



## DIGNITY AT WORK POLICY

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REVIEWED BY :

Executive Head Teacher

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# NAME OF POLICY

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## **POLICY**

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**Gorse Ride Schools are committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.**

Harassment and bullying can have very serious consequences for individuals and the school. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the school can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the school's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The school will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The school will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to raise such an issue. Victimisation is a disciplinary offence.

## **PURPOSE**

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This policy ensures that employees are able to raise a concern and it is resolved as quickly and as fairly as possible. Employees should be aware that separate procedures exist for other forms of grievance such as terms and conditions of employment, health and safety, new working practices, working environment and organisational change.

## **SCOPE**

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The policy applies to all employees and temporary/casual workers of the School.

All those who work for Gorse Ride Schools, whether employed or not, have a responsibility to ensure that bullying and harassment will not take place. The School views very seriously any act by any worker (no matter what level) of bullying or harassment. It is a breach of the Code of Conduct and personal behaviour and may lead to a penalty under the Disciplinary Policy, which may, in certain circumstances, lead to dismissal. All employees must abide by the Code of Conduct and Personal Behaviour.

If the individual or alleged harasser is not employed by the school (e.g. if the worker's contract is with an agency) this policy will apply with any necessary modifications such as that the school could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace e.g. school trips, training courses.

## BEHAVIOURS THAT COULD BE REGARDED AS BULLYING HARASSMENT

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- Bullying and harassment can be verbal/face to face or by written communication. It could also be through visual images such as pictures sent by text, email or any social media platform.
- Bullying and harassment may involve single or repeated incidents, ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone.
- Bullying and harassment can occur through postings on social media. Employees should be familiar with the school's Social Media policy.

### Examples of unacceptable behaviour include:

- Physical aggression or intimidation
- Personal insults, particularly those related to age, race, sex, disability, sexual orientation, pregnancy & maternity, marriage or civil partnership, gender identity or religion/ beliefs
- Unwelcome sexual attention - assault, touching, making sexual advances, using sexual language. Making decisions on the basis of sexual advances being accepted or rejected
- Verbal abuse, including personal insults, offensive comments, taunts, threats or malicious gossip
- Intrusion into another person's personal property or private life, including pestering, spying and stalking
- Practical jokes which embarrass or humiliate
- Deliberate isolation or exclusion, both in the workplace and from normal social contact

This list is not exhaustive.

## EQUAL OPPORTUNITIES

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All employees will be treated with respect and dignity throughout the process in accordance with the Policy and Guidance for Equal Opportunities.

## KEEPING WRITTEN RECORDS

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It is very important that written records are kept regarding all issues that are raised. Records should include:

- The nature of the issue
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments.

The school will process any personal data collected during the process in accordance with its data protection policy.

In certain situations, a manager may decide to protect the identity of an individual or decide to withhold some information – e.g. information of a very sensitive personal nature or content that is deemed to be irrelevant.

Further details can be found in the Privacy Notice on the school's website. Any data collected will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure.

## **ROLES AND RESPONSIBILITIES**

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### **The Governing Board**

The Governing Board :

- Ensures concerns and allegations are handled according to agreed procedures
- Holds the Head Teacher to account for the implementation of this policy
- Ensures this policy is periodically reviewed and kept up to date
- Deals with concerns raised by or about the Head Teacher

### **Head Teacher**

The Head Teacher :

- Works to ensure that the working environment is free from harassment, bullying and victimisation
- Works to check that concerns and allegations are handled according to agreed procedures

### **All members of the school workforce**

All members of the school workforce:

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- Support colleagues who experience unacceptable behaviour and who are considering raising a concern or have raised a concern
- Report any occurrence of unacceptable behaviour and offer supporting evidence in any investigation where appropriate

## Line Managers

Line managers and those fulfilling this role when a concern is about the line manager:

- Will listen and take seriously any member of the school workforce who comes to them with a concern or allegation regarding harassment, bullying or victimisation

## CONDUCT / DISCIPLINARY ACTION

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All proven bullying and harassment will be deemed as misconduct and as a disciplinary offence which will be dealt with under the School's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

## PROCEDURE

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### Principles

All concerns of unfair treatment depending on the nature of the concern should first be made informally unless allegations are too serious for such an approach. Where necessary the allegation should then be progressed through the formal procedure. The School will ensure a thorough investigation takes place of all formal allegations in a manner that avoids potential victimisation or retaliation against the individual raising the issue, the person/persons alleged to have harassed/bullied the individual or any witnesses.

If the allegation is not upheld, it does not mean that it was made in bad faith. An allegation has only been made in bad faith where there is evidence that the individual raising the issue has been deliberately dishonest rather than believing it to be a genuine concern.

In circumstances where an issue is raised by more than one individual it is appropriate to resolve the problem through collective agreements between the trade union/ recognised staff representatives and the School.

### Vexatious Allegations

As stated above, all allegations of harassment and bullying are assumed to be made in good faith unless there is evidence to the contrary. If, however, an accusation is found to be vexatious or to have been made maliciously, it will be investigated and dealt with under the disciplinary procedure.

