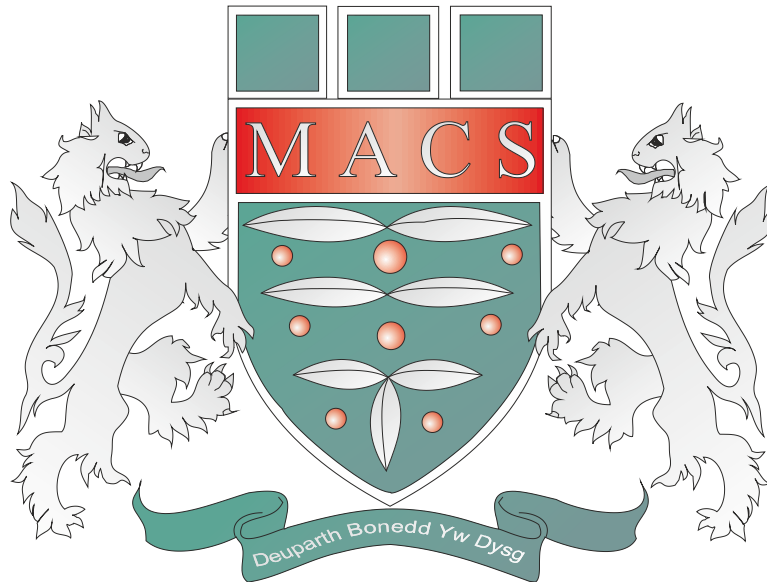


# MOUNTAIN ASH COMPREHENSIVE SCHOOL



## Dignity at Work Policy School Based Staff

Signed \_\_\_\_\_ *P. J. J. J.* \_\_\_\_\_ (Chair of Governors)

Date \_\_\_\_\_ 30.1.18 \_\_\_\_\_

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## 1. **AIM**

- 1.1 Rhondda Cynon Taf Council and the Governing Body are committed to promoting equal opportunities at work. As part of this overall aim, this policy sets out how the Governing Body will promote dignity at work for all employees. The Governing Body is committed to promoting a workplace culture whereby all employees feel valued and respected at work, and where nobody is expected to work in fear of prejudice, discrimination or harassment.
- 1.2 The Governing Body will not tolerate any form of bullying or harassment at work. Where any such behaviour is found to occur within the School, the procedures outlined in this policy will be followed so that the behaviour is correctly dealt with and prevented from reoccurring.

## 2. **DEFINITION**

- 2.1 By 'dignity at work', the Governing Body means that everyone has a right to be treated with dignity and respect at work and to work without fear of harassment from their work colleagues.

- 2.2 Under the Equality Act 2010 Harassment occurs when:

A person engages in unwanted conduct which is related to a relevant protected characteristic and which has the purpose or effect of:

- Violating the employees dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee

- 2.3 The employee does not have to have the protected characteristic themselves but could be connected to someone who has, such as a parent of a disabled child or may be wrongly perceived as having a protected characteristic such as an assumption being made that a Sikh employee who wears a Turban is Muslim and subjecting them to Islamophobic abuse.

- 2.4 It is the individual who defines whether the behaviour makes them feel uncomfortable and an employee can complain about harassment even if it is not directed at them personally, for example if a colleague is being harassed.

- 2.5 Relevant protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation

- 2.6 We also recognise that people can experience harassment that is not related to any particular protected characteristic, but can be experienced as workplace bullying. Any unwelcome behaviour based on any of these grounds will not be tolerated. In Wales, for example, the Welsh language has official status. Consequently, its use must not be treated less favourably than the English and gives the freedom to persons wishing to use the Welsh language to do so with one another.

### **3. THE GOVERNING BODY'S APPROACH TO DIGNITY AT WORK**

- 3.1 The Governing Body will deal promptly and sensitively with any reported cases of harassment or bullying at work and will act in a supportive manner to anyone who brings a complaint of harassment to the Head teacher's attention, whether this be the victim or any other person.
- 3.2 We recognise that what may appear to be harassment to one person, may not appear so to another. However, we recognise that victims are able to judge for themselves whether they feel harassment is occurring and all cases will be investigated fairly. The important factor is how the victim or any other person perceives the situation, not whether the situation is *intended* to cause offence.
- 3.3 The Governing Body will not tolerate any form of victimisation, meaning that no employee will be treated unfairly because they have made a complaint or intend to make a complaint of harassment involving themselves or any other person. In all cases the Governing Body's aim is to eliminate unwanted behaviour with the intention of promoting dignity at work for all employees.
- 3.4 Where contravention of the Dignity at Work Policy is proven disciplinary action will be taken which may include the ultimate sanction of dismissal.

