



Outcomes Focused, Child Centred

Northern Education Trust Dignity at Work Policy

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Dignity at Work Policy

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1. Introduction

- 1.1 Northern Education Trust (NET) recognises its statutory responsibilities related to employment and is committed to promoting a working environment free from harassment and bullying in which staff are treated with dignity and respect.
- 1.2 Throughout this policy, it refers to 'nominated officer'. This will usually be the Executive Principal, Principal, Service Director, Line Manager or any officer as nominated by the Chief Executive Officer. In some instances, it will be the Chief Executive Officer as outlined in the Scheme of Delegation.
- 1.3 The Trust recognises that actual or perceived bullying or harassment is a factor which can adversely affect employees' working, domestic and social lives as well as their personal well-being.
- 1.4 The Trust is committed to addressing harassment and bullying to make every effort to eliminate harassment and intimidation from the workplace.
- 1.5 This policy applies to all employees of the Trust and all employees have a personal responsibility not to harass or bully other members of staff, or to condone or ignore harassment or bullying by others. Employees should be mindful of how their attentions or actions may be perceived by others and consider how they would feel if the roles were reversed. It is the responsibility of all Trust employees to bring to the attention of management behaviour or actions that are affecting the dignity at work of themselves or others.
- 1.6 Disciplinary action, including dismissal for serious offences, will be taken against any employee who is found to be guilty of intentional harassment or bullying. Equally, making malicious or unwarranted complaints of bullying or harassment will be considered a disciplinary offence.
- 1.7 Unintentional or misdirected harassment may still be offensive but can be eliminated if all employees show greater consideration or sensitivity towards their fellow employees. Examples of action in these incidents may include mediation, support and opportunity for awareness training, or transfer to another job where appropriate.
- 1.8 If a member of staff believes that they are the victim of bullying or harassment it may not be possible or appropriate to challenge the person direct. In such circumstances the employee should immediately inform the nominated officer who will be able to help resolve the problem. Alternatively, anyone unsure as to whom to approach should contact the Trust HR function for assistance. Names and contact details are provided at the end of this policy. This must be done as soon as the individual recognises that the behaviour is having an adverse effect on them. In the first instance attempts will be made to solve the problem on an informal basis unless the behaviour complained of is of such a serious nature that it warrants immediate referral to the Trusts Disciplinary Procedure.
- 1.9 All members of staff should feel confident enough to report unwelcome attention without fear of criticism or victimisation and be assured that complaints will be handled both thoroughly and sensitively. Retaliation against an employee for complaining about harassment is itself a disciplinary offence.
- 1.10 It is understandable that any employee who feels he or she is being harassed or bullied may be distressed and in need of emotional support and practical advice. An employee may wish to discuss what is happening with their Trade Union representative, Trust HR function or an appropriate Counselling service.

- 1.11 It is recognised that to be accused of harassment or bullying can also be stressful, particularly if an individual was unaware their behaviour was causing a problem. It is therefore important to understand that all parties in this situation may require support.
- 1.12 Allegations of harassment and bullying will be handled confidentially and dealt with promptly. In order to maintain confidentiality, it is important that everyone involved respects this principle. In the event that formal action is required all parties involved will receive a fair and impartial hearing.
- 1.13 This policy has been drawn up following consultation with the trade unions. It is jointly recognised that every employee has a right to work in an atmosphere free of harassment and bullying. Employees' are encouraged to seek support and advice from their Trade Union representative where appropriate.

2. Legislation

- 2.1 Bullying or Harassment may be in breach of a number of pieces of legislation, including:

Equality Act 2010
Employment Rights Act 1996
Health and Safety at Work Act 1974
Criminal Justice and Public Order Act 1986
Protection from Harassment Act 1997
Malicious Communications Act 1988
Human Rights Act 1998
- 2.2 The Trust is aware that staff may also experience bullying and harassment from parents, pupils or other customers or suppliers and recognises its statutory responsibility under the Equality Act 2010 (s40) when employees are harassed by a third party. Where they arise, such incidents will be dealt with under the appropriate procedures, e.g. Behaviour Policy for pupils or Section 57 process. The Trust along with the recognised Trade Unions are committed to eliminating such bullying and harassment against employees.
- 2.3 Any alleged bullying or harassment of customers, suppliers, vendors, visitors or other members of the public by employees, may be dealt with through the Trusts Disciplinary Policy.

