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Marlborough St Mary's CE Primary School



MARLBOROUGH
ST MARY'S
PRIMARY SCHOOL

DIGNITY AT WORK POLICY & PROCEDURE FOR TEACHING AND SUPPORT STAFF IN SCHOOLS

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What is it?

The dignity at work policy and procedure sets out a framework for employees to raise concerns and complaints related to their dignity at work. Inappropriate behaviour in relation to dignity at work can take many forms and may include discrimination, harassment, victimisation and bullying at work (see definitions section).

The policy sets out the school's expectations that employees will treat each other with dignity and respect and a procedure to ensure the fair and consistent treatment of employees.

Both informal remedies (including mediation) and formal remedies (including disciplinary action) may be appropriate depending on the seriousness of the allegations. This policy sets out details of the informal procedure including mediation and refers employees to the formal stage of the grievance procedure if they wish to raise the matter formally.

Who does it apply to?

This policy applies to all school employees.

Dignity at work complaints relating to job applicants, contractors, sub-contractors, consultants, staff seconded from other organisations, agency workers, apprentices, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy and procedure and the grievance policy and procedure.

When does it apply?

This policy applies during the recruitment process and throughout employment.

This policy and procedure could apply equally to a group of employees, in which case the group can appoint one of their members as a spokesperson, who will then follow the procedures on their behalf and the answers given to them will then be deemed to apply to all members of that group. However, where it becomes evident through investigation that group members have individually experienced differences in terms of severity and impact of unwanted behaviour or language, cases may need to be looked at and resolved on an individual basis.

When does it not apply?

There are no exemptions under this policy and procedure.

Our commitment

1. The school is committed to creating an environment of positive working relationships and all employees are to be treated with dignity and respect in the work place.
2. All employees are expected to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the school's vision, values and beliefs. This includes behaviour set out in the following policy and procedures:
 - Equality and Diversity
 - Code of Conduct
3. The school recognises the significant impact and serious consequences that inappropriate behaviour, including bullying and harassment and behaviour associated with this, can have on individuals. In particular, that this type of inappropriate behaviour can make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases can even lead to mental illness and suicide. Effects on the school can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the school's reputation.
4. The school will not tolerate discrimination including (harassment and victimisation) and bullying and inappropriate behaviour associated with this. Harassment includes unwanted inappropriate behaviour in relation to the protected characteristics which include; sex (gender), gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age (see definitions and examples section below). All dignity at work allegations will be investigated and, if appropriate, disciplinary action will be taken. The school will also not tolerate victimisation of a person for making a dignity at work allegation in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.
5. Concerns and complaints raised under this procedure will be taken seriously, dealt with promptly and in confidence.

Inappropriate behaviour

6. Behaviour (conduct including physical, verbal and non verbal behaviour) which could contravene this policy can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. 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.

7. Inappropriate behaviour could be raised under the grievance policy. This relates to all activities which take place in work and in certain circumstances outside of work.
8. Inappropriate behaviour can arise from a single or a combination of factors. Some examples are:
 - using behaviour which results in physical, mental or psychological hurt.
 - using types of behaviour which can range from violence to less obvious forms such as ignoring someone or offensive body language. It applies to all forms of communication including; written (including the use of social media, e-mails and internet), pictorial, verbal or non verbal. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant. Further examples are set out in Toolkit 2 – guidelines for staff.
9. Inappropriate behaviour may be direct or indirect. Direct 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.
10. Inappropriate behaviour may constitute bullying, discrimination, harassment, or victimisation. Discrimination including harassment, and victimisation are covered by the Equality Act 2010. Employees found guilty of discrimination, harassment or bullying may face disciplinary penalties, up to and including dismissal. Employees found guilty of harassment and bullying could be personally liable to pay compensation in legal claims. Serious harassment may be a criminal offence.
11. Examples of harassment by protected characteristic can be found at the end of this policy.

Raising the matter

12. 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 the mediation service.

- pursue the matter formally.
13. Every attempt must be made to resolve complaints at the earliest possible stage. Use of the mediation service will be encouraged to achieve this where required and if agreed by the school.

Mediation

14. Mediation may be available at any stage of the policy. Mediation can be an effective way of resolving working relationship difficulties and employees are asked to give it serious consideration to resolve the complaint if it is offered to you.
15. If it is felt appropriate the Headteacher or their nominee may discuss mediation with you and any other individuals who are involved in the matter. If all the parties agree to use mediation, then this procedure or the grievance procedure (depending on the stage reached) will be temporarily suspended. A decision about whether to continue with the relevant procedure will be made by all parties once mediation has taken place.

Informal procedure

16. An employee can seek to take informal action under this procedure by choosing to:
- deal with the matter themselves informally.
 - involve a third party (e.g. Headteacher or a colleague) to assist in dealing with the matter informally.
17. Informal actions 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.
 - To request to the Headteacher or their nominee for mediation
- records of any approaches made and any letters sent should be kept.

18. Where the headteacher or their nominee is involved in the informal stage of the procedure, they will confirm their involvement in writing including any outcomes and timescales.
19. 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.
20. Employees are strongly encouraged to use the informal procedure including consideration of mediation, to resolve difficulties before moving to the formal stage of the procedure.

