

# Dignity and Respect Policy and Procedure

## Introduction

The School is a community within which all staff, volunteers and pupils are valued for their contributions. It is the School's expectation that all staff, volunteers and pupils participate in the life of the School in a manner which ensures that everyone is treated with dignity and respect.

Parents of our pupils are outwith the scope of this procedure, however any member of staff who has concerns about the behaviour of a parent towards an employee should speak to their line manager in the first instance. Further information about Treatment by Third Parties, which includes parents, contractors, visitors, and other members of the public is provided in Section 9.

Our aim is to provide a stimulating and supportive environment for working and learning which will enable staff and pupils to fulfil their potential. All members of the School community have an important role to play in creating an environment where unacceptable behaviour is not tolerated. The School takes a zero tolerance approach to any behaviour that undermines this aim.

This policy provides a framework to aid in the prevention of bullying, harassment, victimisation and other inappropriate behaviour and outlines the procedure to be followed when incidents occur.

The policy is aligned to the School ethos, "*ex corde caritas*".

## Purpose and Scope

This policy applies to everyone who works for or visits the School. It applies whether employees are working on School premises or at other locations and also covers work-related social events.

The purpose of this policy is:

- To promote an enabling and inclusive environment where all individuals are treated with dignity and respect, free from bullying and harassment (for definitions of these terms refer to Appendix A)
- To ensure that occurrences of bullying and harassment are taken seriously and dealt with promptly and with due sensitivity and discretion
- To provide a framework for raising, addressing and resolving concerns about individual and/or organisational behaviour

This policy will be applied to promote a culture in which every employee is treated with dignity and respect irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, or sexual orientation (i.e. regardless of protected characteristics under the Equality Act 2010).

Employees will not suffer any detriment as a result of raising a concern in good faith. However, where a complaint is found to have been made maliciously and/or knowingly based on false information, the complainant may be subject to the Disciplinary Procedure.

## Support

The School recognises that allegations of bullying and harassment can be upsetting and stressful for all parties.

- A. In all cases the Human Resources department will be available to offer neutral advice and guidance during any stage of this process and to all parties.
- B. The School's Employee Assistance Helpline is a free and confidential counselling support service available to all employees and managers. Further details are available from Human Resources and on the staff portal.
- C. Free, confidential and impartial advice about employment issues is available from the ACAS helpline (online service - [www.acas.org.uk/contact](http://www.acas.org.uk/contact); telephone service - 0300 123 1100).
- D. Although not specifically endorsed by the School, a variety of other sources of external, specialist support are available, providing free advice and guidance, for example:
  - UK National Workplace Bullying Advice Line [www.nationalbullyinghelpline.co.uk](http://www.nationalbullyinghelpline.co.uk)
  - Equality Advisory and Support Service (EASS) [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)
  - Stonewall [www.stonewall.org.uk](http://www.stonewall.org.uk)
  - Disability Rights UK [www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)
  - GIRES (Gender Identity Research and Education Society) [www.gires.org.uk](http://www.gires.org.uk)
  - Citizens Advice [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)
  - LGBT Youth [www.lgbtyouth.org.uk](http://www.lgbtyouth.org.uk)

## Responsibilities

This Policy and Procedure places a responsibility on managers and staff to create and maintain a positive working and learning environment. All employees have a role to play in creating a work climate free from harassment and bullying.

All members of the Schools community, staff and pupils, are responsible for helping to ensure that individuals do not suffer any form of bullying or harassment, and that they are encouraged and supported in any legitimate complaint.

### All employees

As employees, we all have a responsibility to:

- Make ourselves familiar with this policy and our responsibilities under it.
- Behave in accordance with this policy and set an example to our pupils and each other.
- Behave in a positive manner and demonstrate respect and integrity in our interactions with others.
- Identify and challenge unacceptable behaviour when it occurs.
- Address and resolve matters ourselves, where reasonably possible, in a constructive way.
- Raise more serious concerns according to this policy and procedure.
- Modify behaviour should we become aware that we have behaved unacceptably, even if no formal complaint has been made.
- Help others to do the above, where we identify a need.
- Maintain confidentiality on these matters to protect the dignity of those involved.

### Line Managers and Leaders

In addition, leaders and those in line management positions have a responsibility to:

- Promote a culture 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.
- Ensure that employees are aware of expected standards of behaviour and remind employees at regular intervals.
- Carry out their managerial functions fairly and in a professional manner which does not undermine the dignity of employees.
- Act promptly to correct behaviour which could cause offence or be seen to contravene this policy.
- Treat cases of discrimination, bullying or harassment sensitively and in line with this policy.

