



# GRIEVANCE PROCEDURES & DIGNITY AT WORK POLICY

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## **1. SUMMARY OF MAIN POINTS**

- 1.1 Grievances will occasionally occur and can involve working arrangements, colleagues or conditions of service.
- 1.2 Conditions of service matters should not be discussed under Grievance Procedures but be referred to the Academy Principal or Chief Executive in the case of Trust employees.
- 1.3 Utilise informal stages of procedures and talk to the aggrieved party.
- 1.4 Grievances unable to be resolved informally require serious consideration by Heads of Departments; Principals; Governors.
- 1.5 Specified time limits for the consideration of these matters are laid down to ensure a speedy resolution of any differences.
- 1.6 Complaints regarding harassment or bullying should also be raised under the grievance procedure. **Refer to the Dignity at Work Policy outlined at section 5 of this policy.**

## **2. ADVICE FOR PRINCIPALS AND GOVERNORS ON THE REQUIREMENTS OF THE GRIEVANCE PROCEDURE**

- 2.1 The Trust's Academies should, in the first instance, encourage staff to seek informal resolutions of any difficulties that may arise. This informal stage may include, for example, the intervention of a "friend" and/or the assistance of a Governor. Details of the formal procedures to be adopted where the informal stages have not proved successful are to be found in this document.
- 2.2 The School Standards and Framework Act 1998 places grievance procedure "under the control of each Local Governing Body and gives Governors the responsibility to establish the grievance procedure for its Academy.
- 2.3 Governors will seek advice from the Trust's HR advisor in cases where the grievance is complex or where conditions of service are the issues.
- 2.4 Employment legislation imposes an obligation on employers to specify in each written statement of particulars of terms of employment, the person, by description or otherwise, to whom the employee can apply for the redress of any grievance they may have relating to their employment. The Education Reform Act gives the Trust/Local Governing Bodies the responsibility for notifying all employees at the Trust of the grievance procedure it has adopted.
- 2.5 This document details the grievance procedures for all Trust and Academy staff, Principals, teachers and support staff. The procedures outline Local Governing Bodies set up the machinery, i.e. a delegated committee, to deal with grievance matters. Formal transfer of powers to a committee will require a panel of three Governors to be present when the decision is taken.

### **3. GRIEVANCES RAISED BY TEACHERS AND SUPPORT STAFF**

- 3.1 At all stages in the procedure an employee has the right to consult with and be accompanied by a trade union/professional association representative or colleague.

#### Procedure for the Resolution of Grievances by Local Governing Bodies (LGB)

- 3.2 Where an employee has a grievance which involves another member of staff, they should endeavour to resolve the matter by a direct approach to the member of staff involved, or if necessary, raise the matter with an appropriate Academy leader.
- 3.3 Where a meeting is requested with an appropriate Academy leader, the request should be submitted in writing and granted within five working days.
- 3.4 If, after any action to resolve the grievance taken by the appropriate Academy leader, the individual remains dissatisfied, they may request an interview with the Principal. The interview should be arranged within 10 working days.
- 3.5 Where the above outlined procedure has not resolved the matter, formal notice of a grievance should be submitted in writing with any supporting documentation, to the LGB Chair.
- 3.6 Where the grievance is raised against the Principal, every endeavour should be made to resolve the matter by direct approach to the Principal. If it is not resolved within 10 working days, it should be referred to the Chief Executive and a meeting held with the aim of resolving the issue. If, after any action to resolve the grievance taken by the Chief Executive, the individual remains dissatisfied, the matter should be referred to the Trust Chair. A meeting of the appropriate Board of Trustees' Committee will then be convened.
- 3.7 A formal grievance hearing will be considered by the delegated Board of Trustees' Committee within 10 working days. The relevant parties should be present. Refusal to attend, however, by any one party shall not invalidate the proceedings. In the event of non-attendance written submissions may be submitted and will be considered.
- 3.8 The decision of the Board of Trustees' Committee will be communicated to the employee at the close of the hearing and confirmed in writing by the Trust Chair or Clerk to the Board of Trustees. The employee has the right of appeal to the Board of Trustees' Appeals Panel (which will be different Trustees to those at the original hearing). An appeal should be submitted, in writing, within seven calendar days of receipt of the written confirmation of the original decision. The letter of appeal should outline in some detail the grounds the employee believes are necessary for submitting an appeal. The decision of the Appeal Panel will be final.

### **4. GRIEVANCES RAISED BY PRINCIPALS**

- 4.1 At all stages in the procedure a Principal has the right to consult with and be accompanied by a trade union/professional association representative or colleague.

