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# Dignity at Work Policy and Procedure

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### **Appendix 1**

Examples of Harassment and Bullying

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Formal complaint under the Schools Dignity at Work procedure form

## Policy

### 1. Aim

1.1 The Vale of Glamorgan Council and the Governing Body are committed to promoting equal opportunities at work. As part of this overall aim, this policy sets out how the Governing Body will promote dignity at work for all employees. The Governing Body is committed to promoting a workplace culture whereby all employees feel valued and respected at work, and where nobody is expected to work in fear of prejudice, discrimination or harassment.

1.2 The Governing Body will not tolerate any form of bullying or harassment at work. Where any such behaviour is found to occur within the School, the procedures outlined in this policy will be followed so that the behaviour is correctly dealt with and prevented from reoccurring.

### 2. Definition

2.1 By 'dignity at work', the Governing Body means that everyone has a right to be treated with dignity and respect at work and to work without fear of harassment or bullying.

2.2 The Equality Act 2010 defines harassment as:

'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'

2.3 Relevant protected characteristics are:

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

2.4 In addition, the complainant need not possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

2.5 ACAS characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The impact on the individual can be the same as harassment and the words bullying and harassment are often used interchangeably in the workplace. As there is no legal definition of bullying, unless the conduct amounts to harassment as defined in the Equality Act 2010 it is not possible to make a complaint to an Employment Tribunal.

2.6 Appendix 1 shows some examples of behaviour that is not acceptable in the workplace.

### **3. The Governing Body's Approach To Dignity At Work**

3.1 The Head teacher/Governing Body will deal promptly and sensitively with any reported cases of harassment or bullying at work and will act in a supportive manner to anyone who brings a complaint of bullying or harassment to the Head teacher's attention, (or Chair of Governors if allegation is about the Head teacher), whether this be the victim or any other person.

3.2 We recognise that what may appear to be harassment to one person, may not appear so to another. However, we recognise that victims are able to judge for themselves whether they feel bullying or harassment is occurring and all cases will be investigated fairly. The important factor is how the victim or any other person perceives the situation, not whether the situation is *intended* to cause offence.

3.3 The Governing Body will not tolerate any form of victimisation, meaning that no employee will be treated unfairly because they have made a complaint or intend to make a complaint of bullying or harassment involving them or any other person. In all cases the Governing Body's aim is to eliminate unwanted behaviour with the intention of promoting dignity at work for all employees.

### **4. Effects Of Harassment/Bullying**

4.1 Harassment or bullying behaviour has serious and negative consequences for victims and their colleagues. Examples of these effects include:

- Low morale
- Increased anxiety and stress related illness
- Feeling powerless or isolated
- Loss of confidence and self esteem
- Higher absence rates
- Reduction in work productivity
- Resignations
- Damage to organisations image
- Tribunal cases

4.2 It is therefore in everyone's interest to ensure that bullying or harassment at work is dealt with as soon as it is reported. The Governing Body recognises that it has a duty of care to its employees and needs to respond promptly to any incidents that may lead to the above occurring.

### **5. Dealing With Harassment/Bullying**

5.1 The Governing Body and the Head teacher have the responsibility of leading by example. They are therefore required to communicate the message of the Dignity at Work Policy to employees, ensuring that others understand that bullying and harassment will not be accepted within the School and that disciplinary action up to and including dismissal will be taken if it is found to occur.

5.2 The appropriate procedure to be taken when any complaint of bullying or harassment is received is outlined in the section entitled 'Contravention of the Dignity at Work Policy'.

5.3 In all cases of alleged/proven bullying or harassment, the objective of the Governing Body is that harassment stops and does not reoccur.

## **6. Conclusion**

6.1 The Governing Body values the diversity that exists among its employees. All employees must work together to ensure that everyone who works for the School is treated with respect and does not experience prejudice, discrimination, harassment, hurtful or negative language at any time. Everyone has the right to be accepted for who they are and the Governing Body will work to communicate this message to all employees.

## Procedure

### 7. Contravention Of The Dignity At Work Policy

7.1 If anyone feels they have been subjected to bullying or harassment or those who think they may have witnessed a case of bullying or harassment shall in the first instance be able to receive advice and assistance on a confidential basis from their line manager, Head teacher (or Chair of Governors if allegation against the Head teacher). Staff can also contact their Trade Union for support or Human Resources for advice on the procedure.

7.2 All concerns should whenever possible be dealt with under the informal procedure. If concerns are not resolved at this level, they will need to progress to the formal procedure under this policy.

7.3 The Governing Body takes a serious view of bullying or harassment and if it is found that an act of bullying or harassment has or is likely to have been committed, the following action will be considered:

Staff of the School (including Head teacher):

- The employee will be instructed to stop the unacceptable behaviour and training offered if necessary
- Mediation
- Transfer in appropriate circumstances
- If behaviour persists or in more serious first instance cases, staff will be subject to the Schools Disciplinary procedures which may include the ultimate sanction of dismissal.

Governors:

- The School Governing Bodies Complaints Procedure will apply in this circumstance.

### 8. Grievance Procedure For Employees

8.1 This procedure is designed to enable staff complaints of bullying or harassment to be dealt with promptly, fairly and sensitively. It covers both the complainant and the alleged harasser.

8.2 Staff who consider themselves to be the subject of bullying or harassment will be taken seriously. Any victimisation or retaliation against an employee who raises a valid grievance is a serious disciplinary offence.

8.3 Staff who feel they have experienced or witnessed bullying or harassment should contact the Head teacher in the first instance (Chair of Governors if allegation is about the Head teacher). Alternatively, a trade union representative, colleague or friend may make initial contact on their behalf.