Formal procedure

21. The formal procedure can be followed if it is not possible or appropriate to resolve issues informally. The formal procedure is the school's formal grievance procedure.
22. In line with the grievance procedure, in order to start the formal stage of the grievance procedure, an employee must submit their grievance in writing to the headteacher (using form GN1), or if they are implicated in the complaint, to the chair of governors or chair of the staffing committee.
23. The formal procedure is detailed in the school's grievance procedure and will be referred to for further details. The formal grievance procedure includes:
 - A formal investigation (where appropriate)
 - A formal grievance meeting followed by a formal outcome letter letting the complainant know whether their complaint is upheld or not with recommendations for further action where appropriate.
 - An appeal stage
24. In certain circumstances the grievance policy may not apply (for example where a different policy or procedure is more appropriate) and the headteacher, or chair of governors will inform the employee if this is the case. Please refer to the grievance procedure for further details of when the policy may not apply.
25. Where an employee has had an allegation raised against them they will be informed of this as soon as it is possible and appropriate in line with the grievance procedure. Refer to the grievance policy and guidance for employees who are the subject of a colleague's complaint.
26. 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 or both parties.

27. The complainant will be informed as to whether their grievance has been upheld or not in accordance with the grievance procedure. However they will not be informed of any specific outcomes relating to another individual as this will be confidential information and in these circumstances cannot be shared.
28. More specific details on potential sanctions and decisions relating to disciplinary action are contained in the disciplinary procedure.

Roles and Responsibilities

Employee responsibilities

29. To treat colleagues, governors, pupils, parents and members of the public with dignity and respect, in accordance with the principles set out in this policy and in the following policies and procedures:
- equality and diversity
 - code of conduct policy
30. To comply with the principles set out in this policy and to:
- provide services in a fair and reasonable way and with consideration and politeness.
 - engage positively in measures designed to support employee performance such as induction, appraisal and professional development.
 - participate in procedures where headteachers or their nominee are addressing matters of performance, attendance and conduct.
 - not to aide or collude in cases where colleagues, governors, pupils and parents are treated in a manner which contravenes the policy and reporting any such instances.
 - ensure employee's colleagues are aware if their conduct or behaviour is a cause of concern.
 - provide support to someone who is subject to such conduct or behaviour.
31. Where an employee is raising a dignity at work complaint, to comply with the process outlined in this policy for the informal stage and the grievance policy and procedure for the formal stage in a positive and constructive way including to:
- provide the headteacher or their nominee with full information to assist them resolve the complaint
 - attend arranged meetings/hearings
 - arrange for their representation where they chose to be supported in this way

- notify the headteacher or their nominee if they or their representative require adjustments or cannot attend arranged meetings
- engage with recommendations to resolve the complaint including mediation
- maintain a professional approach to colleagues in respect of their working responsibilities while the process is on-going
- use a discrete and co-operative approach towards any witnesses to ensure that information collected is independent and not unduly influenced by external sources.

Headteacher or their nominee's responsibilities

32. To ensure that all employees are managed fairly and consistently in line with school policies and procedures and to manage the process related to dignity at work complaints including timescales, outcomes, support and the flow of information to all parties in the process in line with this policy for the informal stage and the grievance policy and procedure for the formal stage and following HR advice.
33. Promote positive working relationships and standards and eradicate inappropriate behaviour or language in accordance with this policy and the following policies and procedures:
 - equality and diversity
 - code of conduct policy
34. In line with this policy and procedure specifically:
 - set appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner.
 - foster a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships.
 - ensure all employees under their control maintain a high standard of conduct between all colleagues and are advised of what is and is not deemed to be acceptable behaviour at work.
 - use their judgement to identify and correct standards of inappropriate language and behaviour with employees and to remind them of the council's policy.
 - give recognition to the fact that some staff may be going through particularly difficult personal circumstances and may require additional supportive behaviours and understanding e.g terminal/end of life illnesses, mental health issues etc
 - take complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally.
 - investigate complaints about inappropriate behaviour or language and making employees aware that where necessary appropriate

action will be taken which could include using the disciplinary procedure or other action outlined in this policy and guidance in relation to third party harassment.

- make employees 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.
- monitor sickness absences to identify if any sick leave is attributable to inappropriate conduct or language.

Employee responsibilities if you have a complaint raised against you

35. These are set out in Toolkit 3 “guidelines for staff who are subject of a colleagues complaint”.

Support

36. Details of the support available to staff who raise a dignity at work/grievance complaint or have a complaint raised against them are set out in the:

Toolkit 2 Guidelines for staff

Toolkit 3 Guidelines for staff accused of using inappropriate language or behaviour

Toolkit 4 Mediation Schemes

FAQ's

37. **What is expected from employees in helping to provide a positive working environment and culture?**

Employees are expected to comply with the requirements of this policy and the grievance policy and procedure to co-operate and support the headteacher or their nominee in addressing and taking appropriate action to improve areas of concern. If they have concerns about their headteacher they should raise it with the chair of governors.

