

	Eynsham Partnership Academy Dignity at Work Policy & Procedure		Written by: ASH
	Applicable to: All Staff	Accountable Officer: ASH	Date Adopted: July 2016

Introduction

The EPA Directing Board (DB) and the Schools' Local Governing Bodies (LGB) are committed to the provision of a healthy, safe and productive working environment for all employees, prospective employees, and others working in or visiting its premises. To satisfy this end, all employees will be:

- Treated without favouritism
- Spoken to with courtesy on all occasions
- Spoken and written about with respect
- Accorded due professional trust
- Given due credit for their achievements
- Consulted about all proposals for changes in their role
- Given adequate time and resources for the successful discharge of their duties
- Provided with appropriate training, promotion and leave opportunities
- Accorded respect for their individual personal space
- Able to enjoy a working environment free from exposure to offensive written or graphic material
- Treated with dignity and respect at work and thereby be encouraged to meet their full potential.

The Responsibilities of Managers including Members, Directors and Governors

Affronts to dignity, bullying, and harassment in the workplace will not be tolerated. In order to carry out their role it is necessary for managers to:

- issue instructions to employees
- set work-related targets and objectives with employees and monitor their achievement
- set standards of workplace performance and behaviour for employees, and monitor compliance with these
- manage performance, including addressing poor performance or unacceptable behaviour on the part of employees, using the appropriate procedures.

These managerial functions should be carried out in a professional manner which does not undermine the dignity of employees. It is the responsibility of all managers to prevent infringements of people's dignity, harassment and bullying wherever possible, and to take the appropriate action against such behaviour when necessary. In particular managers must:

- ensure that this policy is communicated to newly appointed employees during their induction, and is reinforced at regular intervals in routine meetings, briefings etc.
- be alert to the possibility of breaches of this policy occurring
- correct any behaviour which could be seen as contrary to this policy and remind employees of the policy when appropriate
- provide a supportive framework for any employee with a complaint made under this policy
- take prompt action to deal with infringements of dignity, bullying or harassment as soon as these are identified, including disciplinary action where appropriate

- treat all cases of inappropriate behaviour confidentially and consult a member of SLT, the LGB or the DB for advice when required. Given the severity of the effects of bullying and harassment and the need to eradicate them, in some cases it may be appropriate to continue with an investigation or disciplinary process even when the allegation has been withdrawn by an employee.
- ensure that any appropriate forms are completed
- keep records of any incident reported or observed

The Role of Employees

It is the responsibility of all employees to maintain appropriate standards of behaviour in the workplace and to ensure that they do not contribute to the creation of a working environment in which affronts to dignity, bullying or harassment are accepted. Employees are required to:

- treat colleagues and those with whom they come into professional contact with dignity and respect
- be aware of the effect that their own behaviour and appearance can have on others
- support colleagues if they experience incidents which affront their dignity, including bullying, harassment and victimisation
- inform their managers or union representative if they are aware of any incident
- set a positive example to colleagues
- consider their language and refrain from making hurtful personal comments to or about others
- challenge unacceptable behaviour on the part of others where appropriate and report any incident to their line manager or to an appropriate senior manager, or via their trade union.

The Disciplinary Procedure

Infringements of employees' entitlement to dignity at work may be a disciplinary offence. Bullying and harassment are disciplinary offences. The EPA's Staff Disciplinary Policy cites harassment and other offences against human dignity, assault, and threatening behaviour at work, as examples of behaviour which may constitute misconduct or gross misconduct.

Everyone is entitled to work without the fear of mischievous or malicious complaints or allegations: employees found to be making these will be subject to the disciplinary procedure.

Offences which go beyond infringements of dignity

Bullying and harassment, of one or more employee by another or others, can take a number of forms. It is not always face-to-face but can involve written material, such as e-mails. The following are examples of behaviour which the EPA considers unacceptable:

- 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 constitute a breach of the Data Protection Act 1998)
- deliberate exclusion of an employee from normal social or professional contact at the workplace
- unwelcome sexual advances
- harassment of staff by people not employed by EPA.

All of the above include behaviour that staff find offensive, even if it is not directed at them.

The following are examples of unacceptable behaviour over-and-above those already mentioned above, which may constitute bullying or harassment:

- Humiliation: for example reprimanding an employee in front of others when this could be done in private
- Victimisation: for example singling out an employee for criticism
- Intimidation: for example aggressive behaviour or threats directed at an employee
- Persistently placing excessive demands on employees, setting of unrealistic work targets or objectives, and changing of targets or objectives without good reason
- Instructions or requests to employees to perform inappropriate tasks which are outside the remit of their job

Resolution

Informal Resolution

In some cases of infringement of dignity it may be possible and desirable for the issue to be settled informally. This may be possible by confidential discussion between the parties themselves with agreed recorded outcomes.