#### Procedure for the Resolution of Grievances by Principals

- 4.2 Where a Principal has a grievance which involves another member of staff, they should endeavour to resolve the matter by a direct approach to the member of staff involved.
- 4.3 Where a direct approach does not resolve the matter, or where the grievance is with the Local Governing Body, the complaint should be submitted in writing with any documentation, to the Trust Chair.

- 4.4 The formal grievance hearing will be considered by a committee of the Board of Trustees within 10 working days. The relevant parties should be present. Refusal to attend, however, by any one party shall not invalidate the proceedings. In event of non-attendance written submissions may be submitted and will be considered.
- 4.5 The decision of the committee of the Board of Trustees will be communicated to the Principal at the close of the hearing, and confirmed, in writing, by the Clerk to the Board of Trustees. The employee has the right of appeal to the Board of Trustees' Appeals Panel (which will be different Trustees to those at the original hearing). An appeal should be submitted, in writing, within seven calendar days of receipt of the written confirmation of the original decision. The letter of appeal should outline in some detail the grounds the employee believes are necessary for submitting an appeal. The decision of the Appeal Panel will be final.

## 5. DIGNITY AT WORK – POLICY & PROCEDURES

LEAP Multi-Academy Trust will actively challenge all forms of prejudice and discrimination and ensure that all priorities encompass an equalities approach

All LEAP employees will treat each other with fairness and respect, our diverse needs and strengths will be understood and valued

LEAP Multi-Academy Trust aims to provide a working environment where all its employees are treated with dignity and respect and are valued for their skills and abilities. It is firmly opposed to all forms of harassment and bullying at work and promotes every employee's entitlement to carry out their duties without fear of being subjected to unreasonable behaviour.

Unreasonable behaviour can take many forms and can range from physical attack to subtle comment. It can include actions, jokes or suggestions that might create a stressful working environment or the production, distribution, display or communication/discussion of material that may give rise to offence. It can also include behaviour which deliberately or inadvertently excludes individuals from normal activities in the workplace. Examples of unreasonable behaviour can be seen in **Appendix 1**.

The Trust has both a moral and legal duty to provide a working environment where dignity is preserved and is free from all forms of harassment and bullying (**see Appendix 2**).

Incidents of harassment and discrimination are often based on sex or race but are not exclusively so. No individual or group of people should fear unfair treatment arising from their gender, race, religion or belief, culture, age, impairment or sexuality.

All employees are required to comply with this policy whether working at their normal place of work or off site.

It applies to harassment and bullying that takes place during normal working hours and also outside normal working hours, where an individual's actions affect the Trust or has a bearing on any workplace relationship.

Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates the policy. Violation of the policy may also include those employees who make what can clearly be seen as malicious claims.

### **Effects of Harassment/Bullying**

Harassment/bullying is a serious problem which has often been dismissed as individuals being over-sensitive. The sufferer may feel humiliated and unable to face the harasser. Typical reactions include embarrassment and a misplaced sense of personal guilt.

An individual may find it difficult to tackle the harasser/bully themselves, for fear of not being believed. The resultant pressure can affect a person's health, work performance, promotion and job prospects.

For the employer, harassment/bullying can result in increased levels of absence, lost productivity, resignations, damage to the Trust's reputation, tribunal/court cases and payment of potentially unlimited compensation.

### **Counselling**

In addition to the formal and informal procedures set out in this document, an individual may wish to seek counselling where their health or feeling of well-being is being affected by a situation at work.

The Education Support Partnership provides a free 24-hour confidential support and counselling service for all colleagues on 08000 562 561.

Additionally, face to face counselling is available by referral via Academy Principals/Business Manager and/or the Trust's HR Officer for Trust employees.

Any discussion with a counsellor is in total confidence and completely separate from the procedures set out in this document. A counsellor has no formal role in the procedures and in the investigation of complaints. All discussions between counsellor and employee are confidential.

### **Safeguards**

- Employees rights under the grievance and disciplinary procedures are not affected by this policy.
- An individual's right to legal redress will not be affected by this policy
- All records concerning allegations or complaints of harassment will be treated as confidential.

### **Aims**

The Policy aims to:

- Ensure the dignity at work of all employees
- Respect and value differences
- Ensure that all employees are aware of the types of behaviour which may constitute harassment and bullying
- Identify individual responsibilities in preventing such behaviour
- Provide procedures which enable complaints to be investigated promptly and appropriately, within agreed time limits, and ensure that effective action is taken to prevent a recurrence
- Provide procedures which recognise the sensitivity of the issues raised
- Provide a working environment in which employees feel confident to bring forward complaints of harassment and bullying without fear of victimisation

- Enhance the Trust's compliance with its legal obligations and policy commitments in relation to equal opportunities
- Provide access to mediation in appropriate circumstances
- Give access to counselling where sought
- Provide appropriate training and guidance for all individuals involved in the handling of harassment and bullying complaints.

