

People Directorate

Dignity at Work Policy



THINKING
personnel

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Dignity at Work Policy

1. Why do we have this policy?

The Thinking Schools Academy Trust (The Trust) is committed to respecting individual difference whilst pursuing our purpose as a Trust which is to transform life chances.

The Trust is committed to having a workforce that is treated fairly, with respect and feels valued for the contribution every member of staff makes. All staff are entitled to dignity, respect and courtesy within the Trust and to not experience any form of discrimination. Discrimination of any form will not be tolerated by the Trust

All members of staff are entitled to be treated with dignity and respect in their place of work. This means freedom from behaviour by colleagues that can be interpreted as bullying or harassment or that causes offense and access to redress if such behaviour does arise. It also means standards of everyday behaviour that contribute to a working environment in which mutual respect and individual dignity are maintained.

Personal harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 and will not be tolerated.

2. Who does this policy apply to?

This policy applies to all individuals and entities who engage with or are impacted by the Thinking Schools Academy Trust operations. This includes, but is not limited to:

- Employees, contractors, and volunteers working for or on behalf of the organization.
- Business partners, vendors, and suppliers interacting with the organization.
- Clients, customers, or users of the organization's services or products.
- Any other stakeholders or parties whose actions may directly or indirectly influence or be influenced by this policy.

3. Adoption arrangements

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1 September 2020 and supersedes any previous Bullying and Harassment procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

This policy does not form part of any employee's contract of employment and we may amend it at any time, we will consult and negotiate with the recognised trade unions on any amendments.



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4. Equality Statement

We are committed to being an inclusive employer enabling all staff to feel a sense of belonging.

We commit to ensuring our policies are inclusive by nature, are of benefit, accessible and understood by all staff. As a minimum we ensure our policies and practices comply with the Equality Act 2010 but we are committed to go beyond our minimum requirement of equality legislation.

Our policies aim to reduce and remove inequalities and barriers and create opportunities to maximise positive impacts on our staff, fostering greater social cohesion and greater participation in public life.

Through our actions we recognise, appreciate and value difference treating everyone fairly and seeking to embed a culture of equality, diversity and inclusion across our Trust which delivers the best outcomes for the diverse society in which and for whom we work. We are committed to undertake an equality impact assessment on all relevant policies.

5. Responsibilities

5.1 Employee

The Trust requires its employees to behave appropriately and professionally at all times during the working day and this extends to events outside of working hours which are classed as work-related, such as social events. Employees should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time.

As an employee working for the Trust your responsibilities are:

- To ensure that the rights of others are respected and upheld.
- To be polite and take positive, responsive and considerate approach when dealing with colleagues, students and the public in general.
- To support and encourage an environment which values all people and not to cause embarrassment, conflict of interest, harassment, alarm or distress to another employee not discriminate unfairly or unlawfully on any grounds.
- To avoid actions which may adversely affect the reputation of the Trust.
- To maintain a professional approach to your work and colleagues.
- To conduct yourself in accordance with the procedures and guidance set out in the Trust code of conduct.

This policy covers behaviour which occurs in the following situations:

- in a work situation
- during any situation related to work, such as a social event
- against a colleague or other person connected to the employer outside of a work situation, including on social media

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- against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

Any form of harassment or victimisation may lead to disciplinary investigation action, up to and including dismissal if it is committed.

5.2 Employer

The Trust will be responsible for ensuring all members of staff, including seniors and those within management positions, understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events.

We will promote a professional and positive workplace, whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

We will also take into account aggregating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take.

Where an incident is witnessed, or a complaint is made under this policy, the Trust will take prompt action to deal with this matter. All incidents will be deemed serious and dealt with in a sensitive and confidential manner.

6. Third Party Harassment

Third-party harassment occurs when one of our workforces is subjected to harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public, etc. Third party harassment of our workforce will not be tolerated.

In order to prevent third-party harassment from occurring, we have:

- Informed third parties (i.e., suppliers and contractors) of our zero-tolerance harassment policy within our supplier and contractor documentation

Should you be subjected to third-party harassment, you are encouraged to report this as soon as possible to the associated Head of Business Operations.

Should a third party harass a member of our workforce, they will be warned that continued use of their contract will cease if they are to act in a similar way again.

Should their behaviour recur, they will be informed that the contract will cease.

