



# Interaction & Communication

— Academy Trust —

# Dignity at Work

Date Published	<del>July-September</del> 20202017
<del>Approved Date</del>	July 2020
Review Cycle	3 Years
Review Date	Sept <del>ember</del> 2023

## **General Policy Statement**

At the Interaction and Communication Academy Trust (ICAT) our goal is to provide a safe, secure, caring environment where everyone is valued and respected equally. We aim to provide an inclusive education where children develop independent learning skills and are taught according to need whatever their age, gender, background, beliefs or abilities.

National legislation re disabilities, race relations and special education needs underpin this policy, which has also taken into consideration national, local and Academy policies on Special Educational Needs, Gifted and Talented, Equal Opportunities and Health and Safety.

This policy should be read and used in conjunction with the ICAT Whistleblowing policy.

### **THE PRINCIPLES**

- employees have an equal responsibility to treat each other with dignity and respect
- Principals have a duty to implement this policy in a fair and equitable way
- Principals are responsible for challenging unacceptable behaviour
- Principals are responsible for ensuring that all employees are aware of this policy
- the policy seeks to promote good practice which is in accordance with employment legislation

### **THE SCOPE OF THE POLICY**

- the policy applies to all employees, members, directors, local governors, contractors and other agents of ICAT
- it is primarily aimed at employee to employee harassment and bullying whether this occurs during or outside normal working hours, at work or away from work locations

### **THE LEGAL POSITION**

This policy is based on good practice informed by the Equality Act 2010 which consolidated previous laws and codes of practice relating to discrimination, harassment and victimisation.

The Act defines 9 "protected characteristics" which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Harassment and bullying on the basis of these is discriminatory and unlawful. Harassment is defined as:

*'Unwanted conduct related 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'*

It is the **impact of the conduct** on the recipient, rather than the intent of the alleged offender that primarily determines harassment.

Bullying is defined as:

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

Finally, victimisation is treating someone badly because they have (in good faith) made or supported a complaint about discrimination.

Harassment, bullying and victimisation are all unlawful and are not tolerated by ICAT. ICAT's policy is that all employees are entitled to:

- a workplace free from bullying, harassment and victimisation
- to be treated with dignity, respect and courtesy
- to be valued for skills and abilities.

### **PRINCIPALS' RESPONSIBILITIES**

- set a good example
- communicate the policy to employees
- ensure that workplace arrangements and practices foster good working relations
- ensure that potentially offensive material and language is not permitted in the workplace
- take prompt action to challenge harassment or bullying, even if it is not recognised as such by the perpetrator
- take complaints seriously
- make it clear that, where appropriate, harassment or bullying will be treated as a disciplinary matter

### **EMPLOYEES RESPONSIBILITIES**

- to comply with the policy and the legislation
- to help foster a climate at work in which harassment and bullying are unacceptable
- to ensure that standards of conduct for themselves and for colleagues do not cause offence
- to report any incident of work-related harassment or bullying the witness - even in circumstances where the victim is reluctant to take the matter further (please see the ICAT Whistleblowing policy for further information)
- to support colleagues

### **PROCEDURE AND PROCESS WITHOUT HAVING TO GO TO INVESTIGATION (Employee)**

- the employee should make a record of all the details: date, time, place, nature of the incident, witnesses etc.
- the employee lets the person know that their remarks or behaviour is unwelcome

### **WHERE THIS IS NOT POSSIBLE**

- the employee could seek advice from their manager, colleague, trade union representative or other sources

### **PROCEDURE AND PROCESS WITHOUT HAVING TO GO TO AN INVESTIGATION (Management Role)**

The Principal on the Chief Executive Officer's (CEO) behalf should:

- talk to the complainant
- find out whether there have been previous complaints of a similar nature
- was it an isolated incident

Intervene by establishing the facts and identify solutions with the employee.

Talk to the offender to determine if this might be behaviour which arises from:

- misjudged humour
- insensitivity
- thoughtlessness

Where the offender readily agrees to modify their behaviour, the Principal should seek to resolve the problem within the school.

If the behaviour is admitted the Principal should also warn the offender that any recurrence may be treated as a disciplinary offence.

It may also be possible to use mediation - either using mediators from within the Council or provided externally.