## Individual Responsibilities

### The Trust's Commitment

- To accept its legal responsibility to deal with harassment at work and to provide an environment free from all forms of harassment and bullying
- To ensure that all employees are aware of the policy and procedure with regard to harassment and bullying, including providing training to help employees to understand the nature and seriousness of all forms of harassment and bullying
- To provide guidance and training to those responsible for dealing with complaints of harassment and bullying
- To incorporate the Dignity at Work Policy within any appropriate training programmes, eg, induction, management development.

### Principals and LEAP Local Governing Bodies (LGB)

All Principals and LEAP Local Governing Bodies are responsible for promoting a positive working environment and for preventing harassment at work by **(see also Appendix 5)**:

- Ensuring that through their own actions or inactions, remarks or other behaviour, they do not conduct themselves in a manner which may reasonably be perceived by other employees as bullying or harassment
- Ensuring that workplace arrangements and practices foster good working relations and behaviour and do not allow scope for harassment or bullying
- Implementing the procedure and ensuring that all employees are made aware of the Trust's policy with respect to Dignity at Work
- Abiding by the terms of the policy guidelines for Academy Principals on Dignity at Work.

### Employees (see also Appendix 4)

- To treat their colleagues and customers with dignity and respect and take responsibility for their behaviour, in accordance with this policy and the law.
- Not to harass/bully any other member of staff and to discourage any forms of harassment/bullying

- To support colleagues who are being harassed or bullied.

### **Trade Unions/Professional Associations**

- To support the Trust in its efforts to provide a working environment free from harassment and bullying
- To help inform the workforce of the policy and to encourage employees who may have a problem to use the procedure available to them
- To advise their members accordingly in cases where they appear to be making malicious claims
- To advise their members of their rights and responsibilities under the policy and to represent members as and when appropriate.

### **Legal Action**

Where harassment or bullying takes place, this may constitute a criminal offence. If pursued, the complainant who has suffered harassment may take legal action against the harasser.

### **Monitoring**

Records of complaints will be monitored to identify problem areas and possible corrective action. Individual complaints will also be monitored to ensure they are promptly and effectively resolved and that no victimisation or retaliation occurs.

### **Victimisation**

All employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Individuals who retaliate against an employee for complaining about harassment or bullying, or for assisting in any investigation or being a witness, will be dealt with in accordance with the Trust's Disciplinary Procedure. Such conduct will be regarded as a serious disciplinary matter which may result in action being taken, up to and including dismissal.

### **Confidentiality**

All parties concerned will treat complaints of harassment or bullying in confidence. Disciplinary action may be taken against any person revealing the nature of any disciplinary action taken against a bully/harasser.

## **Procedure for Dealing with Harassment/Bullying**

Allegations of harassment and bullying need to be dealt with in a sensitive and timely manner, ensuring minimal stress for both the complainant and the alleged perpetrator, and also allowing a degree of flexibility appropriate to the individual circumstances of each case.

If at any stage in the procedure an individual does not receive a response as required within this policy, or where the response is considered inappropriate, the individual is entitled to raise a grievance in the usual manner.

An individual who believes they have suffered from harassment or bullying is advised to keep a personal record of the event(s). Such records should include details of the date, time and place of the event, the name of the alleged harasser, details of the incident, names of witnesses, if any, and any action taken to attempt to remedy the problem. These records should be made as soon as practicable after the event(s) occurred.

### **Informal Action**

Wherever possible, an employee who believes that they have been the subject of harassment or bullying should in the first instance ask the person to stop the offensive behaviour.

Help may be sought from a colleague, Principal, a member of the LGB or union/professional association representative. A colleague may be of assistance particularly where they have been a witness to the events. Employees are therefore encouraged to be supportive of anyone needing help in challenging harassment/bullying at work.

If the complainant finds it too difficult to speak to the alleged harasser/bully directly, the complainant may wish to consider writing to the individual or using a third party, such as a colleague, Principal, a member of the LGB, union/professional association representative as an intermediary.

The initial, informal approach should be made as soon as possible after the events have occurred. The complainant may exercise their right to move to formal procedures where matters at this stage are not being dealt with in a timely manner.

