigate the situation and take appropriate formal action.

Stage 2 (to be implemented where a case is not resolved at Stage 1)

A complaint should be made in writing to the Headteacher. The complaint will need to detail the basis upon which the alleged harassment / bullying has taken place and the reasonable outcome / resolution that the member of staff wishes to see.

Normally, the letter should be acknowledged within 5 working days of receipt and staff should be notified, where possible the name of the person nominated to investigate the complaint.

The Headteacher should discuss with HR the appropriate next steps, including suspension of the individual about whom the complaint has been made. Further advice on suspension can be found in the Disciplinary Policy and Procedure. The individual must be informed at this point of the nature of the complaint against him/her and of any immediate action to be taken, e.g. suspension. The individual should also be informed that an investigation will take place, the outcome of which may result in Disciplinary Procedures being put into practice.

Where suspension is not invoked consideration should be given as to whether any working arrangements affecting the two parties involved need altering during the course of the investigation, e.g. if either party is the immediate supervisor of the other.

Harassment, Bullying, Intimidation and Bullying of employees by Third parties

The Trust has a duty of care to seek to prevent staff being subject to harassment or bullying in the course of employment from School users, including students and parents/guardians. Support will be provided for any member of staff who is the victim of such behaviour in the course of his/her employment. An investigation will be made into any complaint of harassment/bullying made by staff against a School user and appropriate action will be taken.

The Trust's response to harassment / bullying of its staff by School users may be restricted by the lack of applicable sanctions or by statutory duties to provide services. Within these restrictions, however, the following guidelines must be observed by school Leadership whose staff have been subjected to harassment /bullying in the course of their employment by School users and take appropriate action:

Any member of staff who has been subjected to such behaviour must be dealt with sympathetically and supportively by senior staff, and must be offered suitable counselling. Headteachers should deal explicitly with perpetrators with a view to withdrawing the services of the School if behaviour is not moderated. If the case involves provision of a statutory service, then other measures, including substitution staff, may be considered as a last resort.

Headteachers should not automatically respond by removing the member of staff from the area of work where the harassment / bullying occurred. To do so is likely to undermine the staff and give the harasser / bully the impression that his/her actions are acceptable. Only where the member of staff has requested such action or has asked not to deal with the individual service user again and the school provides a statutory service to the user should substitution of staff be considered.

Not every case can be covered by such advice and Headteachers must use their discretion in appropriate circumstances. It may be helpful in such cases for the Headteacher to seek advice from HR.

The Trust Disciplinary procedure should not be invoked against staff that refuse to deal with individual service users of the School because of harassment / bullying, but each School should seek to resolve the issue as soon as practicably possible.

APPENDIX A:

BET SCHEME OF DELEGATION FOR DEALING WITH ALLEGATIONS OF HARASSMENT/BULLYING

Please refer to the BET website: <http://www.bohunttrust.co.uk/statutory-info/governance/>

APPENDIX B

DEFINITIONS / EXAMPLES OF HARASSMENT, BULLYING AND INTIMIDATION

(these lists are meant as an example and are by no means exhaustive)

Bullying

People who are bullied find they are:

- Constantly criticised and subjected to destructive criticism.
- Subjected to nit-picking and trivial fault finding.
- Undermined, especially in front of others, overruled, ignored, side lined, marginalised, ostracised.
- Isolated and excluded from what is happening.
- Singled out and treated differently.
- Belittled, degraded, demeaned, ridiculed, patronised, subject to disparaging remarks.
- Regularly the target of offensive language, personal remarks or inappropriate bad language.
- Threatened / victimised through Cyberspace, including receiving various communiqué via the internet, email, postings to social network sites and /or mobile phone communication.
- Threatened, shouted at, humiliated.
- Set unrealistic goals and deadlines which are unachievable or are changed without notice.
- Have their responsibilities increased but their authority removed.
- Denied information or knowledge necessary for undertaking work or achieving objectives.
- Either excessive and / or persistent overloading of work, or having their work taken away unreasonably.