Any criminal acts will be reported to the police and we will share information relating to the incident with our other branches to ensure that we maintain a consistent approach to the cessation of contracts.

Should a student harass a member of our workforce this will be managed under the school behaviour policy.

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7. Equality Act

The Equality Act 2010 outlines the provisions for employees in relations to make the workplace a fair environment and to comply with the law. It also sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make reasonable adjustment for a disabled person.

As an employer the Trust is responsible for the prevention of bullying, harassment, discrimination and victimisation and other unacceptable behaviour within the workplace.

The act extends protection to employees in 'protected characteristics' groups, these include:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race (including ethnic origin, nationality and colour)
- Religion or Belief
- Sex and
- Sexual Orientation.

8. Definitions

8.1 Harassment

Harassment and bullying on the basis of protected characteristics is discriminatory and unlawful. The Act defines harassment as:

- ***unwanted conduct relation to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or violating the complainant's dignity***

The act uses a single definition of harassment to cover protected characteristics and enables employees to complain about specific behaviour that they find offensive even if the behaviour is not directed at them. Protection is also extended to harassment because of perception and association. Harassment may be persistent of an isolated incident and can be based on protected characteristics.

The legislation offers protection to employees in relations to:

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- **Direct Discrimination:** can occur when a rule or policy disadvantages someone because of their particular characteristics.
- **Indirect Discrimination:** can occur where a rule or policy that applies to everyone but disadvantages someone with a particular protected characteristic. However, it may not be discrimination if it can be shown to be a proportionate means of achieving a legitimate aim.
- **Discrimination by association-** is direct discrimination against someone because they associate with another person who possesses a protected characteristic
- **Discrimination by perception-** is direct discrimination against someone because they think that they possess a particular protected characteristic
- **Harassment by a third party-** employees are potentially liable for harassment of their staff by people they do not employ.
- Discriminatory behaviour (including bullying and harassment) can occur on the basis of actual or perceived group membership of affiliation.
- **Victimisation** – occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or knowingly supported an untrue complaint.

8.2 Bullying

Bullying is considered as:

- ***Intimidation on a regular or persistent basis or as a one off, which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end***

Bullying and harassment may be carried out by an individual or involve groups of people, either as perpetrators or targets.

It is destructive rather than constrictive and can publicly humiliate and result in an individual's feeling threatened or compromised. Bullying also often results from a misuse of management power but is also the misuse of any form of individual power, such as physical strength, personality, age or collective power through strength by numbers. Bullying can also be carried out by staff at all levels, including colleagues.

For the purpose of this policy, both bullying and harassment are used interchangeably and are not necessarily the same. They may occur in written or face to face communication, electronic communication or by phone. Whatever form it takes, it is unacceptable, unwarranted and unwelcome.

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8.3 Sexual Harassment

Sexual harassment can take place in many forms within the workplace and can go undetected for a period of time where employees do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It can include:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages • unwelcome touching, hugging, massaging or kissing.

Sexual harassment can also take place where an employee is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities or other development opportunities.

Appendix 1 outlines further details relating specifically with sexual harassment.

8.4 Victimisation

Victimisation is defined in the Equality Act 2010 as subjecting an individual to a detriment because they have done, are believed to have 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

9. Raising a complaint

9.1 Informal

In the first instance, an Employee is encouraged to raise concerns informally directly with the individual who they have the complaint against.

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If the Employee feels uncomfortable doing this, they should raise the issue with their line manager/Headteacher/Head of Service who may be able to facilitate a discussion between all parties regarding the concerns.

In instances where the complaint is against an employee's line manager / Headteacher/Head of Service, complaints should be raised with the next level manager, who may be able to facilitate a discussion between all parties regarding the concerns.

If the seriousness of the complaint warrants – the Employee may make a formal complaint without having first raised the matter informally.

9.2 Formal

If it is not possible to resolve the matter informally, or the matter is serious enough, an Employee may raise a formal complaint with their line manager, Headteacher, Head of Service, member of the Executive team or Chair of Governors, depending on the circumstances, they may refer the issue to the Headteacher or another manager as appropriate.

Complaints against the Headteacher or Head of Service should be raised with the Executive team, complaints against members of the Executive should be made to Deputy CEO or the Chair of the Board where the complaint is against the Deputy CEO or CEO.