Where informal action has been taken to resolve the complaint, any records maintained should merely record the action taken and should not contain any implied decision that harassment had or had not taken place.

### **Formal Action**

The nature of the harassment/bullying will influence whether an attempt at informal resolution is appropriate. Subject to the complainant's agreement, informal measures should be encouraged in most circumstances. Formal action may be appropriate when:

- The harassment/bullying is too serious to be open to informal resolution
- The harassment/bullying persists after informal attempts at resolution
- The person complaining of harassment/bullying prefers to use the formal procedure.

Where formal action is deemed appropriate:

1. The complainant should submit their complaint, in writing, in accordance with the Trust's Grievance Procedure.

The complaint should give:

- The name of the alleged harasser(s)
- The nature of the problem
- The dates of any incidents
- Details of any informal action taken.

An employee may ask a union/professional association representative or other work colleague to submit a written complaint on their behalf. In the case of another work colleague, the complainant must clearly authorise that individual to act in that capacity.

2. The Principal, Line Manager, Chief Executive, LGB Chair or other designated person receiving the complaint should formally acknowledge receipt of the complaint within 10 working days.
3. Following receipt of the complaint the Principal, Line Manager, Chief Executive, LGB Chair or other designated person will convene an investigating panel of at least two senior members of staff or members of the LGB unconnected with the case, to carry out an investigation in accordance with the Grievance Procedure. The investigation should be completed within an agreed timescale. The Trust's HR Officer will provide support when conducting the investigation.
4. Wherever possible, steps will be taken to ensure that the panel composition is sensitive to the nature of the complaint.

(Details of the role of the "Investigation Officer(s)" can be found in **Appendix 3**).

5. The alleged bully/harasser should be informed in writing of the nature of the allegation made against them and given the opportunity to respond. Where appropriate, action may be taken to separate the complainant and the alleged harasser in the workplace during the investigation. Dependent on the nature of the allegation the alleged harasser may be suspended on full pay in accordance with the provisions of the Trust's Disciplinary Procedure. (Suspension is not a sanction and does not imply that any decision has been made regarding the allegations.) When considering the separation of the alleged harasser and victim, account will be taken of any potential claim of victimisation as a result of such a move.
6. Both the complainant and the alleged harasser are entitled to representation by a work colleague or trade union/professional association representative throughout the procedure.
7. The Investigating Officer(s) will submit a report of the findings of the investigation to the Principal/Chief Executive/LGB Chair, as appropriate who will then consider whether further action(s) is necessary. On receipt of the report it is expected that the Principal/Chief Executive/LGB Chair will make a decision and hold separate meetings with the complainant and the alleged harasser within 10 days. If this is not achievable within the timescale all parties will be notified appropriately in writing.
8. If at the end of the investigation, it is decided that harassment may have occurred, a disciplinary hearing will be convened as soon as is reasonably practicable in accordance with the Trust's Disciplinary Procedure.
9. Where the complaint is not upheld no record of the investigation will be kept on the alleged harasser's personal file.

## **Appeals Process**

Where the complaint is not upheld, the complainant has the right to appeal against the decision within 7 calendar days of receipt of the decision. The appeal should be in accordance with the Trust's Grievance Procedure.

Where the alleged harasser/bully is unhappy with the operation of the procedures, they should raise their concerns in any disciplinary hearing, if appropriate, or they may wish to utilise the Trust's Grievance Procedure.

## **Disciplinary Procedure - Variation to the Trust's Normal Procedure**

The investigation undertaken under paragraph 3 will serve as the investigation for the purposes of the Trust's Disciplinary Procedure.

The complainant will be informed in writing of the decision of the disciplinary hearing and of any subsequent appeal. This will be on the clear understanding that this information is confidential to the complainant. The complainant has no right of appeal against the outcome of any disciplinary hearing in respect of the alleged harasser.

Where a complaint is upheld and it has been agreed that it is necessary to transfer one party, the complainant should be given the choice of remaining in their post or transferring to another location.

Where a complaint is not upheld, consideration may be given to transferring or rescheduling the work of one of the employees concerned, rather than requiring them to work together.

## **Mediation**

Mediation can be a valuable resource in helping to resolve harassment and bullying complaints. It can be used where informal discussions have failed to resolve the matter satisfactorily or where a complainant feels that the matter needs raising more formally. Both sides must agree to mediation and either side has the right to withdraw during the process. If mediation does not resolve the issue, then the complainant still has recourse to the formal procedure.

Where required, mediation can be sourced and commissioned via the Trust's HR Officer. The timescale and number of sessions required will be dependent upon many factors which may include the complexity of the case, the commitment from the parties involved, the nature of the process used and external events or circumstances.