## **THE FORMAL GRIEVANCE PROCESS (please see the associated school's grievance policy for further information)**

The Formal Complaint process may be used if

The employee:

- wishes to make a written complaint where the harassment or bullying is serious
- prefers to use this method to deal with the problem

Or where the Principal:

- judges that a previous attempt at resolution has been ineffective
- becomes aware of changes in an employee's behaviour which requires sensitive exploration to determine if harassment could be a factor

### **FORMAL COMPLAINT PROCESS REQUIRES**

That the Principal should carry out an assessment of the situation and make a decision on what is the most appropriate way of dealing with the problem.

This might be:

- round table meeting
- mediation
- management instruction
- undertake a formal investigation

### **AN INVESTIGATION SHOULD BE**

- a fair, objective, independent gathering of the relevant facts (investigation) to be reported to the commissioning manager - in this case the Principal
- timely undertaking of the investigation and if there is likely to be a delay all parties should be kept informed of the progress
- a management response to the investigation conclusions
- the commissioning manager (Principal) should explain the decision reached and outline the actions to follow; both parties should receive a copy of the investigation report

### **FORMAL COMPLAINT PROCESS REQUIRES**

Where the complaint is upheld a disciplinary hearing should be convened in accordance with the school's disciplinary procedure.

In addition to disciplinary matters, the investigation could point to a range of additional considerations e.g.:

- the introduction of new working practices or procedures
- mediation
- individual or team training

### **INFORMAL/FORMAL COMPLAINT PROCESS REQUIRES**

That Principals should take appropriate remedial action to ensure there is no recurrence of the behaviour complained about.

**NB:** Nothing is likely to discredit the policy more than the issue to be excused or swept under the carpet.

### **MANAGING THE WORKPLACE AFTER A COMPLAINT**

Managers will consider the following factors:

- how to re-establish working relations
- impact on other members of the team
- strained relations within the team - remember if this is directed or felt by the complainant this could constitute further victimisation
- every effort should be made to gain a shared understanding of the individual's right to make a complaint
- support for the complainant to understand and accept the outcome

### **FALSE ACCUSATIONS**

- there will be presumptions that complaints are made in good faith
- where complaints - **after investigation** - are found to be malicious or vexatious disciplinary action should be taken against the person making the false complaint
- this would not apply simply because a case was unfounded or because there was insufficient evidence
- there would have to be clear evidence to support the conclusion that the complaint had been made in bad faith

### **COMPLAINTS AGAINST GOVERNORS**

- the complaint should be made to the Principal
- the Principal should refer the matter to the Chair of Governors (or if the complaint relates to the Chair of Governors, a Trust director) who will make the necessary arrangements for the complaint to be dealt with
- for situations where a governor wishes to complain about harassment/bullying from an employee, they too should report the matter to the Chair of Governors

### **COMPLAINTS AGAINST TRUST STAFF, DIRECTORS OR MEMBERS**

- the complaint should be made to the Principal, or the Trust Chief Executive, or to an ICAT director, or to the chair of the ICAT board.

- The complaint will be referred to the chair of the ICAT board who will make the necessary arrangements for the complaint to be dealt with.

## COMPLAINTS AGAINST NON-EMPLOYEES

Where this might be a service user the same principles apply:

- complaints should be taken seriously
- complaints should be investigated
- employees offered advice and support
- employees protected from further abuse
- action could be taken against the client/customer if the complaint is upheld

## RECORDS AND CONFIDENTIALITY

The confidential nature of records and correspondence will be subject to the Data Protection Act 2018.

The Trust will collect **statistical details** of all complaints (incidence, service area, type and duration of cases, the decisions made and any follow-up). Information on employees will only refer to age, disability, ethnicity, gender, salary grade.

Where formal disciplinary procedures are pursued these details will be kept on the relevant personal file.

No identifiable information will be shared with any other person without the agreement of the employee except where a serious problem breaches the law in addition to breaching Trust policy.

## MONITORING AND REVIEW

- the Trust accepts that this is a 'working policy' and should be evaluated in the light of operational experience
- statistical data will be gathered to review the extent of cases arising and what can be learned by the organisation

## COMMUNICATING THE POLICY

- through the induction programme for new employees
- through management meetings
- Trust website

## ACADEMY ACTION

Communicating the policy to all staff:

- The policy will be available on the Trust and its schools' websites
- The policy will be referred to during the induction for new starters

Making sure that members of the Senior Leadership Team understand their responsibilities:

- through specific Academy briefings
- through supervision/appraisal
- identifying training and support needs

Monitoring complaints:

- Principal
- HR Consultancy