

DIGNITY AT WORK POLICY AND PROCEDURE FOR ACADEMY TEACHING AND SUPPORT STAFF

This policy was agreed by the SRET Board on: (and supersedes all previous policies relating to this area)	26/01/2022
<p>Signed by:.....</p> <p style="text-align: right;">(Chair of the SRET Board)</p>	
Implemented:	
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Author:	Model Wiltshire Policy adopted in 2018 and reviewed by Tracey Allman, SRET HR Officer, on 18/01/2022

This model procedure where adopted will apply to both teaching and non-teaching staff working in Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison and GMB.

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1. Policy Statement

- 1.1 SRET is committed to creating an environment of positive working relationships. To preserve and protect such an environment, SRET has policies and procedures that set out standards of conduct that must be observed and enables staff to raise concerns, to be provided with a response and for those concerns to be addressed in an appropriate forum and to obtain an appropriate remedy. SRET believes that every employee has the right to be treated with dignity and respect in the workplace and is committed to providing a supportive working environment to foster such a culture. By addressing unacceptable behaviour and promoting positive behaviour this procedure fully underpins the Academy's vision, values and beliefs.
- 1.2 This policy aims to resolve problems informally and in a positive manner. Mediation services can be obtained externally if required.

2. Objectives

- 2.1 The aim of the Dignity at Work Policy is to ensure that all members of staff understand that they have a duty to respect all fellow workers, be they managers, colleagues, contractors, service users, governors, pupils or parents to promote positive working relationships. They have the right to be treated with dignity and respect and the right to seek redress about language or behaviour that they feel contravenes this policy and does not respect their dignity at work or the dignity of fellow workers.

3. Scope

- 3.1 All staff in SRET have a responsibility to comply with this Policy. Headteachers/Head of Schools and their leadership teams have an overriding responsibility in eradicating language or behaviour that is contrary to this Policy by fostering an atmosphere of dignity and respect and managing people in a professional and caring manner.
- 3.2 SRET acknowledges that language or behaviour which creates a threatening or intimidating work environment has a serious negative impact on individuals and the services we provide. Therefore, the Academy will not tolerate language or behaviour which contravenes the Dignity at Work Policy and may treat such incidents as disciplinary offences where this impacts on workers and the working environment.

4. The Legal Framework

- 4.1 Under the Equality Act 2010 it is unlawful to discriminate directly or indirectly against someone. This Act which came into force on 1 October 2010, sets out the following protected characteristics, split into several categories, reflecting existing discrimination protections:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

- 4.2 Harassment now includes treatment which creates an offensive environment for an employee even though it is not directed at them. Employers' liability for third party harassment is also expressly extended beyond sexual harassment to other protected characteristics. It is clear that harassment now applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

Under the Equalities Act 2010:

- Employees can complain of behaviour that they find offensive even if it is not directed at them.
 - Complainants need not possess the relevant protected characteristic themselves.
 - Employees are protected from harassment because of perception and association.
 - Third party harassment (which already applied to sex) applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.
- 4.3 The Academy therefore has an obligation to treat issues that contravene this Policy seriously and enable and support employees to resolve issues either informally or formally through the Procedure.

When a dignity at work complaint is received from a member of Academy staff via the reporting procedure, it should be forwarded to the Head of School or Chair of Governors as appropriate.

5. Inappropriate language or behaviour

- 5.1 Language or behaviour which could contravene this Policy takes many forms, occur on a variety of grounds and may be directed at an individual or group of individuals. Language or behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- 5.2 Inappropriate language and behaviour can arise from a single or a combination of factors and includes using language or behaviour that is intended to result in physical, mental or psychological hurt.
- 5.3 Direct inappropriate behaviour is aimed at a particular individual whereas indirect could be an overheard comment or discussion. However, it is not only the acts or the words that need to be considered but how the person on the receiving end perceives the behaviour. If it is behaviour that is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed.
- 5.4 Inappropriate behaviour can range from violence to less obvious forms such as ignoring someone. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant.

6. Raising the matter

An employee who believes the conduct of another employee is in breach of the policy may choose to:

- Deal with the matter themselves informally.
- Involve a third party (e.g. a colleague) to assist in dealing with the matter informally.
- Make use of a mediation service.
- Pursue the matter formally.

Every attempt must be made to resolve complaints at the earliest possible stage. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

Use of mediation services is encouraged to achieve this where required and if agreed by the Academy. The Academy will need to pay the costs of any such mediation.

7. Informal procedure

Informal action can be taken in the following ways:

- By approaching and explaining to the person considered to have used the inappropriate behaviour or language why it is unacceptable and requesting them to stop and referring them to this policy.
- If the complainant feels unable to approach the person they can put in writing to them the points that need to be covered.
- The complainant may ask someone else to approach the person on their behalf or to accompany them.
- Through HR or the occupational health/counselling service a request for mediation can be made.

Records of any approaches made and any letters sent should be kept by the complainant.

In the interests of an informal resolution being reached it is not expected that the individual who has been complained about would be accompanied or represented at any meetings held under the informal stage.

8. Formal procedure

The formal procedure can be followed if it is not possible or appropriate to resolve issues informally. Formal complaints under this policy should be made in writing to the complainant's Head of School, or if they are implicated in the complaint, to the Chair of Governors or Chair of the Staffing Committee.