3. Rights and Responsibilities

- 3.1 The Trust will:
 - Accept its legal and moral responsibility to deal effectively with bullying and harassment in the workplace using this policy and, if appropriate, the Trusts Disciplinary Policy.
 - Ensure that all employees are aware of the Dignity at Work Policy and procedure.
 - Provide guidance to all employees responsible for dealing with complaints of bullying and harassment.
 - In appropriate circumstances, direct employees to the mediation service.
- 3.2 Nominated Officers will:
 - Implement the Dignity at Work Policy and ensure that all employees are made aware of their responsibilities under the policy.
 - Ensure that the workplace environment is non-threatening and supportive and take steps to prevent bullying or harassment by eliminating any harassment or intimidation of which they become aware. Further advice on tackling specific incidents of harassment and bullying is available from the Trust HR function.
 - Behave in a way that does not, in any way, bully or harass another person, or misuse

their authority, and will be aware of the impact their behavior might have of members of staff.

- Treat complaints of harassment seriously, sensitively and confidentially.
- In appropriate circumstances, direct employees to the mediation service.

3.3 Nominated Officers (General)

- All members of staff who have line management responsibilities have a duty to eliminate any harassment or intimidation of which they are aware. Failure to take action to tackle harassment and bullying will be considered as a failure to fulfill the responsibilities of their position. Further advice on tackling specific incidents of harassment and bullying is available from the Trust HR function.
- Because harassment is sometimes linked to the exercise and abuse of power, it is particularly important that the nominated officer never threatens to intimidate or insinuates, either explicitly or otherwise, that an employee's job prospects, job security, access to training, equal treatment, inclusion within teams, support and provision of conditions of service in any way depend upon the acceptance of sexual advances, requests for gifts or any favours. Such conduct or similar misuses of authority by the nominated officer will be treated as a serious disciplinary offence. All members of staff must be treated in a fair, equitable and consistent manner.
- In particular, it is important that the nominated officers are aware of the impact of their behavior against employees. Nothing in this policy should prevent legitimate professional dialogue about employees' behaviour or performance, however it is important that the nominated officers learn to identify where an employee is inappropriately adversely affected.

3.4 Employees will:

- Be treated with respect and dignity in the workplace
- Respect the personal dignity of all colleagues.
- Behave in a way that is not offensive to others.
- Support the Trust in its efforts to eradicate any such behaviour.
- Where possible, recognise at an early stage where things are going wrong and if at all possible raise the problem with the individual concerned.
- Request support from the Trust HR function and or/their Trade Union to help resolve problems at an early stage.
- Not raise unfounded or malicious complaints; doing so may result in disciplinary action being taken.
- Immediately report concerns to the nominated officer or the Trust HR function relating to any incident or incidents you witness or any potential issues that are relayed to you. Any safeguarding concerns must be reported.
- In appropriate circumstances, challenge inappropriate behavior and raise complaints under this policy without fear of reprisal
- In appropriate circumstances, make use of the mediation service.

3.5 Trade Unions will:

- Support the Trust in its efforts to provide a working environment free from harassment and bullying.
- Help to ensure that the workforce is aware of the Dignity at Work Policy and encourage employees who may have a problem to use the procedure.
- Advise members of their rights and responsibilities under the policy and to represent

members as and when appropriate.

- Advise members accordingly when they appear to be making malicious claims.
- In appropriate circumstances, direct members to the mediation service

4. Definitions

4.1 Harassment

4.1.1 A clear distinction can be drawn between friendly attention, which is reciprocated by another employee, and unwanted, or unpleasant behaviour, which causes distress or fear.

4.1.2 The following paragraphs give a general description of activities which may constitute harassment but do not exclude other forms of inappropriate behaviour which are irrelevant to, and have a negative effect on, the performance of a person's duties.

4.1.3 The Equality Act states that a person harasses another if:

- (a) they engage in unwanted conduct related to a relevant protected characteristic, and
- (b) the conduct has the purpose or effect of:
 - (i) violating the other person's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating offensive environment for the other person.