## APPENDIX 1

Differences of attitude and culture and the misinterpretation of social signals can mean that what is perceived as harassment/bullying by one person may not seem so to another. However, it is the impact of the action and not just the underlying intention of the act which determines what constitutes harassment/bullying of any kind.

The following examples should be used as a guide to assist in understanding what may or may not be considered unacceptable rather than an exhaustive list of types of unacceptable behaviour.

### **Harassment**

The Advisory, Conciliation and Arbitration Service (ACAS) define harassment as “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, impairment, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence, and which can result in the recipient feeling threatened, humiliated or patronised.

Examples include:

- Threats or insults
- Offensive or suggestive comments
- Mimicking someone's accent
- Using derogatory or informal slang about people's characteristics, e.g. their impairment, race, religion, sexual orientation, age, physical appearance, gender,
- Pressure for dates
- Offensive jokes or teasing
- Practical jokes
- Offensive gestures or looks
- Staring or leering
- Display of offensive posters, photos or graffiti
- Circulating offensive or suggestive letters or e-mails
- Offensive, suggestive or invasive telephone calls or text messages
- Sending jokes by text
- Posting offensive messages on blog sites or websites
- Filming a person using a mobile phone
- Unwelcome physical contact, even if assuming that someone needs reassurance
- Asking intrusive questions about someone's personal life
- Gossiping about colleagues with other people.
- Expressing strong opinions that could alienate/offend colleagues.
- Physical assault

Deliberate harassment is illegal under the Criminal Justice and Public Order Act 1994. This covers harassment at work on grounds of race, gender, sexuality, impairment, age or any other grounds. The offence carries a maximum prison sentence of six months.

Unintentional harassment may also amount to an offence under the Protection from Harassment Act 1997, where a person pursues a course of conduct which amounts to harassment or which causes

a person to fear that violence will be used against them. The offence can be committed even where the perpetrator did not intend their actions to have that effect.

Forms of Harassment	
Sex	<p>Unwanted conduct which is offensive to the recipient(s) on the grounds of the recipient's sex or unwanted verbal, non-verbal or physical conduct of a sexual nature.</p> <p>Sexual harassment can affect both men and women.</p>
Race	<p>Unwelcome and unpleasant behaviour towards an individual or group, on the grounds of their race, colour, national or ethnic origin, which is regarded as offensive by the recipient(s).</p> <p>The Trust has adopted the Stephen Lawrence Recommendation of a racist incident as highlighted in the inquiry report:</p> <p>"A racist incident is any incident which is perceived to be racist by the victim or any other person"</p> <p>In investigating complaints of racial harassment or bullying, regard will be given to the definition of institutionalised racism as defined in the Macpherson report, i.e. "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people."</p>
Disability	<p>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.</p>
Age	<p>Ridiculing or demeaning behaviour focused towards people because of their age, or making assumptions about lifestyle based on perceived age.</p>
Sexual Orientation	<p>Behaviour which condemns or ridicules people because of their perceived or actual sexual identity. It includes derogatory remarks, jokes or graffiti which results in the individual feeling uncomfortable, excluded or threatened.</p>
Religion or Belief	<p>Behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying, which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting. It may be about the individual's religion or belief or it may be about the religion or belief of those with whom the individual associates. It may not be targeted at an individual(s) but consist of a general culture which, for instance, appears to tolerate the telling of religious jokes.</p>

### **Bullying**

Bullying can be described as the use of oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine their self-confidence.

Examples include:

- Malicious rumours and allegations, including fabricating complaints from clients and other members of staff
- Open aggression, threats, shouting, abuse and obscenities, persistent negative attacks
- Sending aggressive emails (avoid CAPITALS it makes you look like you are shouting!)
- Humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- Withholding information or training with the intent of deliberately affecting a colleague's performance
- Picking on one person when there is a common problem
- Ostracising, isolating and marginalising an individual, excluding the person from any discussion or decision making
- Removing areas of responsibility, reducing work to menial, routine tasks
- Insulting or offensive remarks made about your appearance, lifestyle, habits or attitudes
- Imposing inappropriate tasks
- Interrupting someone else because you feel what you have to say is more important
- Using appraisals or peer reviews to take out the frustration you feel about someone who irritates you
- Making jokes about someone in front of others with intent to isolate them from the group or excluding them from social gatherings.

