



## **Dignity at Work Policy and Procedure 2023/24**

Date	September 2023
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Consulted with NJCC	May 2019
Trustee Approval	June 2019
Review Date	June 2024, for September 2024

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## **1. Introduction**

Astrea is committed to providing a safe, healthy and productive work environment free from harassment, bullying and victimisation.

This Dignity at Work Policy and Procedure provides a framework to help prevent bullying and harassment and explains the procedure that should be followed if incidents occur.

This policy applies to all individuals working for Astrea Academy Trust (Astrea) at all levels and grades, whether they are employees, workers, trainees, contractors, casual or agency staff, volunteers or non-executives, such as Trustees or local committee members. It applies whether employees are working on academy premises or at other locations and also covers remote contact, such as by telephone or on social media.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals involved in the process.

For the purposes of clarity when this policy and procedure refers to the Principal/Senior Leader this covers both academy and central staff.

## **2. Core Principles**

It is the responsibility of all members of the Trust to maintain appropriate standards of behaviour and to ensure they support a positive working environment where affronts to dignity and bullying or harassment are not tolerated.

All members of the Trust must:

- Treat colleagues with dignity and respect
- Be aware of the effect that their own behaviour can have on others
- Support colleagues if they experience bullying, harassment or singling out
- Challenge inappropriate behaviour and report any incident to senior leaders
- 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 Trust into allegations of bullying and harassment

No employee will suffer detriment for raising a concern in good faith, or for assisting a colleague to do so.

All complaints of bullying and harassment will be taken seriously and handled sensitively and discretely.

Where bullying or harassment is found to have taken place, disciplinary action may be taken which could result in dismissal.

Due to the serious effects of bullying and harassment, there may be a 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.

Everyone should be able to work without the fear of malicious allegations and anyone found to be making a deliberately false or vexatious complaint may be subject to disciplinary action.

It is a fundamental principle that all matters are dealt with at the lowest level possible and every effort is made to resolve complaints informally. Where this is not appropriate or possible, a formal process will be followed.

### **3. Commitment**

The Trust is committed to promoting dignity and respect and seeks to provide an environment of mutual trust and respect throughout the organisation. Therefore, it is the responsibility of all to behave in accordance with this policy and set an example to others.

The Principal/Senior Leader must make sure employees are aware of this policy 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.

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for the Trust including:

- Poor morale and poor employee relations
- Loss of respect for managers and leaders
- Poor performance
- Absence
- Resignations
- Damage to the Trust's reputation
- Tribunal and other court cases, which could result in payment of unlimited compensation

Therefore, the Principal/Senior Leader 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.

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 policy
- 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

#### 4. Bullying, Harassment and Victimisation

Bullying and harassment are terms used interchangeably and cover a range of behaviours that undermine the right of others to be treated with dignity.

Bullying and harassment is not always verbal or face to face, but can involve written communications or visual images, such as pictures of a sexual nature or embarrassing photographs sent by text, instant messaging, email or social media.

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 without witnesses.

**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.'

**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.'

The relevant **protected characteristics** under UK law are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Please note, harassment is unacceptable even if it does not fall within a protected characteristic.

**Victimisation is** 'bad treatment directed towards someone who has made or is believed to have made or supported a complaint under the Equality Act, including situations where a complaint hasn't yet been made but it is suspected that they might make one.'

There is also legal protection against harassment on the basis of an individual's membership or non-membership of a trade union.

Both the Trust and individual employees can be held liable for unlawful discriminatory harassment or bullying.

#### 5. Behaviours That Could Be Regarded as Bullying and Harassment

Examples of what may be considered bullying and harassment are provided below. However, those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint fits within a standard definition.

Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. The same behaviour may not be offensive to one person but deeply offensive and intimidating to another. Unintentional or misinterpreted behaviour may cause feelings of harassment. Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another so it is important to recognise that behaviour that is acceptable to you may not be acceptable to others.

- Personal insults (particularly on the grounds of age, race, sex, disability, sexual orientation, gender identity and religion or belief).
- Physical aggression or intimidation.
- Practical jokes which embarrass or humiliate.

- Verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip or innuendo.
- 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 Trust's Data Protection Policy and Procedure).
- 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.
- Humiliation, for example reprimanding an employee in front of others.
- Singling out an employee, for example for unjustified criticism.
- Persistently placing excessive demands on employees, setting unrealistic work targets and/or changing targets which are outside the remit of the job.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Making threats or comments about job security without foundation.

Please note, this list is not exhaustive.

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.

## **6. Informal Process**

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.

It can be helpful to keep a diary of all incidents, a record of dates and times and the names of any witnesses.

Letting the person know their behaviour is unwelcome or offensive will give them the opportunity to stop and to apologise.

If you find it difficult to approach the person directly, talk the matter through with a third party, for example a work colleague, line manager or trade union representative with a view to communicating through this third party.

If this approach is not successful or not possible then raise the complaint with the Principal/Senior Leader who will then follow the Trust's Resolution Policy and Procedure. It is the intention of this procedure for issues and complaints to be resolved informally, quickly and at an early stage in order to prevent problems becoming more serious over time, in line with the resolution procedure.

## **7. Mediation**

Mediation is 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. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they can both agree to.

Mediation can be a good way of dealing with bullying or harassment situations depending upon the nature of any allegations.

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.

## **8. Formal Procedure**

If informal steps are not successful or not possible or appropriate due to the seriousness of the allegations, you can make a formal complaint using the formal resolution policy and procedure.

You are advised to speak to the Principal/Senior Leader or your trade union representative about raising a complaint of bullying formally.

## **9. Support for Employees**

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. If an employee experiences a significant detrimental impact on their health and wellbeing, it may be appropriate to seek advice from an Occupational Health provider.

Employees who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result. If you believe you have suffered any such treatment you should inform the Principal/Senior Leader. If the matter is not remedied, you should raise formally, in line with this procedure.

Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith in an investigation under this procedure will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

Employees who are members of a trade union may wish to contact their representative for support.

## **10. Confidentiality**

Complaints must be treated confidentially and all parties involved in the operation of the policy is responsible for observing the high level of confidentiality that is required. No one must be victimised as a result of making a complaint or being subject to a complaint of bullying or harassment.

Any breach of confidentiality may result in the application of the Trust's Disciplinary Policy and Procedure.

Information about a complaint will be placed on an employee's personal file and will be retained by the Trust's Human Resources Team. All documents related to the complaint will be processed in accordance with the Trust's Data Protection Policy and Procedure.

## **11. Related Documentation**

- Astrea Academy Trust Resolution Policy and Procedure

- Astrea Academy Trust Data Protection Policy and Procedure
- Astrea Academy Trust ICT Usage Policy
- Equality Act 2010
- Advisory Conciliation and Arbitration Service (ACAS)
- Health and Safety at Work Act 1974

## **12. Review**

This policy will be reviewed every three years, or when there are changes to relevant legislation.