



# Dignity at Work Policy

Date Approved: September 2021

Date of Next Review: September 2024

## Purpose

The purpose of this policy is to set out the behaviour and conduct expected of all staff to ensure that everyone is treated with dignity and respect. It provides a range of options to help staff deal with a situation where they consider the behaviour of someone else to be inappropriate.

## 2 Roles and Responsibilities

- **Governing body:** The governing body has a general role in ensuring that a suitable working environment is provided for staff. Members of the governing body may also be involved in dealing with specific complaints under the appropriate stage of the relevant formal procedure.
- **Principal/managers:** The Principal and other managers are responsible for helping staff to resolve their differences wherever possible and, in particular, ensuring that serious matters are appropriately dealt with using the relevant formal procedure.
- **Trade unions:** Trade union representatives are a useful source of advice for staff. The recognised trade unions in Newcastle are ASCL, ATL, NAHT, NASUWT and NUT for teaching staff and GMB and Unison for support staff. All trade union officials, regardless of whether the union is recognised, may represent their members individually.
- **External agencies:** External organisations/the City Council may be engaged to provide specialist expertise in investigating serious and complex matters.

## 3 Legal Considerations

The legislation relating to discrimination law comprises statutes, statutory instruments and European directives. The key legislation that provides protection from discrimination is:

Equal Pay Act 1970 as amended by the Equal Pay Act 1970 (Amendment ) Regulations 2003

Sex Discrimination Act 1975 as amended by The Sex Discrimination Act 1975 (Amendment) Regulations 2008

Race Relations Act 1976 as amended by the Race Relations Act 1976 (Amendment) Act 2003

Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 1995 (Amendment) Regulations 2003

Equality Act 200

The Employment Equality (Age) Regulations 2006

The Employment Equality (Sexual Orientation)Regulations 2003

The Employment Equality (Religion or Belief) Regulations 2003

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000. The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

The Equal Treatment Framework Directive 2000

The age, race, sex, disability, religious and sexual orientation discrimination legislation provides that any acts of discrimination carried out by employees in the course of their employment are to be treated as also being done by the employer, regardless of the employer's knowledge or approval. An employer may be liable if they are considered to have failed in their duty to prevent employees suffering discrimination in the workplace so far as it is in their power to do so.

Employers are also liable in cases of sex discrimination for harassment of their employees by third parties. Governors and Principals should be aware that an employer will be treated as subjecting an employee to harassment where a third party harasses an employee in the course of their employment and the employer has failed to take such steps as would have been reasonably practical to prevent the third party from doing so. This only applies when the employer knows that the employee has been subject to harassment in the course of their employment on at least two other occasions by the third party. It is immaterial whether the third party is the same or a different person on each occasion.

#### **4 Our commitment**

The Trust and governing bodies want to provide an environment where employees can develop as people who are motivated, productive and happy. We will treat all employees with dignity and respect.

#### **5 What is dignity at work?**

Dignity is about behaviour (the way we treat people) and about valuing and respecting people. Not valuing and respecting people at work can result in:

- poor morale;
- a loss of respect;
- poor performance;
- lost productivity;
- absences; and,
- resignations.

Bullying may be characterised as:

- offensive, intimidating, malicious or insulting behaviour; or,
- an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

In general terms, harassment is unwanted behaviour or conduct that affects someone's dignity in the workplace. It may be related to age, sex, race, disability, religion, nationality, sexual orientation or any other personal characteristic and may in some instances amount to

discrimination. It may also be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the person being harassed.

## **6 What we expect from every employee**

We expect all employees to:

- treat colleagues fairly and equally;
- value differences in others and their contribution;
- treat all people politely and with respect while carrying out your work;
- change their behaviour at work if it causes or is likely to cause offence to other people;
- challenge inappropriate behaviour constructively;
- support others where possible; and
- carry out development as needed.

## **7 If someone has complained about your behaviour**

Someone may tell you that your behaviour at work is unacceptable. In these circumstances, this is what you should do:

- listen carefully to the person making the complaint and to the particular concerns they tell you;
- respect the person's point of view; and,
- if there are any issues, try to deal with them as soon as you can.

## **8 What we expect from managers**

As well as the points we have mentioned above, we expect managers who have responsibilities for staff to:

- manage people effectively;
- manage in a fair and consistent way;
- be open to feedback;
- lead by example and set high standards; and,
- be available to staff to discuss their problems or concerns.

## **9 What you can expect from us**

As a valued employee you can expect to:

- know what is expected of you;
- discuss your work with the person you report to and raise any issues that you need support with;
- be consulted about issues that affect you;
- be encouraged to develop and achieve your full potential;
- receive the training and development you need to do your work;
- be valued and recognised for your contribution; and,
- be treated equally.

There are a number of policies, procedures and guidance relating to your employment at work and these are available on the Schools' Extranet. However, if you feel you still need further support or that you are not treated with dignity, there are procedures in place to help you to take the action you feel is necessary.