It should be noted that at the formal stage the 'complaint officer' may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.

Where the decision has been reached for the complaint to be dealt with under the dignity at work policy, the matter will be handled in line with the outlined formal procedure, namely the requirement for a formal written complaint to be submitted appendix 5 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 school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action, this may involve:

- Mediation
- Informal management action - employee
- Formal Action under the disciplinary policy – employee
- Cessation of external contracts – third party contractors
- Control of access to School premises – third party parents
- Sanctions under the Schools behaviour policy – pupils

For full details of the procedure please refer to appendix 4.

9.3 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

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the requirement for a formal written complaint to be submitted and a formal Page 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 Academy will then refer to their own behaviour policy published on their website 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 Academy, the Academy 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.

10. Timescales for raising a complaint

Unless there are exceptional circumstances, a complaint cannot be raised if the event or issues complained of occurred more than 3 months prior to the raising of the complaint.

Should an Employee wish to raise a complaint outside of this period they will need to demonstrate that:

- They have made reasonable attempts to resolve the matter informally outside of the process
- The matter of complaint is part of a pattern or acts or omissions
- They were absent from work

Where a complaint is received by an ex-employee, the response will be provided in writing.

11. Right to representation

Employees who raise or are the subject of a complaint have the right to be accompanied by a workplace colleague or trade union representative at any informal and formal meetings or investigation held as part of this procedure.

The presence of trade union representative or workplace colleague may also be of benefit during the informal stage of the process – however it should be noted that this does not make the meeting formal.

12. Timescales

Complaints of harassment and bullying will be addressed promptly and without undue delay in achieving an outcome for all parties.

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Indicative timescales are set out below – however these may vary depending on the circumstances of the case.

The Trust will provide 5 days working notice of any informal or formal meeting held under this policy to help facilitate trade union representation or work place colleague accompaniment.

Informal stage	Informal action	Meeting held and outcome reached as soon as is practicable
Informal stage	Formal complaint raised	Within 5 working days following the conclusion of the Informal stage
Formal stage	Outcome	Within 10 working days of the conclusion of any investigation where necessary

13. Support and conduct during the process

The Trust acknowledges that they have a duty of care towards all Employees and consideration will be given to any support needed by either party during the process. Employees are advised that their Trade Union or Professional Association will be able to advice and support if they are a member. Employees may also wish to make use of the confidential counselling service provided by the Academy.

Due respect will be given to the rights of both parties during the process and the Trust will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their versions of events.

Employees will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against an Employee may be addressed as a misconduct issue.

14. Anonymous allegations

Employees are encouraged to put their name to any allegation. Where an Employee is concerned about being identified the Trust may explore appropriate measures to reassure and safeguard the Employee during the process.

The Trust cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

Where an anonymous allegation cannot be taken forward – consideration will be given to reasonable appropriate action to reinforce the Trust’s general expectations regarding staff conduct



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15. Concurrent Management Action

Employees should be advised that reasonable management actions taken within the scope of the Performance Management Policy to address performance concerns are not, in themselves, grounds for raising a complaint of bullying and harassment.

In the event that an Employee raises a complaint of harassment or bullying in the course of a disciplinary or capability process, the employer can pause the disciplinary and deal with the complaint first. It may be appropriate to deal with both at the same time if the complaint and disciplinary cases are related.

Additional measures may be considered to safeguard both parties until the ongoing disciplinary or capability process is concluded.

However, each case will be considered on its merits to ensure that the Trust is acting reasonably.

16. Malicious/Vexatious Allegations

Where a complaint is unsubstantiated and found to be vexatious or of malicious intent, the matter may be addressed in accordance with the Trust's disciplinary procedure.

17. Record Keeping

Accurate and contemporaneous records will be kept throughout the process, including any initial informal process. Records will be kept, detailing the nature of the incidents of harassment or bullying; the outcome of any investigation, actions taken including any informal or disciplinary action.

At the formal stages and during any investigation minutes will be taken of meetings and shared with the Employee as soon as practical. All parties at the meeting will have the opportunity to check the accuracy of the notes taken.

A copy of any outcome letters should be retained on the Employee's school personnel file. All records will be treated as confidential and in accordance with the provisions of the Data Protection Act 2018 which provides individuals with the right to request and have access to certain data.

18. Confidentially

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).

