

Dignity and Respect at Work Policy

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1. Dignity and Respect at Work

Hatton Academies Trust is committed to providing a caring and supportive working environment which is free from all forms of harassment, discrimination, bullying and intimidation. Employees at every level of the Trust are personally responsible for creating and maintaining a workplace free from inappropriate, unacceptable and abusive behaviour.

The Board of Directors commit to developing a culture of personal and managerial integrity and professionalism, in which dignity, courtesy and respect are valued, and unacceptable behaviour is identified and dealt with quickly, fairly and sensitively.

In a move which is aimed to help the organisation to transition to a resolution culture, this policy replaces the former Grievance Policy while still being fully compliant with the [Acas disciplinary and grievance code of practice](#).

This policy provides the tools to assist employees, managers and unions to work collaboratively to resolve dispute and conflict in the workplace. The focus is on communication and dialogue at the earliest possible stages, integrating the values and principles of mediation into the organisation such as mutual respect, openness, collaboration and fairness; a collaborative approach that balances the rights of individuals with their interests and needs.

Our workforce is made up of people from increasingly diverse backgrounds, with differing opinions, values and expectations about work. We recognise that, from time to time, employees may have problems, concerns or complaints about aspects of their employment, e.g. working conditions or working relationships with colleagues, which they wish to raise and have resolved.

The Trust recognises its responsibility to deal with any such concerns promptly in the interests of employee wellbeing, motivation and morale and to reduce the risk of time-consuming formal proceedings and associated costs.

2. Statement of Principles

- All members of the Trust workforce (as defined in section 3) have a right to be treated with dignity and respect in the workplace in accordance with the Trust Code of Conduct
- Workplace harassment, bullying and victimisation of any kind are totally unacceptable
- No member of the Trust workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, members of the public, or other individuals they may encounter at work or whilst they are working at other locations (e.g. on a school trip)
- The Trust recognises that any member of its workforce can be subjected to these forms of behaviour
- The Trust will assess whether harassment, bullying or victimisation has occurred based on the impact of the action(s) on the victim rather than the intent of the alleged perpetrator
- The Trust will not base decisions about handling harassment, bullying or victimisation on whether someone submitted to or rejected a particular instance of harassment, bullying or victimisation

- When concerns or complaints arise, they will be resolved through informal procedures wherever possible
- The Trust recognises that the offence may not be intentional. An individual may be subject to unacceptable behaviour, and the person causing the alleged distress may be unaware that their behaviour is offensive or causing a problem. Differences in culture, attitude and experience or the misinterpretation of social signals can result in differences in perception, and what may be perceived as unacceptable to one person may be perceived by others as normal social behaviour.
- Records should be kept of each formal stage of the procedure and checked for accuracy by all parties. Employees should be given copies of any resolution meeting records including any formal minutes. In certain circumstances the Trust may withhold some information, for example to protect a witness. All such records will be regarded as confidential and retained in accordance with the provisions of the Data Protection Act 1998.
- All parties will endeavour to deal with concerns as quickly as possible and within the timescales stated. Should it be necessary, the time limits can be extended or modified with the agreement of all the parties.
- Where an employee formally requests a resolution under this policy during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the concern. However, where the concern and the disciplinary matters are related it may be appropriate to deal with both concurrently if directly relevant to the outcome of the disciplinary hearing. Where this situation arises, a decision taken by the Chief Executive Officer or Director of Finance and Operations will be communicated to the relevant parties, following advice from HR.
- Where a concern relates to a difference in the interpretation and/or application of a particular Trust policy, procedure or agreement, consideration of the matter may be adjourned with the consent of all the parties to enable appropriate advice and guidance to be sought. When this has been received, the resolution procedure will be resumed at the point at which it was adjourned.
- The Trust reserves the right to deal with any unusual or urgent concern outside the normal resolution procedure in exceptional circumstances, but will only exercise that right following consultation with all parties.
- The Trust recognises the possibility that concerns may be brought with malicious, vexatious or spurious intent. If there is evidence to support such intent, this may result in disciplinary action being taken against the complainant.