## **10 Unacceptable behaviour**

When we don't value and respect people our behaviour can be seen as bullying or harassment. We understand that bullying and harassment can be a problem in any organisation. As a result, this policy reinforces that we will not accept bullying or harassment and will take disciplinary action where appropriate.

Bullying and harassment can often be hard to recognise as it may not be obvious to others. Sometimes people may feel that this is normal behaviour in this organisation or may feel that speaking up will make them appear weak or not up to the job. They may be accused of overreacting and worry that they will not be believed if they report incidents.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the "grey" areas that cause most problems.

Examples of unacceptable behaviour include:

- spreading malicious rumours or insulting someone (particularly because of their sexual orientation, religion, belief, race, age or disability);
- copying memos that criticise someone to others who do not need to know;
- ridiculing or demeaning someone, for example picking on them or setting them up to fail;
- excluding someone or victimising them;
- treating someone unfairly;
- overbearing supervision or misusing power or position;
- unwelcome sexual advances, for example touching, standing too close, or displaying offensive materials;
- making threats or comments about job security without good reasons;
- deliberately undermining a worker by giving them more work than they can cope with and constantly criticising them; or,
- preventing progression by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may be:

- by written communications;
- by e-mail; or,
- by phone.

Bold, red and capital letters in written communication as well as offensive language can be seen to be aggressive and are not appropriate. You should not send anything by e-mail that you would not say in person.

## **11 Dealing with difficult behaviour**

Generally, it is usually best to try to resolve a situation involving bullying and/or harassment with the person concerned at an early stage. If you think you are being bullied or harassed, you can do the following:

### 11.1 Try and sort out the situation yourself

In some cases, you may find it helpful to try the following. Keep a written log of the incidents of bullying or harassment and include:

- the date;
- the place;
- the time;
- details of incidents; and
- names of any witnesses.

If you feel able, approach the person who is bullying or harassing you and ask them to stop the offending behaviour. You should be polite, firm and assertive. If you take this step try to ensure that you do not get into any difficult situations. Make a note of the event, including the response you received.

You could make your request in writing instead. We advise you to keep a copy of this correspondence.

### 11.2 Seek informal help

- Principal/senior manager  
You can speak to your Principal, deputy Principal or other senior manager and they can try to help you think through your options.
- Teacher Support Line – teaching staff only  
There is a phone helpline run by an independent charity for all teachers and trainee teachers. Counsellors act as a first point of contact and will provide support, advice and information on a range of issues including matters such as bullying and harassment.

For further information visit [www.teachersupport.info](http://www.teachersupport.info)

Phone: 08000 562 561

- Other sources of help  
If you are a member of a trade union or professional association you may wish to seek their advice and help.

### 11.3 Seek formal or informal mediation

Mediation is a process where an independent person can help you and the person harassing you to look at and understand your differences and, if possible, settle them. You, not the mediator, decide the terms of any agreement. Mediation can be used formally and informally, and can be a very effective way of tackling bullying and harassment. The mediation service can be offered by an outside organisation. This is to make sure that employees have confidence in the mediator as a neutral person.

There are approved mediators. Some specialise in working with staff from black and ethnic-minority groups and lesbian, gay, bisexual and transsexual groups, and others are more general.

As there will be financial implications in involving an external mediator you will need to contact and discuss this with your Principal and get the school's agreement to use external mediation.

In order for mediation to work both parties will need to agree to the mediation process. In circumstances where you feel the person concerned involved in the inappropriate behaviour is the Principal then the issue of use of external mediation should be raised with the chair of governors.

## **2        11.4    Use the formal grievance procedure**

You may want to make a formal complaint under the school's grievance procedure. Your statement of main terms and conditions of employment will have details, or you can look on the Schools' Extranet or contact your Principal or trade union.

Before you decide to take the matter up formally you should consider trying to address the matter informally, as described above, however, this will depend on the seriousness of the situation.

If you make a formal complaint, the school will nominate an investigating officer to investigate your complaint. They will aim to deal with your complaint in line with agreed timescales.

You need to be aware that the case may result in disciplinary action for the person who has bullied or harassed you.

When a formal complaint is made and the matter is to be investigated the individual you have made the complaint against will be informed of the general nature of the grievance and the likely investigation process.

## **12        Confidentiality**

Everyone involved in a complaint must respect confidentiality. Persons involved in the situation must not pass on information without the permission of the person making the complaint. It is also important that investigations are dealt with as confidentially as possible for both the person making a complaint and the person accused.

## **13        Investigation procedures**

These are set out in the grievance and disciplinary procedure and/or relevant guidance available on the Schools Extranet. Proposed timescales for the investigation will be discussed and explained at the start of the process.

Investigators will be suitably trained and have adequate resources. They must have sufficient capacity to undertake the investigation, within a timescale to be agreed at the outset. If not, the school must consider an alternative. If necessary, HR advisers will coach investigating officers through the investigation process.