Fair and reasonable actions taken by a manager to address performance issues would not in themselves be considered to be bullying or harassment.

## Definitions

The terms **bullying and harassment** are often used interchangeably within the workplace. In general they can be defined as behaviours directed towards an individual that are unwelcome, unwarranted and causes a detrimental effect. It is important to remember that bullying and harassment can occur for many reasons. However, there is additional protection within law for people who are harassed due to particular personal characteristics. Appendix 1 provides further guidance on these specific definitions of harassment.

**Victimisation** is a type of harassment. This occurs when an individual is treated less favourably because s/he has, in good faith, made an allegation of harassment, or has assisted another person in bringing forward such an allegation.

## Examples of Unacceptable Behaviour

### All employees

For us all, examples of unacceptable behaviour can include, but are not limited to:

- Unwelcome physical contact or unwelcome sexual advances; for example, touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, malicious gossip or rumour .
- Lobbying others with the intent to raise a malicious grievance.
- Sending memos/emails that are critical about someone to others who do not need to know.
- Manipulating or encouraging another person to take action against others to achieve their own agenda.
- Take revenge action against others who are simply doing their job.
- Ridiculing or demeaning someone, picking on them, or setting them up to fail.
- Abuse of an individual's right to privacy or intrusion to personal property.
- Deliberate isolation, non-cooperation or exclusion from normal social or professional contact; for example, excluding staff from school social events, ignoring colleagues in corridors, not returning "good morning" or other polite gestures.
- Withdrawal of collegiate working.
- Undermining of an individual through unfair work allocation or persistent unjustified criticism.
- Inappropriate jokes specifically relating to an individual's age, disability, gender identity, religion or belief, culture, or sexual orientation.
- Inappropriate language or content of emails or postings online or through social media.

### Line Managers and Leaders

For line managers the following are examples of unacceptable behaviour, over and above those mentioned. These could be directed at direct reports or others in the School, referred to as 'an abuse of power':

- Humiliation, for example reprimanding an employee in front of others.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Placing excessive demands on employees or setting unrealistic work target or objectives.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Putting up with/ignoring known unacceptable behaviour.
- Not providing the tools required for employees to undertake their job roles, e.g. equipment, budget, reports/information.
- Knowingly allow unacceptable behaviour to take place when it is highly probably it will cause harm or offense to an individual or a group of individuals.
- Unfair treatment.
- Overbearing supervision or other misuse of power or position.
- Making threats or comments about job security without foundation.

Bullying and harassment may take place face to face, in written or electronic communications including via email or social media, such as Facebook or Twitter.

## **Resolution Procedure**

### **Informal approach**

The person concerned may be unaware that their behaviour is inappropriate and oblivious to any objection to it. The informal approach gives an opportunity for the individual to be made aware of the impact of their behaviour and adapt it accordingly.

Where they feel able to, employees should raise the problem immediately with the person concerned, directly or in writing, and ask them to STOP doing whatever it is that is causing distress. Employees may wish to be accompanied or ask someone to speak on their behalf. A note of the conversation, when/where it took place and what was said, should be kept.

### **Seeking Informal Assistance**

If the employee does not feel able to resolve the matter themselves at an early stage, they may wish to seek advice and support from their own line manager or Human Resources. Where the concern relates to the employees own line manager they should seek advice from the Human Resources department.

### **Making a formal complaint**

If the problem has not been resolved by informal means, or the employee feels that the situation is suitably serious as to warrant formal action, employees may submit a grievance in line with the School's Grievance Policy

Employees are advised to speak to their line manager or Human Resources before raising a grievance.

The Whistleblowing procedure encourages staff who believe that an individual's or group of individuals' behaviour will result in fraud, crime, a threat to health and safety, including public safety issues or a miscarriage of justice, to disclose the matter to the School using internal channels

### **Mediation**

Mediation can be used at any stage in this procedure. Mediators do not make judgements or determine outcomes – they assist parties to understand each other's point of view and help them look at options for resolving disputes. An external mediator can be arranged by Human Resources, if deemed an appropriate way to resolve the dispute.

Further information about Mediation is provided in Appendix B of the policy, and forms also part of the Grievance Policy and Procedures.

### **Confidentiality**

Complaints must be treated confidentially and not discussed with anyone who is not involved in the procedure.

### **Treatment by Third Parties**

If an employee experiences offensive or unwelcome behaviour from a member of the public, parent, contractor or visitor they should speak to their manager as quickly as possible. This will be raised as a complaint in the Complaints Register and handled under that procedure.