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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 data protection law. It will be kept securely, only for as long as necessary and in line with data protection law and Trust privacy notices

19. Monitoring Data

Regular whole Trust monitoring will take place of formal harassment complaints. Any data gathered will not identify individual Employee.

20. Related Policies

Grievance Policy
Whistleblowing Policy
Disciplinary Policy

Policies can be found on the TSAT Website <https://www.tsatrust.org.uk/> and TSAT Intranet <https://tsatrust.sharepoint.com/sites/tsat-home>

21. Confidential Counselling Service

A confidential counselling service is available for all Employees across the Trust provided by Smart Clinic. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate. To access the service please use the contact details below:

- Telephone 0845 862 2113
- Access the online services via www.client.smartclinic.com and use your personal log in details.
- Download the app for convenience – details are available online.





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Appendix 1: Sexual Harassment

All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from sexual harassment, feeling safe and supported and having access to redress if such behaviour does arise.

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 (EqA) as amended. We will not tolerate it.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures within this policy for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

What to do if you are subject to sexual harassment or victimisation

We are committed to ensuring that there is no sexual harassment in our workplace. Allegations of sexual harassment will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures.

You should follow the procedure set out in this policy for raising complaints of sexual harassment. However, we recognize that complaints of sexual harassment can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal procedure. In these circumstances, you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

What to do if you witness sexual harassment or victimisation

If you witness sexual harassment you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

Third-party sexual harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our students, parents, suppliers, contractors and members of the public.

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Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

Preventing third party Sexual Harassment

In order to prevent third-party sexual harassment from occurring, we will:

- Inform third parties (i.e., suppliers and contractors) of our zero-tolerance sexual harassment policy within our supplier and contractor documentation

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible.

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Appendix 2: Examples of harassment and unacceptable behaviour

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Examples of harassment include

- Insensitive jokes and pranks
- Spoken words
- Written words
- Lewd or abusive comments
- Graffiti
- Physical gestures
- Facial expressions
- Mimicry
- Acts affecting a person's surroundings
- Aggression
- Physical behaviour towards a person or their property
- Deliberate exclusion from conversations
- Displaying abusive or offensive writing or material
- Abusive, threatening or insulting words or behaviour
- Name-calling
- Picking on someone or setting them up to fail
- Exclusion or victimisation
- Undermining their contribution/position
- Demanding a greater work output than is reasonably feasible
- Blocking promotion or other development/advancement

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment. Examples of unacceptable behaviour that may constitute bullying or harassment include;

- Insulting someone verbally or through inappropriate behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing personal, sensitive or special category 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 of someone
- 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
- Making sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities

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Harassment, bullying or victimisation may occur:

- Face to Face
- Through written communications
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs)
- Via email
- Via phone
- Via other systems such as Think Ahead, Teams etc.

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Appendix 3: Examples of unacceptable conduct Associated with a protected characteristic

The lists of examples are not exhaustive but, provide an overview to assist understanding of what may be found offensive whether intentional or not.

Harassment on the basis of age

Relates to behaviour including ridiculing or demanding behaviour focused towards people because of their age, either actual or perceived or through association with individuals of a particular age. This could include behaviour including regarding them as “too old” or “too young”; or making assumptions about lifestyle based on perceived age.

Non-Verbal

- Exclusion from normal work place conversation or activities
- Making assumption about lifestyle/interests
- Denying training/development/promotion opportunities due to age
- Denying training/development/promotion opportunities because of the need to act as a carer for an elderly relative
- Being pressured to retire
- Sending emails or displaying material containing ageist content
- Making assumptions regarding an individual's inability to learn

Verbal

- Questioning ability due to age
- Making patronising comments

Physical

- Setting unrealistic challenges

Harassment on the grounds of disability

Relates to behaviour including derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which are directed at any disabled individual or group of disabled people whether they are perceived to be or are actually disabled or through association with disabled people. The behaviour results in the individual(s) feeling threatened or compromised.

