

DIGNITY AT WORK POLICY

Introduction

As an equal opportunities employer, Ruskin Mill Educational Trust (the Trust) is committed to creating a diverse workforce in a working environment in which all individuals show, and are shown, respect and consideration for one another. The purpose of this policy is to support the development of a working environment and culture in which harassment, intimidation and bullying is known to be unacceptable, and where individuals have the confidence to report harassment, intimidation and bullying without fear of ridicule or reprisals.

Purpose of policy

1. **Purpose:** The purpose of this policy is to ensure that all employees of the Trust are treated with dignity and respect and are free from harassment, intimidation or other forms of bullying at work.
2. **Breach:** Breach of this policy will be dealt with under the Trust's Disciplinary and Dismissal Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

Legal framework and personnel

3. **The Trust's commitment:** The Trust has a duty to provide staff with a safe place and system of work. This includes a workplace free from harassment, intimidation and bullying. We also have responsibilities not to harass or discriminate against employees on the grounds of their sex, sexual orientation, marital or civil partnership status, gender reassignment, race, religion, colour, nationality, ethnic or national origin, disability or age. In some situations we may also be responsible for the actions of our employees towards each other and towards third parties. In certain circumstances harassment can amount to unlawful discrimination. This policy serves to demonstrate our commitment to identifying and wherever possible eliminating such unlawful behaviour.
4. **Overall responsibility:** The Trustees have overall responsibility for this policy but has delegated day-to-day responsibility for overseeing and implementing action required under it to the Council of Management. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for changes to the policy lies with Human Resources Department.
5. **Line Managers' responsibility:** Line managers have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that staff understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards. Line managers will be given training on the relevant legal and operational framework and best practice.
6. **Employees' responsibility:** All employees are responsible for treating their colleagues with dignity and respect and for the success of this policy and should ensure that they take the time to read and understand it. Employees should disclose any instances of harassment, intimidation or other forms of bullying of which they become aware to their line manager or a member of the Human Resources Department. Questions about this policy should be directed to the Human Resources Department.
7. **Contractors and service providers' responsibility:** All contractors and service providers are responsible for complying with this policy and all other legislative requirements as set out in contracts with the Trust.

What are harassment and bullying?

8. ***Definition of harassment:*** Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, affecting an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct is commonly related to sex, sexual orientation, marital or civil partnership status, gender reassignment, race, religion, belief, colour, nationality, ethnic or national origin, disability, or age.
9. ***Instances:*** Harassment generally arises where a employee has made it clear that they find certain behaviour unwelcome and that behaviour has continued unchanged. Harassment can also arise as a result of a single incident provided it is sufficiently serious. It is important to remember that even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment. Employees who believe they are being subjected to harassment should not hesitate to use the procedures set out below. All staff should consider whether their actions could be offensive to others.
10. ***Instances of harassment:*** Examples of harassment might include:
- a) unwanted physical contact, ranging from touching or brushing against another employee's body to assault or coercing sexual relations;
 - b) unwelcome sexual advances, propositions or pressure for sexual activity;
 - c) continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
 - d) offensive or intimidating comments;
 - e) suggestions that sexual favours may further an employee's career or that refusal of sexual favours may hinder it;
 - f) the display of pictures, objects or written materials that may be considered pornographic or offensive to particular ethnic or religious groups;
 - g) conduct that denigrates or ridicules a employee because of his or her sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
 - h) insensitive jokes or pranks; and
 - i) shunning an employee, for example, by deliberately excluding him or her from conversation.
- The list is not exhaustive and other behaviour many constitute harassment.
11. ***Definition of bullying:*** Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure a colleague. Bullying does not include legitimate and constructive criticism of your performance or behaviour, an occasionally raised voice, or an argument. Examples of bullying include ridiculing or demeaning others, particularly junior colleagues, overbearing supervision and unjustifiably excluding colleagues from meetings/communications.
12. ***Conduct outside the workplace:*** This policy covers harassment, intimidation or bullying which occurs both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions organised for or on behalf of the Trust and on or off Trust premises.

N.B. Please see the guidance notes attached to this policy. The guidance notes do not form part of this policy and are examples only and should not be seen as an exhaustive indication of the scope of this policy.

What to do if you have been harassed, intimidated or bullied: informal procedure

13. **Stage 1:** If you consider that you are being harassed, intimidated or bullied, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that the behaviour in question is not welcome and that it offends you or makes you uncomfortable.
14. **Stage 2:** If Stage 1 is too difficult or embarrassing for you to do on your own, you should seek support from your line manager and/ or the Human Resources Department, where they will provide confidential advice and assistance to employees who have been harassed, intimidated or bullied and will assist in the resolution of any problems, whether through formal or informal means. If the person concerned is your line manager or more senior to yourself, you should ask the person at the next or appropriate level of management to speak to them.
15. **Stage 3:** If the conduct continues or if it is not appropriate to resolve it informally, you should keep a record of any relevant incidents and follow the formal procedure set out below.
16. **Guidance:** If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment, intimidation or bullying, then in the first instance you should approach your line manager or the Human Resources Department confidentially, on an informal basis. They will be able to advise you as to how the matter should be dealt with.