The Trust strives for a workplace that is free of harassment, bullying and victimisation through:

- Raising awareness of the issues of harassment, bullying and victimisation, and refusing to tolerate these behaviours
- Supporting any member of the Trust workforce who is harassed, bullied or victimised
- Dealing with any issues through agreed processes when they are raised
- Ensuring that senior leaders demonstrate and uphold high standards of conduct

3. Legislation and guidance

This policy is based on the ACAS guidance on discrimination, bullying and harassment at work and on The Model Resolution Policy produced by David Liddle, CEO of the TCM Group.

This policy follows the principles of the:

- Equality Act 2010
- Protection from Harassment Act 1997 (which makes provision for protecting individuals from harassment and similar conduct)
- Employment Rights Act 1996 (which is particularly relevant if the school is considering a dismissal)
- Employment Relations Act 1999 (where a dispute progresses to an employment tribunal)
- Department for Education (DfE)'s guidance on controlling access to school premises (where it becomes necessary to bar an individual from school premises)

This policy is designed to protect all current and former members of the Trust workforce.

For the purposes of this policy, the term 'Trust workforce' includes:

- All staff employed under a contract of employment
- Agency workers
- Consultants
- Casual workers
- Interns
- Apprentices
- Volunteers, including governors
- Job seekers and job applicants

Application of this policy is suitable for concerns or disagreements between all work colleagues, managers and members of their team, or actions/inactions of the employer.

This policy also covers unacceptable behaviour in any situation, as the result of which an employee's employment with the Trust may be affected. It is not confined to unacceptable behaviour occurring in the workplace or during working hours, but extends to situations that occur outside the working environment which arise out of, or may affect, the working relationship between employees and the Trust as the employer.

Employees cannot use this policy and procedure if the nature of the concern constitutes an appeal against disciplinary decisions taken against them; in this case, please refer to the Disciplinary Policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

This page has been corrected to remove two protected characteristics which are not listed in the Equality Act legislation as being relevant to harassment.

4. Definitions

All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If a member of the Trust workforce reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.

4.1 Harassment

Harassment, as defined in the Equality Act 2010, is:

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.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves.

An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- Associated with a person who has a protected characteristic
- Wrongly perceived to have a protected characteristic
- Treated as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature, which has the same purpose or effect on the individual as described at the beginning of this section (3.1).

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex. This conduct has the same purpose or effect described at the beginning of this section (3.1) and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable, and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

4.2 Bullying

Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying can take the form of physical, verbal and non-verbal conduct.

Harassment is when bullying or unwanted behaviour is about any of the protected characteristics defined in the Equality Act 2010 (as defined in section 3.1).

4.3 Victimisation

Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because he/she does a protected act, or it is believed he/she has done or may do a protected act.

A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act

5. Examples of unacceptable behaviour

Unacceptable behaviour in this school may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing information about an individual with others who do not need to know
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion, e.g. by ignoring a colleague or excluding them from opportunities or activities
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities

- Putting humiliating, offensive or threatening comments or photos on social media

This list is not intended to be exhaustive.

Harassment, bullying or victimisation may occur:

- Face to face
- Through written communication
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone
- Via social media
- Via automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all workers in similar roles

This list is not intended to be exhaustive.

6. Reasonable management

The Trust differentiates between reasonable management, which is firm and fair, and behaviours associated with harassment, bullying or victimisation.

Legitimate, justifiable, appropriately conducted monitoring of a member of the Trust workforce's behaviour or job performance does not therefore constitute bullying, harassment or victimisation.