Parents are required to abide by the School's Terms and Conditions document. Section 9 of this Terms and Conditions document clarifies parental obligations, and confirms that parents are required to maintain a constructive relationship with school staff, including in the tone, content, volume and/or nature of their communications.

On arrival at School all visitors and contractors are required to report to reception. At this time, we share our expectations of behaviour with them and they are asked to sign that they understand and agree to abide by them. Any breach of these expectations should be reported and will be dealt with in line with the complaints procedure as above. Where a breach is deemed to be so serious that it requires immediate attention, the matter should be reported to a member of PLT.

### **Disciplinary Procedure**

Should a grievance be referred for action under the School's Disciplinary Policy, the complainant will not be informed of the outcome of that procedure; only that it is being handled under the Disciplinary Policy.

## **Records**

Copies of any correspondence (including email correspondence) relating to the case will be placed on the employee's file subject to the Privacy Policy: Working for Us. It will be submitted as part of any follow up grievance procedure.

## **Data Protection**

The School processes personal data in accordance with its Privacy Policy: Working for Us. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

## **References**

This policy and procedure have been compiled in line with the ACAS Advice relating to Discrimination Bullying, and Harassment. <https://www.acas.org.uk/discrimination-bullying-and-harassment>

## **Related Policies & Procedures**

Privacy Policy: Working for Us

Grievance Policy

Disciplinary Policy & Procedure

Whistleblowing Policy

Complaints Handling Procedure

## **Implementation**

The School will provide online Equality and Diversity training for all staff and Unconscious Bias training for those staff with line management or recruitment responsibility.

An annual report will be presented to the Staff Committee which will cover any issue relating to Equality and Diversity that has been recorded.

## **Effective Date**

This document is effective from February 2022.

## **Approval and Review**

The Dignity and Respect Policy has been approved by the Staff Committee of the Governing Council, following endorsement by the Principal's Leadership Team and ICE Committee.

The School will regularly review this policy, and any associated procedures, to ensure that it continues to comply with current employment legislation and the School's operational needs. In line with the HR policy review schedule agreed with the ICE Committee, a policy review will take place at least every two years, or as soon as practicable after any change of relevant legislation.

***Date of next review: Spring Term 2024***

## **Appendix A**

This appendix provides definitions of the terms “bullying”, “harassment” and “victimisation” for the purposes of enabling employees to make informed judgements about whether a particular behaviour may fall under the scope of this policy.

### **Victimisation**

Victimisation is a type of harassment. This occurs when an individual is treated less favourably because s/he has, in good faith, made an allegation of harassment, or has assisted another person in bring forward such an allegation.

### **Bullying**

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

### **Harassment**

Harassment can take many forms and may be directed against persons of any gender, towards people because of their race, age, sexual orientation, disability, gender identity or some other personal characteristic, as defined by the Equality Act 2010. It may involve action, behaviour, exclusion, comment or physical contact which is found objectionable or which causes offence and can result in the recipient feeling threatened, humiliated, intimidated, patronised, demoralised or undermining their confidence in their ability. It is for the person on the receiving end of any behaviour to decide whether they find it unacceptable.

The perceptions of the recipient of the harassment are very important and harassment can have been deemed to have occurred even if the intention was not present but the complainant felt that they were being harassed. In deciding whether conduct has had an intimidating, hostile, degrading, humiliating or offensive affect the perceptions of the recipient must be taken into account along with the other circumstances of the case and whether it is reasonable for the conduct to have had that effect.

In some circumstances, such as physical or extreme verbal violence has occurred, isolated incidents of unwanted behaviour may be deemed to be harassment. In other circumstances, behaviour may be deemed to be bullying or harassment where it is to be repeated or sustained.

The following provides some examples of harassment related to the specific areas covered by the Dignity at Work Policy & Procedure (April 2017) Page 7 of 11 Equality Act 2010. This is not an exhaustive list.

#### **Harassment relating to Gender**

- Requesting, pressuring or inducing a person to grant sexual favours or submit to sexual attentions by the use of threats or inducements arising from positions or duties held within the School
- Unsolicited or unwelcome sexual advances, touching, staring or comments where: a) the behaviour is repeated or continued after it has been made clear that it is unwelcome; or b) it is part of a pattern of offensive behaviour by the same person; or c) an assault is involved.
- Sexual ‘jokes’ or stories, comments on a person’s appearance or dress, of a sexually suggestive or offensive character and the display or circulation of sexually suggestive or offensive material
- Harassment may also include jokes, assumptions or offensive language relating to gender stereotypes

#### **Harassment relating to Race**

- Any hostile or offensive act or expression by a person of one racial group against a person of another racial group, or incitement to commit such an act, or utter such expression, motivated by racial dislike or hatred.
- Any inappropriate act or expression motivated by perceptions based on racial or cultural stereotypes, including ‘jokes’, and assumptions or intrusive questions about cultural practices.