Harassment

Acts of harassment usually centre on:

- Unwanted, offensive and intrusive behaviour with a sexual, racial or physical component.
- It can take many forms, occur on a variety of grounds and may be directed at one person or a group of people.
- The intention of the perpetrator is irrelevant; it is the impact upon the individual which determines whether harassment has taken place.

The following list provides some examples of harassment or discriminatory behaviour:

Sexual Harassment

- Unwanted non-accidental physical contact ranging from unnecessary touching, patting or brushing against a colleague's body, to assault and coercing sexual relations

- Unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity within or outside the workplace, after it has been made clear that such suggestions are unwelcome
- Offensive flirting.
- The display of pornographic or sexually suggestive pictures, objects or written material.
- Leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments.
- Conduct that denigrates, ridicules, intimidates or is physically abusive because of his/her sex, such as derogatory comments or degrading abuse or insults which are gender related and offensive comments about appearance or dress.

Racial Harassment

Any conduct which denigrates or ridicules a colleague because of his or her race, such as derogatory remarks, graffiti and/or jokes. Such conduct can be verbal or physical.

- The display or sending of offensive letters or publications; threatening behaviour.
- Being 'frozen out' of conversations.
- Jostling or assault, or other non-accidental physical contact.
- Derogatory nicknames or racial name calling or jokes.

Disability Harassment

- Mimicking the effect of a disability or speech impairment.
- Ostracising, 'freezing out', ignoring or staring.
- Making fun of disability.
- Use of inappropriate terms.
- Inappropriate personal questions / comments about a disability.
- Belittling or patronising comments / nicknames.
- Moving a wheelchair without the user's agreement.
- Practical jokes, e.g. hiding a disability aid.
- Touching a visibly impaired person, to annoy.

Homophobic Harassment

Any conduct which denigrates or ridicules a colleague because of his or her actual or presumed sexuality such as derogatory remarks and/or graffiti, jokes. Such conduct can be verbal or physical.

- The display or sending of offensive letters or publications; threatening behaviour.
- Being 'frozen out' of conversations.
- Jostling or assault or other non-accidental physical contact.
- Derogatory nicknames or homophobic name calling or jokes.
- Intrusive or inappropriate comments about someone's personal life or family circumstances.

Age Discrimination

- Ridiculing or demeaning behaviour focused towards people because of their age.

Religious Belief

- Discriminatory behaviour, which fails to acknowledge the rights or needs, of people with different beliefs or practices.

Victimisation

- Where a person is treated less favourably than others because, for example, they have brought proceedings, given evidence or complained about the behaviour of another who has been harassing or discriminating against them.

Illness

- Harassment, ridicule or exclusion of people due to their real or suspected serious illness, e.g. Aids/HIV, cancer, mental health.

APPENDIX B

EXAMPLES OF FIRM, FAIR MANAGEMENT OF PEOPLE

Because of differences in perception, it is not always easy to differentiate between firm, fair management and harassment/bullying.

It is accepted that the examples below represent extremes of behaviour.

In practice, things will not be so clear and perpetrators may display characteristics which fall somewhere in the middle. The following are examples, but are not exhaustive.

Firm, Fair Management	Bullying / Harassing Management
Consistent and fair Leads by example Decisive Has a good appreciation of short, medium and long term needs and goals Learns from experience and applies knowledge gained from experience to improve business, communications and interpersonal skills Allows and trusts people to get on with their jobs Shares information freely Only addresses genuine performance and behaviour issues which can be evidenced Listens, coaches Acknowledges failings and mistakes	Aggressive, inconsistent and unfair Dominates, sets a poor example Random, impulsive Is rigidly short-term, often no more than 24 Hours Cannot apply knowledge gained from experience by being devious, manipulative and evading accountability Constantly interfering, dictating and controlling Withholds information, releases it selectively Makes false claims about alleged underperformance and focuses on the person, not the behaviour or performance. Instructs Denies failings/mistakes, always blames others