Non-Verbal

- Making inappropriate gestures or mimicking behaviour

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- Refusing to make reasonable adjustments
- Exclusion from normal work place conversation or activities
- Holding events at inaccessible venues
- Denying training/development/promotion opportunities because of the need to act as a carer for a disabled person i.e. having a family member, partner or child with a disability
- Sending emails or displaying material containing offensive content relating to disabled people
- Making assumptions about someone's abilities based purely on their disability or perceptions about their disability

Verbal

- Making fun of an impairment
- Mimicking speech impairment
- Using inappropriate terms
- Inappropriate personal questioning relating to disability

Physical

- Unwanted touching, groping or the invasion of personal space (getting too close)
- Inappropriate practical jokes

Harassment on the grounds of gender reassignment

Relates to behaviour including derogatory remarks, ridicule, jokes or stereotypes of any individual's perceived or actual gender reassignment or through association with someone who has undertaken gender reassignment.

Non-Verbal

- Refusing medical leave for a person undergoing medical treatment gender reassignment
- Refusing to treat a person as their new gender once the reassignment process is complete
- Refusing access to appropriate toilets and changing facilities which reflect their acquired gender
- Exclusion from workplace conversations or activities
- Making assumption about lifestyle/interests
- Sending emails or displaying material containing offensive content
- Making assumptions based on grounds of gender identity

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Verbal

- Disclosing the person's gender identity to others
- Making inappropriate comments about the person's lifestyle choice
- Intrusive personal questions relating to a person's gender identity and gender reassignment
- Unwanted comments on dress and appearance
- Actual or threatened disclosure of prior gender identify
- Refusal to address individuals in their acquired gender

Physical

- Unwanted touching, groping or inappropriate invasion of personal space (getting too close).

Discrimination on the basis of marriage and civil partnership

This relates to direct or indirect discrimination and victimisation on the grounds of marriage and civil partnership. It relates to behaviour which inadvertently or deliberately excludes an individual on the basis of actual or perceived marital or civil partnership status.

Non-Verbal

- Inadvertently or deliberately excluding same-sex partners from social events
- People in civil partnerships not being accorded the same rights as married people for work related benefits, such as flexible working, adoption leave, paternity pay and leave
- Civil partners being denied benefits that are automatically given to married people in the same job, such as employment or training opportunities

Discrimination on the grounds of Pregnancy and Maternity

This relates to direct discrimination and victimisation on the grounds of pregnancy and maternity.

Non-Verbal

- Being demoted or prevented from having training or promotion opportunities because of becoming pregnant or being on maternity leave.
- Being dismissed/made redundant while on maternity leave without following correct and fair procedures.
- Being disciplined for having performance issues due to illness connected with pregnancy.
- Being refused sick leave due to illness connected with pregnancy.
- Being dismissed or treated unfavourably while undergoing IVF treatment without following correct and fair procedures.

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- Being refused paid time off for ante-natal care.

Verbal

- Making inappropriate comments about amount of absence/toilet breaks.
- Unwanted comments on dress and appearance.

Physical

- Setting unrealistic challenges.
- Unwanted touching, groping or the inappropriate invasion of personal space (getting too close).

Harassment on the basis of race (including ethnicity, nationality and colour)

Relates to derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature based on an individual's perceived or actual race, ethnicity, nationality and colour or through association with someone from a particular ethnicity, nationality and colour. This pertains to any action which results in the individual(s) feeling threatened or compromised.

Non-Verbal

- Exclusion from normal work place conversation or activities
- Inappropriate gestures
- Sending emails or displaying material containing racist content
- Making inappropriate assumptions based on ethnicity, nationality or colour
- Making assumption about lifestyle/interests

Verbal

- Using inappropriate terms when referring to race (including ethnicity, nationality and colour)
- Using derogatory nicknames
- Making racist comments or jokes
- Stereotyping
- Mimicking someone's accent

Physical

- Inappropriate physical contact

Harassment on the grounds of sex

Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. It relates to any individual's perceived or actual gender, gender identity or through association with individuals of a particular gender, gender identity or sexuality. It includes behaviour

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which results in the individual feeling threatened or compromised. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can be experienced by women and men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance or sexuality.

Non-Verbal

- Unnecessarily requiring individuals to work full-time or insisting on staff working long hours. This may disadvantage more women than men as it is still mainly women who take primary responsibility for childcare so cannot work full-time or long hours.
- Unnecessarily requiring variable hours such as shifts and unplanned overtime. This is likely to disadvantage women compared to men because of the difficulties of getting flexible childcare.
- Exclusion from normal work place conversation or activities
- Refusing to offer a position based purely on a gender stereotype i.e. not offering a secretarial post to a man
- Inappropriate gestures, suggestive looks or unwelcome sexual advances
- Sending emails or displaying material containing sexist content

Verbal

- Making rude or abusive comments or requests for sexual favours
- Making sexually explicit jokes.
- Stereotyping.
- Unwanted comments on dress and appearance.