## APPENDIX 2

### Legislation Relating to Harassment and Bullying

Most forms of harassment and bullying are covered either by government legislation or employment law. Here are just a few examples:

Equality Act 2010 (replaces the Disability Discrimination Acts 1995 and 2005) - includes new provisions on direct discrimination, discrimination arising from disability, harassment and indirect discrimination.

Equality Act 2006 - Gender Equality Duty - Places a statutory duty upon public Authorities when carrying out their public duties to have due regard of the need to eliminate unlawful discrimination and harassment and promote equality of opportunity between men and women.

The Employment Equality (Age) Regulations 2006 - prohibits unjustified direct and indirect age discrimination and the harassment and victimisation on grounds of age.

The Employment Equality (Religion or Belief) Regulations 2003 – prohibits discrimination, harassment or victimisation on the grounds of religion or belief.

The Employment Equality (Sexual Orientation) Regulations 2003 - give protection against discrimination and harassment on the grounds of sexual orientation, including perceived sexual orientation, or by association with another person.

The Race Relations Act 1976 (as amended 2000) - gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act (Race Regulations 2003) also give a stand-alone right to protection from harassment on the grounds of race and ethnic or national origin.

The Sex Discrimination (Gender Reassignment) Regulations 1999 - prohibits harassment or discrimination of an individual on the grounds of gender reassignment.

Malicious Communications Act 1998 - makes it an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person.

Employment Rights Act 1996 - an employee can resign and claim constructive unfair dismissal if they can show a breach of contract, which may include the employer's failure to provide reasonable support and a safe working environment.

Management of Health and Safety at Work Regulations 1992 - employers are required to carry out risk assessments to assess the causes of stress at work and introduce measures, as far as practicable, to reduce or prevent it.

The Sex Discrimination Act 1975 (as amended 2006) - prohibits discrimination and victimisation on the grounds of sex or marriage.

Health and Safety at Work Act 1974 - employers are responsible for ensuring, as far as possible, the physical and psychological health, safety and welfare of employees at work, which includes putting into place measures to protect employees from the risk of bullying and harassment.

## APPENDIX 3

### Investigation Officers

The Investigation Officer is responsible for conducting an investigation where a formal complaint or harassment/bullying is brought. Their role is to:

- Meet with the complainant and establish their version of events
- Interview the alleged harasser/bully and establish their version of events
- Identify potential witnesses and others who may have relevant knowledge
- Interview potential witnesses and, where appropriate, obtain signed written statements from them
- Collect and examine documentary and any other evidence relevant to the claim
- Compile a report on the outcome of the investigation
- Present the evidence gathered to the appropriate Principal/Chief Executive/LGB/Trust Chair to enable them to reach a decision
- The Investigation Officer can make a recommendation for mediation between the parties in appropriate circumstances, after consultation with the relevant Principal/ Trust Chair
- To support other managers conducting Dignity at Work investigations

## APPENDIX 4

### Dignity at Work – Employee Guide

#### **Employee Rights and Responsibilities**

It is the responsibility of every employee to:

- Make themselves aware of the contents of the Dignity at Work policy
- Respect the personal dignity of all colleagues
- Behave in a way that is not offensive to others
- Support the Trust in its efforts to eradicate any such behaviour that may threaten the Trust's commitment to ensuring the dignity at work of all its employees.

It is the right of every employee to:

- Be treated with respect and dignity in the workplace
- Challenge inappropriate behaviour and raise complaints under this procedure without fear of reprisal

#### What can you do to prevent harassment and bullying?

All employees have a personal responsibility to prevent complaints of personal harassment or bullying by:

- Ensuring at all times their own behaviour cannot be construed as harassment or bullying
- Making their work colleagues aware that certain conduct or behaviour is causing concern or offence to either themselves or others
- Providing support to the person who is being harassed or bullied
- Encouraging colleagues to report any incidents that cause them personal distress

Employees who feel they are being harassed or bullied should:

- Make it clear to the harasser/bully that their behaviour is unacceptable and unwelcome - (in many cases this action may be sufficient enough to stop the harassment)
- Report the harassment/bullying to their line manager, Principal or LGB Chair.

#### Could you be a workplace harasser/bully?

Do you:

- Use language which is insensitive, or which could be construed as offensive?
- Stand too close to people or make physical contact with them?
- Express personal views that may hurt or discriminate against others?
- Reveal your dissatisfaction in ways that may offend or frighten others?

Would you:

- Say or do these things to colleagues of the same sex or ethnic background?
- Like a member of your family to be on the receiving end of similar behaviour?
- Wish to be on the receiving end of such behaviour yourself?

#### What to do if you witness unacceptable behaviour

If you witness behaviour which you think is unacceptable, do not ignore it.