7. Roles and Responsibilities

7.1 The Trust Board of Directors

The Trust Board of Directors:

- Ensures complaints and allegations are handled according to agreed procedures
- Holds senior leaders to account for the implementation of this policy
- Ensures that this policy is periodically reviewed and kept up to date
- Handles any complaint raised by or about the CEO

7.2 Senior Leaders

Senior leaders, including the Chief Executive Officer, Director of Finance and Operations, Principals, Vice Principals and Assistant Principals of Trust academies will:

- Work to ensure that the working environment is free from harassment, bullying and victimisation
- Work to check that complaints and allegations are handled fairly and consistently in accordance with agreed procedures

7.3 All members of the Trust workforce

All members of the Trust workforce will:

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- Support colleagues who experience unacceptable behaviour and who are considering making a complaint, or have made a complaint
- Report any occurrence of unacceptable behaviour and offer supporting evidence in any investigation where appropriate

7.4 Line Managers

The success of the refocus from grievance to resolution is largely dependent on line managers' skills in encouraging an open and transparent workplace where employees feel comfortable to raise concerns and confident that they will be taken seriously and managed well. As a line manager you should:

- Encourage people to talk to you if they have concerns about a work issue or are experiencing difficulties in their personal lives. By understanding an employee's context and situation, you will be closer to understanding how it impacts their behaviour at work, how they are dealing with it, and how you can address it accordingly
- Be prepared to step in and talk to the individual as soon as you are aware of a problem. In many cases the person might be unaware of how they or their behaviour is perceived by others and will quickly – and positively – respond to a quiet word
- Role model the positive behaviours expected of everyone and make clear the behaviours that will not be tolerated
- Respect individuals' points of view, background and working styles, but be confident to call out behaviour that is unacceptable
- Treat all employees with the same level of importance and avoid favouritism. If you do not manage people equally, you will struggle to build working relationships based on mutual trust and respect. Any sign of favouritism is also likely to lead to resentment, becoming a cause of conflict in itself.
- Always discourage employees from talking about their colleagues behind their backs. Ignoring this type of behaviour can lead to resentment, cliques and a work culture where bullying is more likely to occur. Establish if there is a genuine problem, and then deal with it openly by talking to the individuals concerned.
- Seek support or advice from senior managers or the HR team
- Engage in any training offered by the Trust to help you upskill in this area

8. What to do if you have a concern or complaint

How complaints will be dealt with will depend, in part, on whether the alleged perpetrator is an employee, a stakeholder or a pupil. Each option, and who it relates to, is set out below.

For all allegations of members of the Trust workforce being harassed, bullied or victimised, consideration will be given to involving other agencies as necessary.

Where a complaint has been raised and is being investigated under this procedure, the Trust will consider requests from the complainant to change their working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.

8.1 Requesting a Resolution

If you are being harassed, bullied or victimised by, or in dispute with, an employee, stakeholder or pupil, speak to your line manager or the HR team. They can provide confidential advice and assistance in resolving the issue. Rather than 'submitting a grievance', we now refer to this stage of the process as 'requesting a resolution'.

Your request for resolution, whether verbal or written, should include the nature of the complaint, outlining the alleged behaviour and its impact on you with reference to specific incidents where possible, including times, dates and witnesses. It is important that you provide sufficient detail to enable the nature of the complaint to be determined. You should also outline what you propose as a reasonable resolution.

If your line manager is the subject of your complaint, the request for resolution should be raised as follows:

Academy based staff	- Raise the matter with the Principal
Central Services staff Operations	- Raise the matter with the Director of Finance and Operations

Concerns about the Principal or Director of Finance and Operations should be raised with the Chief Executive Officer (CEO).

Concerns about the CEO or any non-executive director should be raised with the Chair of the Board of Directors.