Physical

- Unwanted touching, groping or the invasion of personal space (getting too close)

Harassment on the basis of sexual orientation

Relates to behaviour which condemns or ridicules people because of their perceived or actual sexuality or through association with someone of a particular sexual orientation. This could include derogatory remarks, jokes, graffiti which results in the individual feeling uncomfortable, excluded threatened or compromised.

Non-Verbal

- Inadvertently or deliberately excluding same-sex partners from social events.
- Making assumptions based on sexuality
- Exclusion from normal work place conversation or activities
- Sending emails or displaying material containing offensive content



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- Making assumptions based on ethnicity, nationality or colour

Verbal

- Using inappropriate terms
- Using derogatory nicknames
- Inappropriate personal questioning relating to sexual orientation or domestic circumstances
- Stereotyping
- Actual or threatened unwanted disclosure of sexuality
- Unwanted comments on dress and appearance

Physical

- Unwanted touching, groping or the invasion of personal space (getting too close)

Harassment on the basis of religion or belief

This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of perceived or actual religion or belief or through association with someone of a particular religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief

Non-Verbal

- Exclusion from normal work place conversation or activities.
- Arranging team lunches during periods of fasting or religious occasions which may make it difficult for colleagues to attend.
- Inappropriately enforcing a dress code which may not accommodate religious dress.
- Making assumptions based on religion or belief
- Sending emails or displaying material containing offensive content

Verbal

- Making inappropriate comments or jokes about someone's religion or belief or none • Stereotyping
- Using derogatory nicknames
- Inappropriate comments about use of prayer rooms

Physical

- Inappropriate touching of religious garments or articles.
- Not respecting personal space as it relates to religion or belief.
- Physical abuse of someone who held a particular religion or belief or none.

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Appendix 4: The Process

The Role of Mediation

Depending on the nature of the complaint, mediation may assist in resolving concerns and is actively encouraged by the Trust. Mediation may be of particular benefit in cases of genuine misunderstanding and lack of understanding / awareness of how the actions of one party towards another is perceived.

Mediation is a voluntary process that aims to facilitate the parties in reaching resolution and agreement to a dispute.

Mediation may be instigated at any stage in the procedure.

During mediation, the formal stages of the bullying and harassment process would usually be suspended. If at any point any party wishes to withdraw from mediation, they may do so and the procedure may be resumed.

Informal Action

It may be that the individual whose conduct is causing offence is genuinely unaware that their actions and behaviour are unacceptable and a direct approach can resolve the situation without formal action.

An Employee is encouraged in the first instance to raise the issue directly and informally with the individual and explain clearly what actions or behaviour is causing offence / distress and request that it stops.

Such an approach may be made verbally or by letter. The Employee is advised to be as specific as possible – demonstrating what has happened and the impact of this - to enable the individual to respond to the complaint.

It is recognised that due to the nature of such allegations, an Employee may be unable or unwilling to raise the issue with the individual. In such a situation, an Employee may seek the support of the line manager / Headteacher to facilitate a discussion or make representations on their behalf.

The normal expectation is that both parties would meet to consider the issues and with the aim of agreeing a solution or way forward informally that is mutually acceptable.

Both parties should seek to explore reasonable informal action, which may resolve the issues including:

- Acknowledging the distress caused
- Providing an apology
- Seeking a commitment to changed behaviour
- Agreeing future standards of behaviour which is acceptable to all parties

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- Exploring counselling or workplace mediation
- Agreeing alternative work patterns / practices for either or both parties

At the conclusion of the informal process, a written record may be made detailing the date of the meeting(s), concerns discussed and actions / outcomes agreed. A copy will be shared with all parties within 5 working days.

If the Employee feels unable to take this course of action, or if they have already approached the individual to no avail, or if the harassment is of a very serious nature, they may elect to raise a formal complaint.

Formal Action

Where the matter cannot be resolved informally, an Employee may wish to raise a formal complaint. Any complaint should be raised within 3 months of the conclusion of the informal stage.