#### **Harassment relating to Age**

- Harassment on the grounds of age may include behaviour based on assumptions about what a person of a particular age can / cannot do, excluding a person from consideration for training, promotion or specific activities, referring to a person's age in an appropriate way etc.
- It may also include 'jokes' and name-calling and the expression of age-related stereotypes.

### **Harassment relating to Disability**

- The term 'disability' can cover physical and sensory impairments, mental illness, long-term health conditions, learning difficulties and social or communication impairments.
- Examples of inappropriate behaviour towards disabled people include verbal and non-verbal abuse. Verbal abuse includes use of offensive or patronising language, including 'jokes', asking intimate questions about a person's disability, inappropriate assumptions about a disabled person's social life outside work.
- Non-verbal abuse includes assuming people with a physical impairment have a mental impairment, the "does he take sugar" effect of not addressing the person directly, exclusion from social events, and uninvited touching.

### **Harassment relating to Gender Reassignment**

- The School celebrates and values the diversity of its staff and aims to ensure that all transgender members of staff are treated fairly and with dignity and respect. Gender reassignment is a personal, social, and sometimes medical, process by which a person changes their gender. Anyone who takes these steps, or who is perceived as taking these steps, is protected from discrimination under the Equality Act.

### **Harassment relating to Sexual Orientation**

- In accordance with the Equality Act the term 'sexual orientation' means a person's sexual orientation towards, persons of the same sex, persons of the opposite sex, or persons of either sex.
- Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle and insidious. It may involve nicknames, teasing, name calling, homophobic or other behaviour which is not with malicious intent but which is upsetting. It may be about the individual's sexual orientation (real or perceived) or it may be about the sexual orientation (real or perceived) of those with whom the individual associates.
- Lesbian, gay, bisexual and all non-heterosexual staff should be in control of who they are out to and when. Some staff may be comfortable for some colleagues to know and not others and therefore it is not appropriate to assume that others know about a colleague's sexual orientation. Deliberately outing a colleague or student will also be considered as harassment.

### **Harassment relating to Religion or Belief**

- 'Religion or belief' covers any religion, religious belief or similar philosophical belief as well as non-belief.
- Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which is not with malicious intent but which is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates.

## **Appendix B**

It is always a good idea to try to resolve any issues at work informally first, before thinking about mediation. However, if that has not been possible, it is best to start mediation as soon as possible; the earlier any concerns, difficulties, or disagreements are dealt with, the less chance there is of matters getting worse.

The following information is provided to explain more about the purpose and possible uses of mediation, and clarify how the School may use the process to help resolve workplace issues or restore good working relationships. Further information and support is available from the HR Team.

### **What is mediation?**

Mediation is a process that aims to help find a positive resolution when you are having a disagreement or are in conflict with another person at work (or sometimes more than one other person). Mediation is not about judging who was right or wrong in the past, but aims to help employees resolve their differences and to reach an agreement on how they can positively work together in the future.

Mediation can be an effective way to resolve disagreements and issues at work because it is a less formal and more flexible process (than a formal grievance, for example). Mediation is always entirely voluntary and confidential, and any agreements reached are not normally legally binding. An impartial third party - the mediator - always supports the employees through the process.

### **How mediation can help**

Mediation can help to mend workplace relationships by finding solutions that everyone agrees to, by improving communication between the parties involved, and by allowing everyone input to and control over what is finally agreed as the way forward.

Mediation has many benefits, including reducing workplace stress, keeping valuable employees who may otherwise have left the School, resolving issues more quickly, avoiding more formal internal and external processes including formal grievances or employment tribunals, and saving the considerable time and costs associated with those more formal processes.

Mediation can often help if you are dealing with a conflict or concern at work that you have been unable to resolve by yourself. Situations where mediation can really help include:

- a communication breakdown with a colleague
- a disagreement or breakdown in your working relationship with a colleague or manager
- a personality clash
- when allegations of inappropriate behaviour have been made (e.g. bullying and harassment)
- rebuilding relationships after a grievance or disciplinary process
- as part of a resolution in a grievance case.

### **When mediation is not appropriate**

Although mediation can be really useful, there are some situations where mediation isn't appropriate, for example:

- if the matter involves serious misconduct that needs to be addressed through a formal process, e.g. the School's Disciplinary Policy
- where a clear decision about "right or wrong" is required, e.g. in cases involving criminal activity
- if it would be difficult for a person to take part in the process, e.g. due to their health (physical or mental) or disability
- where the matter is not actually within the remit of the parties involved to settle, (i.e. something which needs to be more officially resolved by the School).