Depending on the seriousness and complexity of the case and to ensure impartiality, those involved can request that a case is investigated by someone outside of the school's workforce. This could be:

- a governor or LA officer; or
- an external investigator.

Investigations which require an LA officer or external investigator will be paid for by the school and this expenditure must be agreed by the Principal and/or chair of governors. A list of external investigators approved by the City Council is available from HR advisers.

#### **14 Victimization**

Victimization may happen after someone makes a complaint about bullying or harassment (that is, the situation may become worse as a direct result of the complaint).

We will not accept victimisation arising from a complaint about bullying and harassment. We will treat it seriously and appropriately. An allegation of victimisation may be added to the original complaint or it may be a new complaint under this procedure. It may result in disciplinary action for misconduct.

#### **15 Action**

We will use the most effective methods to stop harassment and prevent it from happening again. In many cases involving our employees, the level of action necessary will be a highly focused discussion with the employee concerned. This is likely to involve:

- a description of the unacceptable behaviour;
- an explanation of the effects on the person being harassed;
- a statement of the standards needed;
- an agreement on the action needed to meet the standard; and,
- an agreement on monitoring the person's actions to meet the necessary standard.

Senior staff in school should be aware that failure to deal with a complaint about bullying or harassment may be misconduct in itself. They must always deal with the complaints confidentially.

Legitimate management action within agreed school procedures to deal with staff whose ability or behaviour is in question will not be considered as harassment or bullying. However, senior staff whose conduct in these circumstances falls outside what can reasonably be treated as 'legitimate management action' may be regarded as having harassed or bullied the employee concerned.

In the case of a member of the public, a contractor, a person working for or representing a voluntary organisation, governor etc the Principal should normally speak to the person involved. The person would be asked to stop their unacceptable behaviour.

#### **16 Employees**



In circumstances where the Principal feels that disciplinary action is necessary, the school will use its disciplinary procedures.

Depending on the seriousness of the offence, and under the disciplinary procedure, employees found to have harassed and bullied at work may:

- be given a written warning (recorded oral, first or final);
- be compulsorily transferred to another post in the school (without protection of wages or salary); or
- be dismissed.

The City Council has introduced compulsory transfer to deal with circumstances in which a serious case of harassment or bullying has taken place but dismissal may not be justified. In these cases, the school can consider the compulsory transfer of an employee who is found guilty of serious harassment or bullying to another job if it is considered unreasonable to allow that person to continue to work alongside the person they have harassed or bullied. This will be considered as an alternative to dismissal. Employees who are compulsorily transferred under these arrangements will not have their previous wages or salary protected and so may lose pay.

#### **17 Elected members**

In the case of a complaint about an elected member, the Principal should report the situation to the postholder designated as Chief Education Officer. The director would speak to the member informally and ask them to change their behaviour.

The director may decide that the matter is serious enough to need formal action. In these circumstances, the director will report the matter to the relevant chief whip or group leader. Members must follow their own code of conduct.

#### **18 Governors**

In the case of a complaint about a governor, appropriate action will be taken in accordance with existing regulations and guidelines including the governors' code of conduct where this has been adopted by the governing body. Any complaint relating to harassment or bullying by a governor should be brought to the attention of the Principal as soon as possible. The matter would then normally proceed through the school's chair of governors or the LA's Governors' Agency section, as appropriate.

#### **19 Members of the public (Third Parties)**

Depending on the circumstances of each case, we will consider a range of actions in the case of a member of the public who harasses or bullies an employee carrying out their duties or arising from the employee's duties. These actions include:

- withholding a service;
- taking legal action against the person harassing or bullying the employee (in certain circumstances, we may provide financial support to an employee to take legal action); or

- taking immediate action to deal with people who harass or bully employees, including excluding them from school premises and temporarily withdrawing services.

**20 Contractors, people from voluntary organisations and so on**

We can take a range of actions, including withdrawing or amending contracts, or withdrawing or refusing grant aid. Each case would be dealt with after considering advice from Legal Services.

**21 Monitoring the policy**

Feedback is encouraged from governing bodies and Principals on the effectiveness of this policy. It will be reviewed on an annual basis to ensure it is appropriate in light of recommended best practice and complies with employment law. In the event of any conflict with statute, the legal provisions will have precedence over this policy in all cases.

Governing bodies should monitor their application of this policy, particularly to ensure that their practices comply with it and are not discriminatory.

HR Services in conjunction with schools, the Occupational Health Unit and trade union representatives will informally monitor the effectiveness of the policy. Every three months the Organisational Development Division will provide information to the appropriate forum for analysis and action.

<b>Revision Record of Published Versions</b>	
<b>Date</b>	<b>Status</b>
31 December 2008	NCC Model Policy approved by Executive Director of Children’s Services
August 2016	Reviewed by HR, no changes required