The Harassment notification form, attached at Appendix 5, should be used for this purpose.

The written notification should set out the concerns objectively, including details of the nature of the complaint as follows:

- the name of the Employee whose behaviour they believe amounts to harassment or bullying
- the type of behaviour that is causing offence, together with specific examples if possible
- dates and times when incidents of harassment or bullying occurred, and where they occurred
- the names of any Employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person
- any action that the Employee has already taken to try to deal with the harassment
- the action or outcome sought by the Employee

An Employee should also submit any supporting documentation that is relevant to their complaint.

The 'complaint officer' should provide the Employee with written confirmation of receipt of the complaint and confirmation of the action to be taken.

However, should further clarification be needed regarding the nature of the concern, the 'complaint officer' may arrange a meeting with the Employee.

The purpose of this meeting is to:

- Provide an Employee with the opportunity to explain their concerns in full and consider / clarify the details of the complaint
- Gather any evidence that the Employee wishes to submit in support of their complaint
- Identify any witnesses to the complaint



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- Explore and consider the outcome that the Employee is seeking
- Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g., a joint meeting, mediation

Investigation

Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding complaint.

Where a formal investigation is necessary this will be undertaken in accordance with the Trust's Disciplinary Procedure. Any issues of misconduct identified by an investigation will also be addressed under the Trust's Disciplinary Procedure

An independent investigating officer will be appointed to objectively establish the facts of the case and determine, on the balance of probabilities, whether there is a case to answer in relation to the complaint of bullying and harassment.

If may be appropriate for a second investigating officer to be appointed to ensure that the composition of the investigative team includes representation that reflects the nature of the case.

During the investigation a formal interview will take place with the Employee who has raised the complaint to explore the details of their concerns.

The Employee who the complaint has been made against will be notified in writing of the nature of the allegations and be advised that should the complaint be upheld, formal disciplinary action may be taken against them. The Employee will be invited to attend a formal interview and given full and fair opportunity to respond to the allegations, explain their conduct and any mitigating circumstances.

The investigating officer(s) may also conduct a formal interview with other Employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that they may be called to present this at a subsequent hearing.

Both parties will be entitled to be accompanied to any formal investigation meeting by a workplace colleague or trade union representative.

A written record will be made of all interviews conducted during the investigation.

A written report will be produced of the investigation findings and shared with the 'complaint officer'

The investigation findings will inform the basis of the 'complaint officer's' response to the complaint.

It may not be appropriate or useful in resolving the complaint to share the full investigation report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the 'complaint officer' considers appropriate

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Should the matter subsequently be considered under the Trust's formal disciplinary procedure - the investigation report will be shared as evidence for this process.

Communicating the Outcome

The 'complaint officer' will notify both parties in writing of the outcome of the complaint. This should be communicated without undue delay and where possible within 5 working days of the conclusion of any investigation or other follow up action where this is necessary.

The Complaint Officer may determine the following outcomes:

- a. The complaint is upheld in full, or
- b. The complaint is upheld in part, or
- c. The complaint is rejected

This notification should include:

- The outcome and the reasons for the decision
- A summary of the facts that the complaint officer took into account in coming to their decision – including the findings of any investigation
- Notification of whether further informal or formal disciplinary action will be instigated
- Any recommendations or agreed actions for the parties to take

Where the complaint is upheld in part or full, consideration will be given as to whether there is either a matter to be considered under the Trust's Disciplinary procedure or whether further informal action is appropriate.

It should be noted that the Employee who raised the complaint does not have the right to know the outcome of any informal or formal disciplinary action.

Appealing the outcome

Where an Employee feels that their complaint of bullying and harassment has not been satisfactorily resolved by the Complaint Officer they may appeal against the outcome.

Appeals should be made in writing to the Complaint Officer, within 10 working days of receipt of the written outcome. The letter of appeal should clearly state the specific grounds on which the Employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written Bullying and Harassment Notification form / letter and any supporting documentation should also be submitted.

An appeal meeting will be arranged without undue delay and where possible within 10 working days of receipt of the written appeal.

The appeal meeting will be heard by a more senior Manager than the original Complaint

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Officer. Where there is not a more senior Manager the appeal may be heard by a member / panel of the Governing Body. Those considering the appeal will not have had involvement in the complaint at the earlier stages.