What to do if you have been harassed, intimidated or bullied: formal procedure

17. **Formal procedure:** The informal procedure may not be appropriate due to the nature of the harassment, intimidation or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with a member of your College SMT or its equivalent, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the person concerned is your line manager or more senior to yourself, you should write to the person at the next or appropriate level of management.
18. **Pursuing a complaint:** As a general principle, the decision to progress a complaint rests with you. However, as your employer we have a duty to protect all employees and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.
19. **Necessary details:** If you wish to make a formal complaint, you should set out full details of the unwanted conduct in writing. These details should include the name of the harasser, intimidator or bully, the nature of the harassment, intimidation or bullying, the date(s) and time(s) when the harassment, intimidation or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment, intimidation or bullying.

Formal procedure: investigation

20. **Conduct of investigation:** Complaints will be managed in a timely and confidential manner via an independent investigation to establish the details of what happened. Your name and the name of the alleged harasser, intimidator or bully will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. At the outset, either a member of the College SMT or its equivalent will investigate the complaint or will approach an individual with no prior involvement in the complaint to carry out an investigation. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.

21. **Arrangements during the investigation:** Consideration will be given to whether the alleged harasser, intimidator or bully should be redeployed temporarily, suspended on full pay or whether reporting lines should be altered pending the outcome of the investigation.
22. **Meeting:** As part of the investigation, the person investigating the complaint will meet with you to hear your account of the events leading to your complaint. You may be accompanied by a colleague or a trade union official of your choice. The person investigating will also meet with the alleged harasser, intimidator or bully who may also be accompanied by a colleague or trade union official of their choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
23. **Conclusion:** Once the person investigating the complaint has had a reasonable opportunity to consider all the information that they have gathered, they will prepare a report, outlining their findings and possible solutions and implications. You and the alleged harasser, intimidator or bully will be provided with a copy of the report. The Trust may arrange a meeting with the alleged harasser, intimidator or bullying to communicate the contents of the report. You will be informed of your rights of appeal.
24. **Disciplinary sanctions:** If it is found that harassment, intimidation or bullying has occurred, prompt action will be taken to stop the harassment, intimidation or bullying immediately and prevent its recurrence. The findings will be dealt with under the Trust's Disciplinary and Dismissal Procedure. Consideration will be given to whether the harasser, intimidator or bully should be dismissed and, if not, whether he or she should remain in his or her current post or be transferred. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser, intimidator or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

Formal procedure: appeal

25. **Appeal procedure:** If you are dissatisfied with the decision made concerning the outcome of the investigation, you may appeal the decision by notifying a member your College SMT or its equivalent in writing within 5 working days giving full details of why you wish to appeal. If you need more time to appeal, you should notify a member of your College SMT or its equivalent within the five day period. Arrangements will then be made for your appeal to be heard by an Appeal Panel, which will be chaired by someone holding a more senior position than the person investigating the complaint. You may be accompanied by a colleague or a trade union official of your choice. You will be notified of the outcome of the appeal within seven days of this meeting. This is the final stage of the formal procedure.

General

26. **Protection from victimisation:** Employees who, in good faith, make complaints under this policy will be protected from intimidation or victimisation in connection with their involvement. If you have been subjected to any such intimidation or victimisation you may raise a complaint in writing under this procedure or the grievance procedure.
27. **Malicious or vexatious complaints:** If, after investigation, you are found to have made false or unsubstantiated allegations in bad faith and/ or with malicious intent, these circumstances if proven, could lead to disciplinary action, up to and including dismissal, under the Trust's Disciplinary and Dismissal Procedure.

28. **Confidentiality:** Confidentiality is very important throughout all parts of this procedure. It is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may give rise to disciplinary action under the Trust's Disciplinary and Dismissal Procedure.
29. **Counselling support:** Whether an issue of harassment, intimidation or other form of bullying have been dealt with on an informal or formal basis, parties involved may benefit from counselling, help and support in resolving the situation and coping with any difficulties that it has caused. In these circumstances, it may be appropriate for counselling/help/support to be arranged by the Human Resources Department. You may have reservations about accessing counselling services because you are afraid that this will be recorded on your personnel file. It should be noted that counselling services maintain a policy of complete confidentiality.
30. **Criminal offences:** Many forms of harassment, intimidation, other forms of bullying or discrimination can amount to criminal behaviour. For example, any kind of unwanted physical contact, or the apprehension of it, could constitute an assault or indecent assault, or persistent and unwanted contact by someone could be deemed to be 'stalking'.

You are urged to consider reporting such behaviour to the police without delay, so that a criminal investigation can be carried out under due judicial processes followed.

The Trust may also take separate action in cases of gross misconduct, although it reserves the right to suspend internal disciplinary action pending the outcome of any criminal charges. If this is the case then employee(s) will remain on paid suspension until the matter is resolved.

Procedure following termination of employment

31. **Modified Procedure:** The above procedure will also be followed if you raise a complaint following termination of your employment. Alternatively, it may be agreed between you and the Trust that your complaint is dealt with in writing without the need for a meeting. If this is agreed by you, the College Principal's or the equivalent senior postholder's, decision shall be final and you will have no further right of appeal.

Monitoring and review of Policy

32. **Annual review:** This policy reflects the law and the Trust's practice. The Human Resources Department will be responsible for reviewing this policy from a legislative and operational perspective at least annually. When statutory employment law changes the policy is held automatically to have been amended by that change and will be updated as soon as practically possible.
33. **Training:** The Human Resources Department has responsibility for ensuring that any personnel who may be involved with investigations or administrative tasks carried out under this policy receives regular and appropriate training to assist them with these duties.
34. **Comments:** Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Human Resources Department.