You may witness unacceptable behaviour where the individual who has been subjected to the action feels unable to ask the perpetrator to stop. In these circumstances you should remember that

everybody has a responsibility to attempt to try to prevent behaviour, which is likely to result in upset or distress.

Inaction of a witness, particularly one in a more senior role, could also be construed as silent agreement or support for the alleged harasser or bully.

If you witness unacceptable behaviour you should:

- Inform those involved that the behaviour is unacceptable and why
- Ask that the behaviour stops
- If it has personally upset or offended you, explain this to those involved

Remember harassment/bullying is not:

- An occasional raised voice or disagreement between colleagues
- Constructive criticism of an employee's behaviour/performance

#### How to spot if a colleague is suffering from harassment/bullying

Harassment/bullying affects different people in different ways, but even what some may perceive to be low level problems, have the potential to make the most resilient people unhappy.

Victims of harassment/bullying may often be too embarrassed or too fearful to make a complaint. Most people do not want to draw attention to the situation; they just want the harassment or bullying to stop.

Tell-tale signs may be:

- A change in behaviour, e.g. becoming withdrawn, depressed, and/or emotional
- Physical signs such as stomach aches, headaches or sleeping difficulties
- Bingeing on food, alcohol or cigarettes

If you suspect that there may be a problem with one of your colleagues, it may be appropriate to approach the employee to establish what the problem is. The employee may welcome the opportunity to share their concerns. On the other hand, they may be reluctant to tell you exactly what the problem is. Do not force the issue - let the employee know that if there is a problem support is available either from yourself, their line manager, Principal or LGB Chair.

#### What to do if you are approached by a colleague who believes they are being harassed or bullied

If you are approached by an employee who believes they are being harassed or bullied, you should not ignore the situation. Whilst the information may be given in confidence the reality is that they are asking for help and support.

You should listen carefully to what it is they are complaining about and try to find out how they want you to help.

In the first instance you should encourage them to approach the alleged harasser/bully and ask them to stop whatever it is they are doing. This is often the quickest and most effective way of resolving a problem, especially when it is due to a lack of sensitivity rather than a deliberate attempt to cause discomfort.

If you are asked by the person making the complaint to speak on their behalf, and you are willing to do so, it is advisable to arrange to meet the person who is the subject of the complaint to:

- Explain your role in attempting to deal with the matter informally
- Advise them of the nature of the complaint and that their behaviour or conduct towards a fellow employee is causing distress.

It is important to keep a note of any meeting that takes place as this may be used as evidence if the situation cannot be resolved informally.

If you do not feel able to intervene, then you should encourage the complainant to raise their complaint with their line manager.

#### What to do if your behaviour is challenged

If your behaviour/conduct is challenged, it is important not to become too defensive, or aggressive, but to reflect on what has been said.

You should ask the complainant:

- What is it about your behaviour that is causing them concern?
- Why do they feel your behaviour is unacceptable?
- What is it that they wish you to do, or stop doing, to resolve the matter?

It may be the case that you do not feel that your behaviour is unacceptable, however, bear in mind that harassment is not just about intention but also about how it is perceived by the victim. It is important, having discussed this with the person making the complaint, to try to reach a resolution to the problem and resume a normal working relationship. If you feel the accusation is justified, be ready to apologise.

A harassment/bullying complaint can cause stress and anxiety for all those involved. Trade Unions/professional association/the Trust's HR Officer are available to give help and assistance to both the complainant and the alleged perpetrator,

#### How to deal with harassment/bullying if it's happening to you

- Admit to yourself that you're being harassed/bullied and that the behaviour being aimed at you is unfair, unjustified and unwarranted
- Tell the harasser/bully how their behaviour is affecting you. In some cases, this may be all it takes to make them realise that their behaviour is unacceptable
- Don't suffer in silence - talk to someone you trust such as a colleague in your team
- Keep a written record of the harassment/bullying

## APPENDIX 5

### Dignity at Work – Trust/Academy Principals Guide

#### Trust/Academy Principals Responsibilities

It is the responsibility of every Principal to:

- Implement the Dignity at Work policy and ensure that employees are aware of their responsibilities under the policy
- Ensure that the work environment is non-threatening and supportive and take steps to prevent bullying or harassment
- Behave in a way which does not harass/bully another person
- Treat complaints of harassment seriously, sensitively and confidentially

#### What can you do to prevent harassment and bullying?

Academy Principals must make every effort to ensure that harassment and bullying does not occur, particularly in work areas for which they are responsible by:

- Leading by good example
- Creating a non-offensive working environment
- Being alert to, and correcting, unacceptable behaviour
- Reviewing and amending workplace practices
- Giving employees access to training on diversity/dignity issues
- Ensuring employees know how to raise harassment and bullying complaints
- Dealing with any complaints sensitively and fairly, and in accordance with the Trust's policy.