The Academy will endeavour to give priority to dealing with such complaints although exact timescales will be dependent on the details of each case. All parties concerned in the complaint should receive regular progress updates from the Academy.

The formal procedure that will be followed is that contained in the Academy's disciplinary procedure but in summary the main stages to be followed are:

9. Investigating and establishing the facts

The investigating officer will investigate the complaint and collect any evidence which will include interviewing the employee making the allegation and the employee against whom the allegation has been made and any relevant witnesses. The employees have the right to be accompanied by a trade union representative or work colleague and an Education HR Advisor may support the investigating officer. Notes need to be made of these interviews and will be signed by relevant parties as an accurate record.

Depending on the seriousness of the allegation a brief period of suspension with pay or temporary redeployment may need to be considered. This could apply to either party or both of them.

At the end of the investigation a decision needs to be made on whether there is a case to answer or not. If the decision is that no further action is required the parties will be duly informed. The employee making the complaint has a right of appeal.

If, following the investigation it is concluded that there is a case to answer specific details of any further outcomes in relations to the alleged perpetrator will not be shared with the complainant as this will be a confidential process between Academy management and the individual employee.

10. Formal disciplinary hearing

If it is decided that there is a disciplinary case to answer then a disciplinary hearing will be organised by the Academy. This includes:

- Formal notification of the hearing date to the employee against whom the allegation has been made.
- Providing the relevant documentation.
- Confirming the names of the staffing panel members.
- Arranging who should attend the hearing.
- Providing the format of the hearing.

11. Decision on appropriate action

After the case has been heard the staffing panel will make a decision on whether or not disciplinary action or any other action is justified. The employee will be informed in writing of the decision within 2 working days. If this timescale is not possible all parties need to be informed of the expected date of decision;

The possible decisions of the panel are that:

- The allegation is not upheld.
- A written warning is issued.
- A final written warning is issued.
- The employee is dismissed.

More specific details on these potential decisions and the appropriate action to take are contained in the Academy's disciplinary procedure.

12. Right of Appeal

An appeal by either party will be considered by an appeals panel of governors under the Academy's appeal policy and procedure.

12.1 Right of appeal for the employee complained of

Right of appeal for the employee against whom the allegation has been made:
If an employee feels that the disciplinary sanction is wrong or unjust they have the right to appeal against the decision in accordance with the Academy's Appeals Policy and Procedure.

12.2 Right of appeal for complainant

After the investigatory stage if it has been concluded that there is no case to answer the complainant will be provided with a summary of the reasons for this decision and will have the right to appeal. They will have the right to appeal against the decision in line with the Academy's appeal policy and procedure.

13. Responsibilities of Individual Members of Staff

To treat colleagues, managers, governors, pupils and parents with dignity and respect by:

- Dealing with them in a fair and reasonable way and with consideration and politeness.
- Engaging positively in measures designed to support your performance such as induction, appraisal and professional development.
- Participating in procedures where supervisors/managers are addressing matters of performance, attendance and conduct.
- Not aiding or colluding in cases where colleagues, managers, governors, pupils and parents are treated in a manner which contravenes the policy and reporting any such instances.
- Ensuring your colleagues are aware if their conduct or behaviour is a cause of concern.
- Providing support to someone who is subject to such conduct or behaviour.

14. Responsibilities of Head of Schools, staff supervisors and managers

Executive Principal/Head of Schools and governors of academies are strongly encouraged to read this policy and procedure in conjunction with the guidance notes provided.

Executive Principal/Head of Schools, the Academy leadership team and staff supervisors/managers are expected to promote positive working relationships and standards and eradicate inappropriate behaviour or language by:

- Setting appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner.
- Fostering a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships.
- Ensuring all employees under their control maintain a high standard of conduct with all colleagues and are advised of what is and is not deemed to be acceptable behaviour at work.

- Using their judgement to identify and correct standards of inappropriate language and behaviour with staff and to remind them of the Academy's policy.
- Taking complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally.
- Investigating complaints about inappropriate behaviour or language and making staff aware that where necessary appropriate action will be taken which could include using the disciplinary procedure.
- Making staff aware of the actions they can take, the support available if they feel victimised and the opportunity to discuss matters with management and, where agreed, for trained mediators to be used.
- Executive Principal/Head of Schools and their leadership team will monitor statistics on sick leave to identify whether instances of inappropriate conduct may be an issue.

15. More information for staff to consider before making a complaint

- Where an employee raises a complaint in good faith or they assist in an investigation the Academy will not tolerate any action of intimidation, victimisation, retaliation or discrimination against them. This also covers witnesses and the person against whom the complaint is being made and applies whether the complaint is upheld or not.
- If the allegations are sustained in whole or in part any subsequent action will not be detrimental to the person making the complaint or the report unless the investigation or hearing identifies matters which need to be investigated separately. If so the appropriate procedures will be followed.
- Malicious complaints will not be tolerated and will be pursued in order to determine whether action could be taken for a disciplinary offence.
- Staff may choose to take advice from a trade union representative.
- HR can be consulted for procedural advice.
- Confidential counselling can be made available through the Employee Assistance Programme.
- In appropriate circumstances, and with the agreement of both parties, the Academy can make a referral to formal mediation in an attempt to establish more positive working relationships. The Academy will need to pay the costs for any such mediation.