Formal Resolution

If informal resolution fails, employees should bring the matter formally to the attention of their line manager. The EPA aims to provide a wide range of initial contact points for employees who wish to discuss an issue relating to all infringements of dignity, including bullying and harassment.

Employees who feel that the perpetrator is their line manager may bring the situation to the attention of a more senior manager, the Headteacher, or their LGB. Employees may, if they prefer, ask a colleague or trade union representative to raise the matter with an appropriate manager on their behalf.

The person to whom the incident is reported should arrange an investigation, and then take appropriate action. Managers should seek advice from the Headteacher and/or the EPA on whether formal disciplinary action is appropriate or not, and if the alleged incident(s) is/are based on discrimination relating to particular personal characteristics.

All involved in the incident should keep a record of all incidents: dates, times, any witnesses, etc. The person responsible for the process should take steps to ensure confidentiality and fairness to both parties. It is particularly important that no-one should be victimised as a result of making a complaint or being the subject of a complaint.

Infringements of Dignity by Trade Union officials or representatives

The trade unions recognised within the EPA schools take infringements of dignity, bullying and harassment seriously, and have their own internal procedures for dealing with it. They would encourage employees with concerns about the behaviour of another employee who is also a trade union representative/officer to report their concerns as indicated below:

- If the concerns relate to the performance of the employee's duties as an employee, then the concerns must be reported and considered in accordance with the rest of this Policy. Action against a trade union representative can be subject to legal challenge or could lead to a dispute if it is seen as an attack on the trade union/association's functions. Therefore, no action will be taken against a trade union officer/representative until the circumstances of the case have been discussed with a full-time officer of the union or senior trade union representative and advice sought from the EPA and/or School's HR provider.
- If the concerns relate to the performance of the employee's duties as a trade union officer/representative, the concerns should be reported and considered in accordance with the relevant trade union/association's internal procedure. In all such situations, it may be helpful for the Headteacher to contact an appropriate full-time officer of the union or senior trade union representative, on behalf of the employee, to establish how the concerns should best be reported.

Inappropriate behaviour by members of the public

The procedure for dealing with cases where employees are subject to inappropriate behaviour from the public, including users and clients of EPA Schools' services, is immediate referral to their line manager or the Headteacher. This covers any incidents in which employees are verbally abused, threatened or attacked by a member of the public in the course of their employment.

Counselling and support

Counselling and support for both the person raising the concern about breaches of this policy and the alleged perpetrator are available through the School's Occupational Health Service or HR provider. Support may also be available through the recognised unions. If employees are not satisfied that a complaint has been dealt with speedily and effectively under this procedure then they should use the EPA'S Staff Grievance Policy.

Legislative Background

In introducing this policy, the EPA is using the impact assessment that was undertaken by OCC in the predecessor policy to take account of the Race Relations (Amendment) Act 2000 and discrimination legislation more generally. Confidential monitoring may be undertaken both of the disciplinary process and of complaints under this policy in order to gather data to help establish whether the policy is operated in a fair and consistent manner.

In addition, monitoring will be undertaken via staff surveys in order to gauge whether bullying and/or harassment are prevalent, and whether employees feel these issues are dealt with fairly and appropriately. In undertaking monitoring, the School, LGB and EPA will not identify individuals.

There is currently no standard legal definition of bullying or harassment. However, the legal definition of harassment as applied to sexual orientation, religion or belief, and race and ethnic and national origin is **“unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment”**.

‘Bullying and harassment’ are terms which are used interchangeably by many people. They cover a range of behaviours which undermine the right of others to be treated with dignity at work. There are specific forms of bullying which may constitute offences under discrimination legislation. These relate to bullying, harassment or victimisation because of:

- Race, colour, nationality, ethnicity or national origins
- Gender
- Disability
- Religion or belief
- Sexual orientation or
- The intention to undergo, be undergoing or have undergone gender reassignment

In addition, bullying or harassment because of age or other personal characteristics is equally unacceptable. The Government has also introduced regulations to provide protection from discrimination and harassment in respect of age. Certain types of harassment, such as stalking, are covered by criminal law in the Protection from Harassment Act 1997, and the Criminal Justice and Public Order Act 1994.

Related Policies and Procedures

- (i) **Staff Disciplinary Policy:** this procedure is used where misconduct of an employee is alleged.
- (ii) **Staff Grievance Policy:** this procedure is initiated by employees to enable them to pursue complaints concerning aspects of their employment and to seek redress.
- (iii) **Stress at Work Policy:** this guidance has been produced for staff who report suffering from stress. Employees should report matters of concern relating to health and safety, including stress at work, to an appropriate manager. They are also encouraged to develop a balanced and responsible approach to work and their personal living.
- (iv) **Complaints Policy:** the School has a complaints procedure for any member of the community to raise concerns. Mostly used by parents but could be school's neighbours, etc.