#### Could you be a workplace harasser/bully?

Do you:

- Use language which is insensitive or insulting?
- Single out employees for unwarranted or public criticism?
- Use aggressive behaviour or threats to get your point across?
- Stand too close to people or make physical contact with them?
- Place constant excessive demands on employees?
- Set employees unrealistic work targets?
- Withhold access to appropriate development opportunities for employees?

Academy Principals have a right to discharge managerial duties. In doing so you may need to adopt an assertive management style. This is acceptable providing that employees are not demeaned, devalued or intimidated in the process. Harassment/bullying is not reasonable management behaviour.

#### What to do if you witness unacceptable behaviour

If you witness behaviour which you think is unacceptable, do not ignore it.

You should:

- Inform those involved that the behaviour is unacceptable and why
- Insist that the behaviour stops

You should remember that the inaction of a witness, particularly one in a more senior role, could be construed as silent agreement or support for the alleged bully or harasser.

### How to spot if an employee is suffering from harassment/bullying

Don't assume that harassment or bullying is not a problem just because there have not been any complaints. Victims of harassment/bullying may often be too embarrassed or too fearful to make a complaint. Most people do not want to draw attention to the situation; they just want the harassment or bullying to stop.

It may be that staff who are being harassed or bullied feel that there is no point in making a complaint as:

- It would not be taken seriously
- They do not want the harasser or bully to get into serious trouble
- They are afraid of reprisals

Harassment/bullying affects different people in different ways, but even low-level problems have the potential to make the most resilient people unhappy and unproductive.

Tell-tale signs may be:

- A change in behaviour, eg, a lack of concentration, becoming withdrawn, depressed, and/or emotional
- Physical signs such as stomach aches, headaches or sleeping difficulties
- Bingeing on food, alcohol or cigarettes

If you suspect that there may be a problem, it may be appropriate to approach the employee to establish what the problem is. The employee may welcome the opportunity to share their concerns. On the other hand, they may be reluctant to tell their manager what has happened, especially where the harasser/bully is a more senior member of staff.

Let the employee know that if there is a problem you are there to support them. It is important not to question victims intently or ask anything that might make them feel that they've done something wrong.

### How to deal with a complaint

If you are approached by an employee who believes they are being harassed or bullied, or someone approaches you on their behalf, you should not ignore the situation.

You should try to establish:

- The nature of the complaint?
- If this is the first incident or have there been others?
- If there are any witnesses to the incident(s)?
- If they have kept a record of what has been happening to them?
- Whether or not they have asked the individual they are complaining about to stop whatever it is that they are doing?

Where appropriate you should talk the employee through the Dignity at Work policy and advise them of the options open to them. It is important that the employee feels that their complaint has been taken seriously.

If you decide to speak to the alleged harasser/bully informally you should:

- Explain your role in attempting to deal with the matter informally
- Advise them of the nature of the complaint and that their behaviour or conduct towards a fellow employee is causing distress
- Try to facilitate a resolution to the problem regarding future working arrangements

At this initial stage witnesses should not be called.

A record of the incident, the discussions that have taken place and the desired outcome should be kept as this may be used as evidence if the situation cannot be resolved informally.

It is important that the situation is monitored carefully in order to ensure that there is no subsequent harassment/bullying, and that neither the complainant nor the person complained about is ostracised.

Where it has not been possible to resolve the matter in this way, or if you feel that the allegations are of a serious nature (eg, sustained malicious or calculated behaviour) the complainant should be supported in making a formal written complaint.

#### What to do if your behaviour is challenged

If your behaviour/conduct is challenged, it is important not to become too defensive, or aggressive, but to reflect on what has been said.

You should ask the complainant:

- What is it about your behaviour that is causing them concern?
- Why do they feel your behaviour is unacceptable?
- What is it that they wish you to do, or stop doing, to resolve the matter?

It may be the case that you do not feel that your behaviour is unacceptable. However, it is important, having discussed this with the person making the complaint, to try to reach a resolution to the problem and resume a normal working relationship. If you feel the accusation is justified, be ready to apologise.

A harassment/bullying complaint can cause stress and anxiety for all those involved. Respective Academy Business Manager/HR Officer (in the case of Trust employees) is available to give help and assistance to both the complainant and the person being complained about.