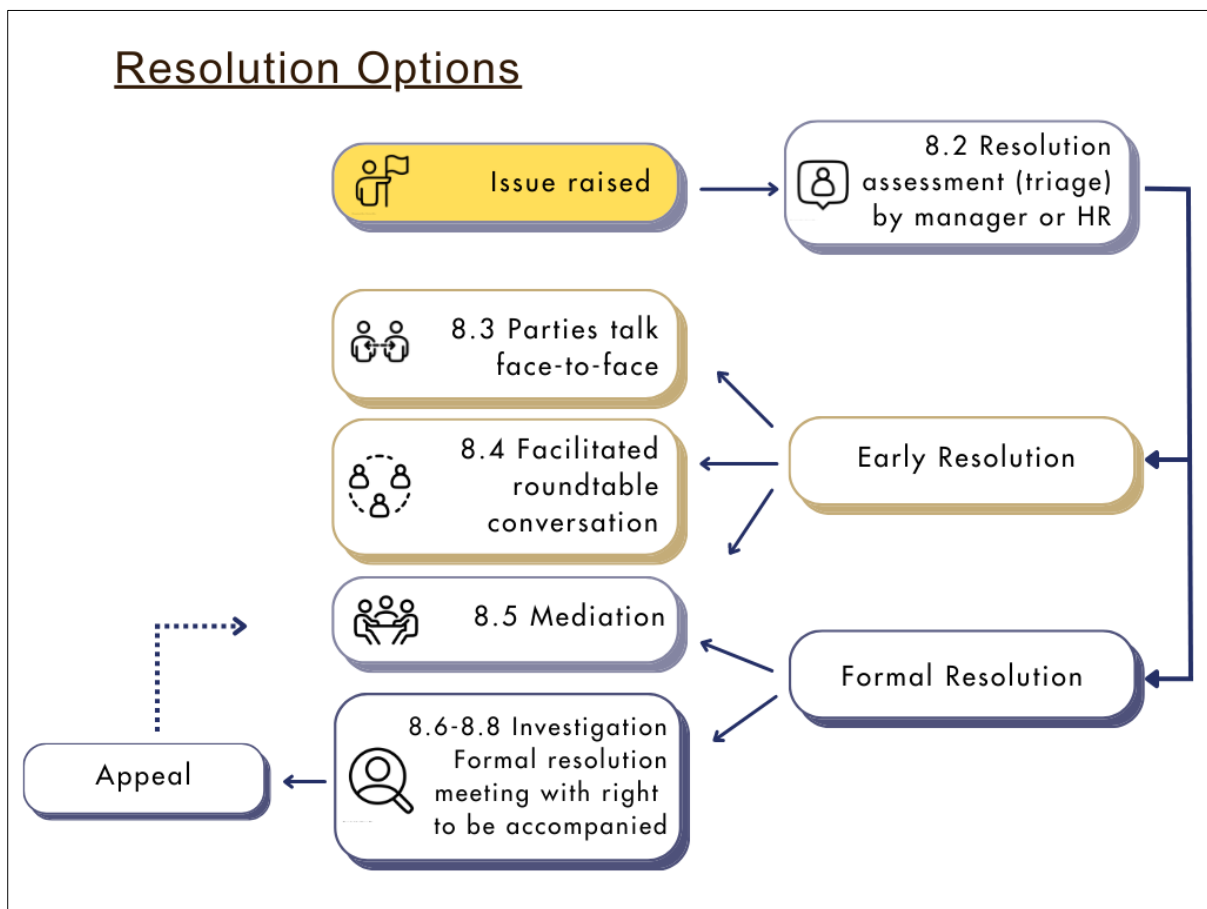
If the Chair is the subject of your complaint, speak to the Chief Executive Officer in the first instance.

For job applicants, job seekers and former members of the Trust workforce, complaints should be directed to the Academy Principal or Director of Finance and Operations in the first instance.