38. **What examples of good management can help to support a positive working environment and good working relationships?**

Examples of good management include:

- setting achievable time limits and standards of work.
- positively supporting the performance of individual workers e.g. through induction, professional development, appraisal and one to one supervision.
- addressing matters of performance, attendance and conduct through the appropriate procedure on the occasions where employees fall short of acceptable standards in a prompt and professional manner
- applying the relevant procedures e.g. absence, capability and disciplinary fairly and consistently firm but fair management is not to be confused with behaviour that contravenes this policy.

39. **What effects can language or behaviour have in undermining dignity and respect?**

The effects of language or behaviour which contravenes this policy can be extremely damaging to the individual and everyone else involved. The subject of such behaviour may suffer from physical or emotional symptoms such as disturbed sleep and loss of confidence. Individuals may be personally affected and their performance may deteriorate which will impact on educational delivery. This may also impact upon an individual's self esteem and family relationships.

40. **What action can be taken against headteachers or their nominees or staff who fail to comply with the policy?**

If possible matters should be resolved informally and mediation is another possibility that needs to be considered. However, if neither of these options are successful or suitable then action may need to be taken under the appropriate procedure.

41. **What action can be taken against contractors who fail to comply with the policy?**

Complaints relating to job applicants, contractors, sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy and procedure. Consideration can be given to terminating the contractual arrangements.

42. **What if an employee witnesses offensive behaviour or language against another employee but this employee does not report it, are they expected to do anything?**

An employee can speak to the person who has been the target of the abuse and advise them to report it under the dignity at work policy. If they don't want to take the matter any further then the employee should report the incident to the headteacher for them to follow up.

Equal Opportunities

This policy has been Equality Impact Assessed on 13.4.2016 to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Headteachers will make any necessary adjustments to ensure that all employees are treated fairly.

Definitions

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end e.g. picking on someone, ridiculing or setting someone up to fail, making threats or comments about someone's job security without good reason.

It is a key role of headteacher to set and monitor performance objectives and standards of behaviour of staff they manage and take steps to improve these where necessary. Objective feedback and action aimed at improving performance is different to unjustified bullying.

Harassment is unwanted conduct related to relevant protected characteristics, which are gender identity (sex), gender reassignment (trans-identity), race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Victimisation occurs when an employee is treated less favourably than someone else because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An example of victimisation might be where opportunities for training or progression have been blocked because an employee has previously made a complaint.

Examples of harassment

Examples of some forms of harassment by protected characteristic are:-

Race	Racial abuse; racially explicit derogatory statements; offensive jokes; racist graffiti; display of offensive material; an offensive or dismissive manner; insulting someone on the grounds of their
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	race; refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin; unfair work allocation
Disability	Derogatory remarks; mimicking; invasive personal questions; staring; ostracising, which is directed at any individual with an impairment, or group of disabled people, which results in the individual feeling threatened or compromised; making assumptions about an individual's ability because of their impairment including mental health disabilities; excluding people from social activities; failing to direct comments to a disabled person; use of words specific to impairment being used in a derogatory way (eg. spastic); unreasonably highlighting a person's disability.
Gender/Sex	Unwelcome sexual advances; touching; standing too close; forms of sexual assault; sexual jokes; displaying pornographic photographs or drawings or sending emails with material of a sexual nature; unwanted or derogatory comments about clothing or appearance; leering or suggestive gestures or remarks
Gender re-assignment	Transphobic comments, 'jokes' and name calling; verbal or physical abuse or intimidation; refusing to treat a person as of their new gender when they transition; failing to address a person by their preferred name and correct gender pronouns; outing a person as transgender/non-binary without their consent or spreading rumours (this may also be a criminal offence); excluding a person from conversation or activities; sexual harassment; intrusive questions; denying people access to the appropriate single sex facilities such as toilets/changing rooms
Age	Considering someone as too young or too old for promotion; making derogatory remarks or assumptions about someone's ability or competence based upon their age; pressuring someone to retire
Sexual Orientation	Making homophobic or biphobic insults or threats; making unnecessary and degrading references to an individual's sexual orientation; engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation; outing an individual as LGB without their permission; ignoring or excluding a colleague because they are LGB; making assumptions and judgements about a colleague based on their sexual orientation; spreading rumours or gossip about an individual's sexual orientation; asking an LGB colleague intrusive questions about their private life; using religious belief to justify anti-gay bullying and harassment; displaying or circulating homophobic or biphobic materials; assuming that everyone is heterosexual; assuming that all gay men are HIV positive
Religion or Belief	Mocking or deriding people's religious or other beliefs; making unwanted comments on dress; making it unnecessarily difficult for people to conform to their religions to their religions or beliefs; pressure to participate in political/religious groups

Legislation

The policy is underpinned and supported by a host of employment legislation which includes:

Equality Act 2010

Health and Safety Act 1974

Protection from Harassment Act 1997

Management of Health and Safety at work Regulations 1999 (SI 1999/3242)

Further information

There are a number of related policies and procedures that you should be aware of including:

- Code of conduct
- Grievance
- Disciplinary
- Equality and diversity