### **4. EFFECTS OF HARASSMENT**

- 4.1 Harassment or bullying behaviour has serious and negative consequences for victims and their colleagues. Examples of these effects include:
- 4.1.1 Low morale
  - 4.1.2 Increased anxiety and stress related illness
  - 4.1.3 Feeling powerless or isolated
  - 4.1.4 Loss of confidence and self esteem
  - 4.1.5 Higher absence rates
  - 4.1.6 Reduction in work productivity
- 4.2 It is therefore in everyone's interest to ensure that harassment at work is dealt with as soon as it is reported. The Governing Body recognises that it has a duty of care to its employees and needs to respond promptly to any incidents that may lead to the above occurring.

## **5. TYPES OF HARASSMENT**

5.1 Bullying and harassment can take many forms. Harassment, intimidation or victimisation at work can be verbal, written or physical; overt or subtle; occur over a period of time or just be one occasion.

Bullying is persistent action and can often occur through abuse of power or position. The following are examples of the different types of harassment and bullying behaviour that may occur, none of which will be tolerated:

### **5.2 Examples of Bullying Behaviour**

5.2.1 Using aggressive, threatening or intimidating language or behaviour

5.2.2 Belittling or undermining employees in front of others

5.2.3 Excessive supervision and monitoring

5.2.4 Setting unrealistic objectives and targets

5.2.5 Withholding information from an employee or intentionally excluding them

5.2.6 Picking on one person when there is a wider problem

### **5.3 Examples of Sexual Harassment and Harassment on Grounds of Gender**

5.3.1 Displaying physical behaviour of an unacceptable nature, such as close personal contact, unwelcome advances or sexually suggestive gestures

5.3.2 Using sexist or inappropriate language such as suggestive remarks, innuendos or obscene comments

5.3.3 The display, storage or sharing of pornographic or sexually suggestive pictures or other materials

5.3.4 Using language that ridicules, intimidates or abuses an individual because of their gender or gender identity, such as degrading remarks or insults, or offensive comments about appearance or dress

5.3.5 Use of offensive language or behaviour aimed at transgender employees

5.3.6 Unfair treatment based on gender, such as promotion being dependent on sexual favours, or promotion being withheld because of negative stereotypical assumptions based on gender.

### **5.4 Examples of Racial Harassment**

5.4.1 Use of racist words or derogatory or degrading language aimed at people from ethnic minority groups

5.4.2 Use of racist jokes or banter

5.4.3 Use of stereotypical nicknames based on ethnic background

5.4.4 The display, storage or sharing of racially offensive pictures or materials

5.4.5 Unfair treatment based on racial background, such as promotion or training being withheld because of negative assumptions about race.

## **5.5 Examples of Disability Harassment**

5.5.1 Use of offensive language or behaviour aimed at a disabled person

5.5.2 Behaving in a patronising way towards a disabled person due to negative stereotypical views about disability

5.5.3 Asking invasive, personal questions about someone's disability

5.5.4 Communicating negative and offensive assumptions about disabled people, such as the view that disabled people do not have a social life or that a disabled person will be less capable of doing their work

5.5.5 Unfair treatment based on disability, such as promotion opportunities being withheld because of negative assumptions about disabled people.

## **5.6 Examples of Sexual Orientation Harassment**

5.6.1 Treating someone in an offensive, abusive or exclusionary way because of their sexuality

5.6.2 Questioning someone about their sexuality, perceived sexuality or private life, or gossiping or speculating with others about someone's sexuality

5.6.3 Using homophobic language, joking or banter, or expressing negative stereotypical views about gay, lesbian or bisexual people

5.6.4 Disclosing someone's sexuality ('outing' someone) at work

5.6.5 Insinuating that orientation towards the same sex is abnormal.

## **5.7 Examples of Age Harassment**

5.7.1 Using ageist language or treating someone in an offensive way because of their age or perceived age

5.7.2 Insinuating that someone is 'too old' or 'too young' to be able to undertake certain duties or participate in certain activities, or that they will be less likely to deliver effective outcomes