8.2 Resolution Triage

This is the process by which a senior manager and/or the HR Manager identifies the most suitable route to resolution. The process commences once an employee has submitted a request for resolution and where early resolution has been unsuccessful or has not been attempted. Emphasis should be placed on early resolution in all the forms set out in this policy. The request for resolution may be triaged in one (or more) of the following ways (also see flowchart below):

- Encouragement to engage in an early resolution meeting (direct face-to-face talks) between the parties
- A facilitated conversation chaired by a senior manager or the HR Manager
- Independent mediation delivered by a fully trained and accredited mediator
- One-to-one coaching
- A team conference in the case of team disputes, collective grievances and collective disputes
- A formal investigation to establish the facts followed by a resolution meeting to offer a determination of the case in the event that the above steps are unsuccessful



8.3. Early Resolution Meeting

The resolution meeting is an early attempt to identify and resolve a disagreement, conflict or dispute. It provides an opportunity for managers, employees and colleagues to discuss situations in a supportive, constructive and empathetic forum.

Most workplace disagreements, disputes and conflicts can be resolved at this stage. The Trust commits to working towards managers being trained to be conflict-competent and, in particular, being trained in the skills necessary to facilitate resolution meetings. Senior leaders or the HR team can provide support in preparing for this meeting.

8.4 Facilitated discussion

The facilitated conversation, or roundtable meeting, may be led by a senior manager or the HR Manager. In some cases it may be chaired jointly. This is a confidential discussion between all parties that draws on the same principles as mediation but is less formal and can be used to bring parties together at an early stage of the dispute. The facilitator:

- acts neutrally
- creates the conditions for dialogue
- encourages all parties to engage in constructive dialogue and listen actively

This is a solution-focused process with the aim of helping the parties to reach a mutually acceptable outcome. This will be a confidential discussion between those present. Only the main issues and agreed outcomes will be recorded.

8.5 Mediation

Mediation is a non-adversarial way of resolving difficult situations. It is used as an alternative to formal or legal processes. The FAIR Mediation Model™ is the model most commonly used in the UK; it stands for Facilitate-Appreciate-Innovate-Resolve.

The mediator is an impartial third party who helps the parties to have an open and honest dialogue with the aim of identifying a mutually acceptable outcome: a win/win outcome. The mediator, whether internal or external, will be trained to an accredited standard and will engage in relevant CPD.

Mediation is about collaborating rather than blaming. Any agreement made during mediation comes from those in dispute, not from the mediator. The mediator is not there to judge or to tell anyone what to do.

Mediation is both voluntary and confidential. However it is reasonable for the Trust to expect employees to consider using mediation and to avoid rejecting it out of hand.

8.6 Formal resolution procedure

The Trust will use this process if the complaint relates to someone employed directly by the Trust, or where the Trust has the power to take professional or disciplinary action.

8.7 Formal investigation

An investigation can be invoked if the Trust deems an investigation suitable and necessary

- a) as a result of the resolution triage assessment stage; or
- b) when an employee has a complaint or concern that they feel has not been resolved satisfactorily by one or more of the early resolution approaches set out above

We will follow our own internal investigation procedure (see Workplace Investigation Framework) with the key purpose to discover all the relevant facts and information in a fair, reasonable and objective manner.

Investigators will be trained in setting up, running and reporting on a workplace investigation. In addition, they will be aware of the benefits of mediation so that, if the need arises, they can refer the parties back to the resolution process. Recognising that even the best run investigations can be challenging and stressful, mediation will be an available option throughout the investigation process.

The investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report detailing their findings and recommendations about action to be taken upon the conclusion of the investigation.

8.8 Outcome of the investigation

The Investigating Officer will meet with both parties separately to outline the findings of the investigation and to advise what action will be taken. The outcome and any agreed actions will also be confirmed in writing to both parties. Guidance on potential outcomes:

Evidence of unacceptable behaviour

If the Investigating Officer concludes there is evidence to suggest unacceptable behaviour has occurred and that this would usually be in breach of any Trust policy, they will advise both parties that their recommendation to the CEO is that the process from this point should be managed under the Disciplinary Procedure.