8.4 Any member of staff who makes an unproven allegation of bullying or harassment with the intention of damaging someone's reputation may, following investigation, be subject to the Schools Disciplinary procedure.

8.5 Grievances should be made within 3 months of the alleged bullying or harassment taking place.

## **9. Informal Stage**

9.1 Every effort must be made to resolve issues informally. In some cases, it may be possible and sufficient for the staff member to explain clearly to the person engaged in the unwanted conduct, that it is unwelcome / offensive / makes them uncomfortable and that it interferes with their work. They should be asked to stop the behaviour and advised that if it continues, the matter will be progressed to the formal stage.

9.2 If the staff member finds this too difficult, they may wish to approach a colleague or Union representative with a request for informal help.

9.3 Alternatively, the employee may put their concerns in writing asking for the behaviour to stop.

9.4 If the staff member does not feel able to approach the person directly, they should refer the matter to their line manager/Head teacher. If the matter of concern relates to the line manager, then the matter should be raised with the next tier of management. If the matter of concern relates to the Head teacher, then the matter should be raised with the Chair of Governors.

9.5 During this informal stage, line managers/Head teacher/Chair of Governors must respect the individual's rights for the concern to be raised anonymously. They should seek to resolve the issues by:

- Understanding the concerns of the staff member
- Speaking to the person involved clearly outlining that they are engaging in unwanted conduct
- Offering appropriate support e.g. training, coaching
- Mediation if this is mutually agreed.

9.6 Whenever possible staff and managers should seek to resolve matters at the informal stage and consider all possible options to avoid going on to the formal stage of the procedure.

9.7 If this approach is unsuccessful, formal action will need to be taken. If the bullying or harassment is considered so serious or if the informal stage is inappropriate, an individual may move straight to the formal stage.

9.8 Staff are advised to keep a record of what had happened / continuing to happen, and of the actions taken.

## **10. Formal Stages**

10.1 If the matter is not resolved at the informal stage, the matter should be dealt with in line with the Schools Grievance procedure Formal Stage 1 and Stage 2 and the employee with the staff member completing the attached form (appendix 2).

## **11. Cessation of Investigation**

11.1 If an employee who has made a complaint under the Dignity at Work Policy leaves employment before the conclusion of the complaint the Governing Body has no further obligation to that individual to complete the process.

11.2 However the Governing Body reserves the right to consider the issues raised during a complaint and to determine an appropriate way forward even if the person who raised the complaint has left.

11.3 If the evidence gathered is sufficient and the allegations made against the member of staff could amount to serious misconduct, the Disciplinary Procedure will continue to its completion.

## **12. Support**

12.1 The Vale of Glamorgan Council provides Bullying and Harassment training courses to raise awareness of issues in the workplace. These can be booked via Corporate Training on Staff Net or via your Head teacher.

12.2 Staff may access the Vale's confidential counselling service on 029 2078 8301.

12.3 Trade Union representatives.

12.4 ACAS Helpline 0300 123 11 00. [www.acas.org.uk/publications](http://www.acas.org.uk/publications)

## Examples of harassment

Harassment takes many forms — from relatively mild banter to actual physical violence. Staff may not always realise that their behavior constitutes harassment, but they must recognise that what is acceptable to one employee may not be acceptable to another. Determining what is acceptable is an individual right that we must all respect.

Examples of harassment include (but are not restricted to):

- a. verbal harassment — examples include crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender-based remarks
- b. non-verbal harassment — examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paperbased and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects
- c. physical harassment — examples include unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault, and physical coercion
- d. coercion — examples include pressure for sexual favours (e.g. to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc.
- e. isolation or non-co-operation and exclusion from social activities
- f. intrusion — examples include stalking, pestering, spying, etc.

## Bullying

### Definition

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. Bullying is defined as:

“offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the selfquestioning of their worth, both in the workplace and society as a whole”.

### Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work.

These can be split into two categories.

#### **Obvious bullying**

Examples include:

- a. shouting or swearing at people in public and private
- b. ignoring or deliberately excluding people
- c. persecution through threats and instilling fear
- d. spreading malicious rumours
- e. constantly undervaluing effort
- f. dispensing disciplinary action which is totally unjustified
- g. spontaneous rages, often over trivial matters.

#### **Less obvious bullying**

Examples include:

- a. withholding information or supplying incorrect information
- b. deliberately sabotaging or impeding work performance
- c. constantly changing targets
- d. setting individuals up to fail by imposing impossible deadlines
- e. removing areas of responsibility and imposing menial tasks
- f. blocking applications for holiday, promotion, or training.

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

### Cyberbullying

Cyberbullying can be defined as the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.

Typically cyberbullying involves the use of the Internet, social media, email or mobile phones to send or post text or images intended to hurt or embarrass another person. In many cases, the spreading of offensive jokes or shocking or sexual material via phone or email may also constitute cyber harassment.

Anyone found to be using technology to bully or harass a colleague or third party will be subject to the disciplinary procedure.

Formal Grievance under the Schools Dignity at Work Procedure

To be completed by the employee raising the concern

Name:

Job Title

School

Head teacher

**DETAILS OF CONCERN**

Outline the nature and reason for your concern. Please try to give specific details such as dates, times and witnesses where necessary. Attach any supporting evidence if necessary.

(continue on separate sheet if necessary)

## PREVIOUS ACTION

What steps have you taken to resolve this concern informally? Why do you remain dissatisfied? Alternatively, if this is a Stage 2 Grievance under the Schools Dignity at Work procedure, why was the matter not concluded to your satisfaction at Stage 1?

## REMEDY YOU ARE SEEKING

Please state what remedy you are seeking and specifically what action or actions, in your view, are needed to resolve your concern/s satisfactorily.