An Employee may be accompanied to an appeal meeting by a workplace colleague or Trade Union representative.

At an appeal meeting the Appeal Officer or Panel will review:

- The original complaint outcome decision
- The employee's reasons for raising an appeal
- Any further representations made or information presented by the employee

The Complaint Officer who considered the complaint at the earlier stage may be called as a witness to the appeal meeting.

Based on the information presented, the Appeal officer or Panel may determine the following outcomes:

- The original decision is upheld in full, or
- The original decision is overturned or
- The original decision is upheld in part

In addition to the above, the Appeal Officer or Panel may recommend that further action such as mediation or training be considered to resolve the situation.

Where possible the employee will be advised verbally of the outcome at the conclusion of the meeting or following any deliberations that may be necessary.

In all instances the Employee will be notified of the outcome in writing usually within 5 working days of the date of the meeting or the decision being reached. This will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Appeal Officer or Panel considered in coming to their decision
- Any recommendations or agreed actions for the parties to take

Where a complaint is against another individual the appeal decision will be shared with them. This may be in writing or at a meeting.

Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

The outcome of the appeal is final and there is no further right of appeal

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Action Pending the Outcome of the Process

Pending the outcome of the formal stage, consideration will be given to any actions that may be appropriate to alleviate the circumstances which gave rise to the complaint.

This will include consideration of the ability of the two parties to continue to work together which may necessitate a temporary change to working arrangements or line management responsibilities, subject to the operational requirements of the Trust. Any change would be temporary pending the outcome of the bullying and harassment process and would be mutually agreed between the individual and the Trust. It will not be assumed that the person who raised the complaint will necessarily be the party to alter their work. No party should be placed at a financial detriment as a consequence of such temporary variations.

Where all other options have been explored, on occasion it may be necessary to suspend with full pay the Employee who the allegation has been made against.

Suspension is not an assumption of guilt and is not considered a disciplinary sanction' In cases where a period of suspension is considered necessary, this period should be as brief as possible, should be kept under review and with full pay

Support after the procedure has concluded

The Trust recognises that both parties may require ongoing support following the conclusion of the process – this may include further informal measures to rebuild damaged working relationships.

Where informal action is to be taken or no case to answer is found both parties will be invited to attend separate meetings with the complaint officer to discuss the outcome of the investigation and appropriate ways forward. Following this consideration will be given to a joint meeting.

The purpose of these meetings is to:

- Discuss future working relationships
- Agree future standards of behaviour or expectations which are acceptable to both parties
- Agree alternative work patterns / practices for either or both parties
- Explore counselling or workplace mediation
- Agree appropriate support / guidance / training
- Consider strategies to prevent a repetition of such concerns

Where formal disciplinary action is taken, depending on the outcome, such meetings may take place following the conclusion of the disciplinary process.

Notes may be taken during this meeting and any agreed actions will be confirmed in writing within 5 working days.

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The Trust will continue to monitor working relationships between the parties to ensure no repetition of behaviour / actions or subsequent victimisation of either party.

Non-attendance at formal meetings

Where an Employee or their representative is unavailable to attend a meeting, they should inform the complaint officer the matter at the earliest opportunity.

If an employee's representative is unavailable, they may be deferred by up to 5 working days from the date of the original hearing.

The Headteacher / Panel will give due consideration to any request for postponement taking into account the individual circumstances and the reason for nonattendance.

Other than in exceptional circumstances only one postponement will be granted.

Should an Employee or representative fail to attend a rescheduled meeting or fail to make written representations, the meeting may proceed in their absence and a decision made based on the available information.

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Appendix 5: Bullying and Harassment notification form

Employee name:	Employee Job title:
School:	Date Complaint Raised:
If your complaint is against an individual - please provide their name and job title	Name: Job Title:
Summary of concerns: Set out the details of your concerns (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attached additional sheets or supporting documents if required.	
Individuals involved in the alleged incident/concerns – Provide here the names and contact details of any people involved in your concern, including witnesses.	
Outcome requested: Please set out what outcome you are seeking from your concern, and why and how you believe that this will resolve the issue.	

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<p>Informal action to resolve the issue: Please provide details of any action that you have already taken to address your concerns and why this did not work.</p>	
<p>Declaration: I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).</p>	
Signature:	
Name:	Date:
For completion by complaint officer	