	The Investigating Officer will provide their final report to the CEO who will decide as to whether the Disciplinary Procedure will be followed from this point onwards.
No evidence of unacceptable behaviour	If no evidence is found, the Investigating Officer will explain this finding to both parties and the rationale for coming to this conclusion.
Unacceptable behaviour requiring action short of disciplinary	If evidence of unacceptable conduct is found where the behaviour needs to change but disciplinary action is not considered appropriate, the Investigating Officer will issue a management instruction in writing setting out their expectations of what needs to change. This will be monitored by the employee's line manager, or senior manager, to ensure that the issue does not recur. Any further incidences of unacceptable behaviour are likely to lead to disciplinary action.
Failure to commit to change of behaviour	If the employee will not agree or commit to a change of behaviour then the Investigating Officer will recommend that this should automatically be taken forward under the Disciplinary Procedure.

In all cases the Investigating Officer will discuss and agree actions with both parties which may include arranging for mediation to restore the working relationship. The investigation may also have highlighted training needs for one or both parties; in this case a training plan will be put in place.

8.10 Appeal

The employee who raised the concern has a right to appeal the outcome of the formal investigation within 10 working days of receiving the outcome in writing. The purpose of the appeal is to determine whether the formal resolution stage was followed correctly, and whether the outcome was reasonable in all of the circumstances.

The appeal must be made in writing, clearly stating the grounds for appeal, and be addressed to the Chief Executive Officer who will appoint an appropriate person to conduct the appeal meeting; the appeal will usually be heard by a senior leader or Director with no prior involvement with the complaint and/or investigation, supported by the HR Manager.

Both parties may be represented by a Trade Union Representative in the appeal meeting. The decision of the appeal is final.

If the investigation has resulted in disciplinary action being taken the employee will have the right to challenge the outcome through the disciplinary process.

The appeal outcome will be confirmed in writing within 5 working days of the hearing.

An outcome may dismiss the appeal and confirm the original decision or may uphold the appeal and overturn the original decision.

8.11 Continued working relationships

Whatever the outcome, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual is not covered by Trust disciplinary procedures, the Trust will consider other reasonable action, and involve other agencies where appropriate.

8.12 Alleged harassment, bullying or victimisation by stakeholders

The Trust will use this process if the complaint relates to someone not employed directly by the Trust, or when the Trust does not have the power to take any professional or disciplinary action against the person in question.

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

If the allegation is found to be justified, the response from the Trust will depend on the relationship of the perpetrator to the Trust and the nature and severity of the incident.

The Trust will take proportionate action in consultation with the individual who made the complaint. This may involve:

- Mediation
- Putting up signs setting out acceptable and unacceptable behaviour
- A verbal warning
- A written warning

This list is not intended to be exhaustive.

If the action taken is not effective in preventing issues, or for very severe cases, the Trust will consider further action. This may involve a meeting to discuss a ban from the school site. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the school.

In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the school will have regard to the Department for Education's guidance on controlling access to school premises (see section 2 of this policy).

If the individual is a parent of a pupil at a Trust academy, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

8.13 Alleged harassment, bullying or victimisation by pupils

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

If the allegation is found to be justified, the school will then refer to the behaviour policy, and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances.

Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

9. Confidentiality

The Trust will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

A complaint about a pupil may be stored on their educational record.

Information will be processed in line with UK data protection law. It will be kept securely, only for as long as necessary and in line with UK data protection law, our privacy notices and records management and retention policy.

10. Further information

An employee can seek further information on harassment, bullying and victimisation from:

- Line manager
- The Trust HR team
- Trade union representative

For anyone affected by any of the issues covered in this policy, the Trust's confidential counselling service can be used to obtain support and guidance using the contact details below.

Care First - 0800 174 319

<https://carefirst-lifestyle.co.uk/> (username: hattonacademies | password: trust)

11. Monitoring arrangements

This policy will be reviewed by the CEO in liaison with the Director of Finance and Operations and HR Manager annually, with amendments subject to consultation with employees and Board ratification.

12. Links to other policies

This policy is linked to the following policies:

- Workplace Investigation Framework
- Staff disciplinary procedures
- Whistle-blowing policy
- Staff code of conduct
- Behaviour policy
- Safeguarding policy