5.7.3 Using patronising language when speaking to someone considered to be 'old' or 'young'

5.7.4 Insinuating that older people are less likely to be able to adapt to or cope with change

5.7.5 Unfair treatment based on age, such as refusing training requests for an older employee

## **5.8 Examples of Religion or Belief Harassment**

5.8.1 Using derogatory comments relating to someone's religious or deeply held beliefs

5.8.2 Making fun of clothing or jewellery worn for religious reasons

5.8.3 Belittling a person because they are committed to a cause

5.8.4 Using offensive or joking language to refer to important figures within a persons belief system

5.8.5 The display, storage or sharing of offensive pictures or materials relating to religious or philosophical beliefs

5.8.6 Putting persistent pressure on colleagues to take on the same religious or philosophical beliefs

5.8.7 The above are examples only and are not the only possible ways in which harassment or bullying can occur at work.

5.8.8 Overall, the Governing Body recognises that all employees have the right to be accepted at work and the right to feel comfortable in their social surroundings. We do not expect colleagues to tolerate behaviour from others that makes them feel unduly uncomfortable or to feel that their dignity is compromised in any way.

## **6. LANGUAGE**

6.1 The Governing Body recognises that everyone has the right to be spoken to with respect and to work without listening to abusive or discriminatory comments.

6.2 School employees must refrain from using abusive or threatening language, including use of jokes or comments that perpetuate discrimination or have negative connotations about people or their lifestyles.

## **7. DEALING WITH HARASSMENT**

7.1 The Governing Body and the Head teacher have the responsibility of leading by example. They are therefore required to communicate the message of the Dignity at Work Policy to employees, ensuring that others understand that bullying and harassment will not be accepted within the School and that

disciplinary action up to and including dismissal will be taken if it is found to occur.

- 7.2 The appropriate procedure to be taken when any complaint of harassment is received is outlined in the section entitled 'Contravention of the Dignity at Work Policy'.
- 7.3 In all cases of alleged/proven bullying or harassment, the objective of the Governing Body is that harassment stops and does not reoccur.

## **8. CONCLUSION**

- 8.1 The Governing Body values the diversity that exists among its employees. All employees must work together to ensure that everyone who works for the School is treated with respect and does not experience prejudice, discrimination, harassment, or hurtful and negative language whilst at work. Everyone has the right to be accepted for who they are and the Governing Body will work to communicate this message to all employees.
- 8.2 If you need to discuss in the first instance any problem arising from alleged or suspected harassment or discrimination please speak with the Headteacher or trade union representative. If the allegation is against the Head teacher, please contact Human Resources. If you wish for more detailed information about equality and diversity, please contact the Equality & Diversity & Team.

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**PROCEDURE**

**1. CONTRAVENTION OF THE DIGNITY AT WORK POLICY**

- 1.1 If anyone believes they have been subjected to harassment, bullying, abuse or intimidation or those who think they may have witnessed a case of harassment, bullying or abuse shall in the first instance be able to receive advice and assistance on a confidential basis from the Head teacher (or Human Resources if allegation against the Head teacher) or from the Equality, Diversity & Social Justice Team or Employment Services in Human Resources.
- 1.2 All complaints will initially be dealt with under the informal complaints procedure. However, if it is not resolved at this level, there is the option to utilise the formal complaints procedure under this policy. Where it is established that there is a case to be answered, the school's disciplinary procedure shall be invoked.
- 1.3 The Governing Body takes a serious view of harassment, bullying, or abuse and if, following initial investigation, it is found that an act of harassment, bullying or abuse is likely to have been committed, the following will occur:
- 1.3.1 **For Employees:** The procedures of the School shall apply and may result in disciplinary action, which may include the ultimate sanction of dismissal.
- 1.3.2 **For Governors:** The School Governing Bodies Complaints Procedure will apply in this circumstance.
- 1.3.3 **For Elected Members:** The procedures outlined in the Council Constitution, Code of Conduct, codes and protocols shall apply.
- 1.3.4 **For Anyone Contracted by the Governing Body/Council:** In the first instance, a written report detailing the breach of policy; will be made by the Director of Human Resources, or the Director of Legal Services if the allegation involves a person or persons contracted by the Director of Human Resources, to the Chief Executive, who will determine the appropriate course of action up to and including the withdrawal of the contract
- 1.3.5 **For Any Persons Subcontracted to the Council:** The Principal Contractor will be considered responsible and action will be followed as detailed in paragraph 3 above.
- 1.4 Information, advice and/or assistance on the Dignity At Work Policy and its application can be obtained from the Equality, Diversity & Social Justice Team or Employment Services.