### **What is the role of the mediator?**

The mediator is always an impartial and "neutral" person; they will not have had any previous involvement with the case or issues, they won't "take sides", or decide who is right or wrong. Since it is so important that the mediator is impartial, the school will normally use an external, fully trained mediator to support the process.

The mediator helps to create a safe and confidential space in which the employees involved can openly discuss their concerns and explore their differences, before helping them to look at options and agree ways of resolving



those differences. If required, they can also help to rebuild the working relationship so that employees can work together effectively in the future.

It is important to note that any agreements reached come from the employees involved. The mediator facilitates the process, but it is always the participants themselves who have control over how issues are resolved; the mediator won't tell them what they should or shouldn't do.

### **Considering and agreeing to mediation**

It is in everyone's interests to try and resolve concerns and difficulties at work **informally** if at all possible. Reaching a positive solution by informal means can stop matters escalating and help to maintain positive working relationships.

Mediation is a way of dealing with a conflict or concerns at work through open, constructive conversation and may avoid the need for a more formal process, which can be more stressful for all concerned and further damage working relationships. By agreeing to mediation, the employees involved are showing a willingness to resolve issues in a positive, practical way.

***Mediation is always a voluntary process though, so if you do not want to take part, you don't have to.***

In the event that mediation fails to resolve matters, employees always still have the right to formally raise any concerns through the School's Grievance Policy. Mediation will still remain an option during the grievance or other formal processes.

### **How does the mediation process work?**

If all the parties involved agree to mediation, the mediator will make contact with each person separately to start the process. They will make sure that everyone understands the various stages that will be followed and ask them to confirm their agreement to participate.

#### ***First meeting***

The mediator will meet with each employee involved in the case separately in the first instance. At these individual meetings, they will start to explore each person's difficulties or concerns and what they want to achieve from mediation. Having spoken to each employee, the mediator will then decide if they think mediation will help to resolve the problems or concerns.

Occasionally, having had these separate meetings, the mediator may conclude that mediation isn't the best way to progress, in which case they will let the employees know that they will not be taking the process further.

#### ***Joint meeting***

At this meeting, the mediator will give each of the employees involved the opportunity to describe their issues or concerns to the other(s), to explain how they are feeling, and how they have been affected by the situation. Everyone will listen to each other without interruption. This stage is really important; giving everyone a chance to be heard can really improve the understanding of all the parties involved, which in turn can help employees focus on reaching an agreement and restoring good working relationships.

The mediator will then work with the employees to explore what can be done to improve matters, facilitating their discussions and suggestions, exploring possible solutions with them, and helping the employees to find a mutually acceptable solution that resolves things in a positive way.

The mediator will then summarise exactly what has been agreed and they will usually provide a written summary of this agreement which the participants will sign up to.

### **Outcomes**

Mediation outcomes are not decided by the mediator; they are always decided by the employees involved in the mediation process. The outcomes can be very flexible depending on the individual circumstances of the situation, but may include:

- an acknowledgement of each employee's views,
- a commitment to change behaviour or improve communication,
- an agreement to share work more fairly or provide more responsibility,
- an agreement to review policies, procedures or ways of working, and
- a commitment to regularly review the agreement reached through mediation.

Successful mediation is always dependent on the willingness and openness of the employees involved to reach a positive solution. Unfortunately, sometimes it is not possible to immediately reach a full agreement through the mediation process. However, even when this is the case, the mediation process may still have resolved some of the concerns or issues, and a partial agreement can be put in place. Depending on the situation, the mediator may stay in touch with the employees, if they think agreement might be possible after a further, short period of reflection or review.

***It is important to remember that using mediation does not take away the subsequent right to use an alternative process, such as a formal grievance.***

#### **Follow up**

The mediator will normally contact all of the employees involved in the mediation process after an agreed period of time to see how the agreement is working.

#### **Confidentiality**

Anything employees say during mediation is strictly confidential. The mediator will agree with everyone involved what information can be shared out with the mediation, and how. The mediator will always let the Head of HR or the manager who instigated the mediation process know that mediation has taken place, but they will not pass on any details about what was discussed or agreed unless all parties agree to that information being disclosed. They will also advise the Head of HR or relevant manager if the mediation has failed to reach an agreement, again without disclosing details.

If the parties involved in the mediation are unable to reach an agreement, anything that has been said during the mediation process must still be kept confidential and cannot be used in any future procedures (e.g. a formal grievance).

The only exceptions to this default confidentiality in mediation are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety or child protection.