4.1.4 The relevant protected characteristics are:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation
- marriage, civil partnership or status.
- pregnancy and maternity

4.1.5 Sexual harassment includes unwanted conduct based on a person's sex, sexual orientation, gender reassignment or perceived sexuality, which is offensive to the recipient. It can be based on actions over a period of time but where it is sufficiently serious; a single incident will constitute sexual harassment. Sexual harassment also includes actions that because of a person's rejection of, or submission to the conduct, that person is treated less favorably than if they had not rejected or submitted to the conduct.

4.1.6 Racial harassment includes any racially motivated actions by a person or group of people at work which are directed at one or more employees, are repeated and/or unwanted; causes humiliation, pain or distress; interferes with job performance or creates an unpleasant working environment.

4.1.7 Harassment of disabled people includes unwanted conduct or comments made because of an individual's disability or perceived disability.

4.2 Bullying

4.2.1 Bullying is persistent behaviour directed against an individual which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.

4.2.2 Bullying does not include legitimate professional dialogue between colleagues.

4.3 Examples

The following are examples of inappropriate behaviour covered by the policy:

- unwanted physical contact ranging from touching to serious assault
- verbal and/or written harassment through jokes, offensive language, gossip and slander
- visual display of posters, graffiti, obscene gestures, etc.
- isolation or non-co-operation at work, exclusion from social activities
- coercion including pressure for sexual favours
- unfair and or destructive criticism, including threats of dismissal, particularly in public
- admonishment in front of others
- any other unreasonable behaviour towards another employee which causes distress or fear and undermines their right to dignity at work.
- threatening behaviour

5. **Procedure**

5.1 Where possible an employee who believes that they are being bullied or harassed should raise the problem with the individual concerned.

5.2 Where this is not possible or appropriate the employee should immediately inform the nominated officer who will be able to help resolve the problem.

5.3 If an employee believes it is the Principal, who is bullying or harassing them, they should inform the Executive Principal in the first instance. If an employee feels they cannot approach the Executive Principal, then they should contact the Trusts HR Manager.

5.4 If it is a member of Executive Group or you are unsure as to whom to approach the Trusts HR Manager can be contacted for assistance, this should be done as soon as the individual recognises that the behaviour is having an adverse effect on them.

5.5 Employees are also encouraged to contact their Trade Union representative.

5.6 If, following an informal meeting, the facts of the case are not in dispute and there is a genuine desire by all parties to resolve the problem, an informal resolution will be sought at this stage. Where appropriate external mediation services may be used. Unless there is, a clear breach of the Trusts Disciplinary Policy all parties will be encouraged to seek an informal resolution to the problem.

5.7 Should an informal resolution not be possible or appropriate the employee should follow the Trusts Grievance Policy and lodge a formal grievance in writing (**Appendix 1**). An investigating officer will be appointed to conduct a full investigation of the circumstances of the complaint in line with the Grievance Policy. All investigations will be handled in a sensitive manner.

5.8 Mediation and conciliation services may be used to assist a return to normal working relationships. In addition, training, mentoring or other forms of support may be offered to anyone whose behaviour may have inadvertently caused the difficulties. Where appropriate, external mediation services will be used. It is anticipated that all parties will participate in whatever remedial action is proposed by the nominated officer and allow time for the process to work.

6. General Principles Underlying This Policy

6.1 Consistency of Treatment & Fairness

- The Trust is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

6.2 Confidentiality

- The dignity at work process will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Trust to quality assure the operation and effectiveness of the policy.

6.3 Monitoring & Evaluation

- Northern Education Trust is committed to monitoring and reviewing the effectiveness of the Dignity at Work Policy with recognised trade unions, both at national level through the JCC and at local level with Academy representatives.

Response of the nominated officer :

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Nominated officer to consider and respond within 20 WORKING DAYS of receipt of initial notification by the employee.

Part 2 – Appeal Stage - Please continue on a separate sheet if necessary.

Once completed to be given to the person who heard the initial grievance.

I wish to record I am dissatisfied with the initial response for the following reasons:

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I am seeking the following outcome:

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Within 10 WORKING DAYS of receiving the initial response.

CONTACTS

For advice on the content of this policy please contact:

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Employees are also encouraged to contact their trade union representative for advice and support where appropriate.