## **APPENDIX 2**

### **DIGNITY AT WORK – COMPLAINTS PROCEDURE FOR EMPLOYEES**

#### **1. INTRODUCTION**

- 1.1 This procedure is designed to enable employee complaints of harassment, bullying or abuse to be dealt with promptly, fairly and sensitively. It covers both the complainant and the alleged harasser.
- 1.2 Employees who consider themselves to be the subject of harassment, bullying, or abuse will be taken seriously. Any victimisation or retaliation against an employee who complains is a serious disciplinary offence.
- 1.3 Allegations of harassment, bullying, or abuse made with the intention of damaging someone's reputation may, following investigation, invoke the disciplinary procedure of the School.
- 1.4 Employees who feel they have experienced or witnessed harassment, bullying, or abuse should contact the Head teacher or the Equality, & Diversity Team in Human Resources. Alternatively, a trade union representative, colleague or friend may make initial contact on their behalf.
- 1.5 Complaints should be made within 3 months of the alleged harassment, bullying or abuse taking place.

#### **2. STAGE ONE**

- 2.1 To ensure confidentiality, an Officer/Adviser from Human Resources will act as intermediary between persons identified above. Explanations will be sought on the following:
  - What behaviour was found offensive by the recipient
  - Whether the behaviour was recognised as offensive by the person carrying out the action(s)
- 2.2 Having clarified the actions of individual parties the HR Officer/Advisor will, if deemed necessary, arrange for an informal meeting between both parties at a convenient date, time and location. This meeting should take place wherever possible within 5 working days of the initial complaint. Either party may be accompanied by a trade union representative, colleague or friend if they so wish. The aim of the meeting will be conciliatory and:
  - Allow an informal discussion to take place
  - Clarify the incident or unacceptable actions involved
  - Seek an appropriate resolution
- 2.3 The Officer/Adviser will minute the meeting, and identify any consequences or

conclusions. At the time of the meeting both parties will be required to sign to say they are a true and accurate record. This document will be placed on a confidential file held within Human Resources. It will not be added to either personal file of the employees involved.

2.4 Where necessary, informal monitoring of the situation between the employees will be carried out by the Officer/Adviser until deemed no longer necessary but not exceeding one year from the date of complaint.

2.5 Where the Stage One Process cannot provide a resolution, a Stage Two complaint may be made through this Policy.

### **3. STAGE TWO**

3.1 Stage Two complaints will only be implemented on exhaustion of Stage One and should be made, via the Officer/Adviser of Human Resources who was involved in the Stage One complaint. A full investigation will then be carried out.

3.1.2 The results of the investigation will be referred to the Chair of Governors for a decision to be made on whether further action is required.

3.1.3 Where it has been established that there is no case to answer, both parties will be notified appropriately in writing.

3.1.4 Where it is established that there is a case to be answered, the formal disciplinary procedure of the School shall be invoked.

### **4. CESSATION OF INVESTIGATION**

4.1 If an employee who has made a complaint under the Dignity at Work Policy leaves employment before the conclusion of the complaint the Governing Body has no further obligation to that individual to complete the process.

4.2 If the complaint has been made by more than one employee the Governing Body will continue the process on behalf of those employees who remain in employment only.

4.3 However the Governing Body reserves the right to consider the issues raised during a complaint and to determine an appropriate way forward if necessary.

4.4 If the evidence gathered is sufficient and the allegations could amount to gross misconduct, the Disciplinary Procedure will continue to its completion. The Disciplinary Committee will determine whether the evidence available would have led to dismissal.

4.5 Where this is the case the investigation papers will be forwarded to the General

Teaching Council Wales (if applicable) and the Independent Safeguarding Authority who will undertake their own investigation in order to determine the suitability of the individual continuing to be employed within a school environment.

**DIGNITY AT WORK – COMPLAINTS PROCEDURE FOR EMPLOYEES**