## Confidentiality

Information to those other than the main parties should be strictly limited to an explanation that a concern is being investigated. All those involved (the affected individual, interviewees etc) will be informed of the importance of confidentiality. The situation will be upsetting for all those concerned and although they may request support from colleagues as possible witnesses there is still a need for confidentiality, and this should be made clear.

Managers/Head Teachers must ensure that any rumour and/or discussion among their colleagues is kept firmly in check in order to prevent further disruption to the team and that failure to respect confidentiality may result in disciplinary action.

## Raising Issues - Informal Procedure

There can sometimes be confusion regarding the understanding of where bullying starts and where sound management ends. Positive, clear management action that responds to misconduct or poor performance in a fair and consistent way in line with School policies does not constitute bullying or harassment, **see Toolkit section 3**.

There are several things employees need to consider:

- Has there been a change in management style to which they need time to adjust – new manager or new work requirements?
- Can they talk to someone about their concerns e.g. line manager /Union/staff representative?
- Can they agree a change to their workload or way of working that will make it easier for them to cope?

Most cases of harassment or bullying can be resolved informally. Concerns of harassment or bullying should be made **informally** initially wherever possible and then formally if the informal route fails. The employee subject to harassment or bullying should:

- Record all details or any incidents – the date, times, nature of the incident(s) and names of any individuals who were witness to the incident(s),
- Make it clear to the alleged harasser/bully that the behaviour is unwanted and unwelcome and must stop immediately,
- If an individual is uncomfortable speaking to the person, they should write to the alleged bully/harasser detailing the type of behaviour that is unacceptable and the distress that it is causing. The written request should be given to the harasser/bully or the individual may ask a colleague to do so on their behalf and a copy kept by the individual affected.

For further guidance **see section 6 the Toolkit**.

The affected individual may wish their manager, or Head Teacher, a member of HR and/or their Union/staff representative to act as a mediator. In some cases, an external mediator may be appropriate. Most cases are resolved once the alleged harasser/bully has been made aware of their behaviour. It is recommended that the individual keeps a written note if they approach their harasser directly in case the formal procedure becomes necessary.

## Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. Mediation is an effective way of resolving disputes and can avoid matters escalating and the need for formal procedures. Mediation can be used at any stage and can address a range of issues including relationship and communication breakdown.

This would involve the appointment of a trained mediator, who would discuss the issues raised with all involved and seek to facilitate a resolution. Mediators do not make judgements or determine outcomes, they ask questions that help uncover underlying problems, assist people in understanding each other's point of view and identify options for resolving the dispute.

Mediation will only be used where all parties involved in the grievance agree.

## Raising Issues - Formal Procedure

Should informal methods fail or where serious harassment/bullying occurs, the individual is advised to raise this formally, and should seek assistance from their manager/ senior manager and/or Union/Staff Representative.

The concern should be made in writing and state:

- The name of the harasser/bully,
- The nature of the offence and specific details,
- Dates and times when the offence occurred,
- Names of any witnesses to the incidents,
- Any action/conversations already taken by the individual to stop the harassment/bullying.

Where the line manager is involved in the alleged bullying/ harassment the matter should be raised with the Union/Staff Representative, or a senior manager. A suitable, independent manager will be nominated as investigating manager. The Investigating Manager will interview and take details of incidents and dates from the individual, and any witnesses, (see the Disciplinary Policy Toolkit for guidance on conducting an investigation). Both the individual and alleged harasser/bully should be given the name of a member of staff who will support them through the investigation. This may be the staff/Union representative or a work colleague.



On receipt of a claim of harassment/bullying, the line manager/Head Teacher will consider whether to separate the parties if this is deemed appropriate. This may involve a temporary transfer of role for the alleged harasser/bully.

The Head Teacher will decide if there is a need to suspend an employee. A suitable member of staff must be nominated to be the contact during the period of suspension. Where the issue involves accredited union representatives (stewards), it should be discussed with a full time official of the recognised trade union.

The affected individual can request/agree to being voluntarily transferred/take paid time off e.g. if there is an allegation of a number of staff bullying the individual. In exceptional cases of service need, the individual may have to be moved. The alleged harasser/bully or individual will be informed in writing of the allegation and of the reason for separation. It may be appropriate in some cases for both parties to be suspended. It should be made clear that suspension is not a disciplinary penalty and does not imply misconduct. The need for separation will be monitored throughout the investigation. Contacts will be made available for both the individual and alleged harasser/bully to provide further information.

The alleged harasser/bully will be informed of the allegation and the procedure being followed and offered support while the investigation is being carried out. They must be given every opportunity to respond to the allegation as part of the investigation process. **See Toolkit.**

The individual and the alleged harasser/bully and interviewees will have the right to be accompanied by a work colleague, or a trade union /staff representative throughout the investigation. Individuals being interviewed will be sent notes of the interview for comment/observations.

The aim will be to complete the investigation within 15 working days of the investigating manager being appointed, wherever possible. Where individuals are temporarily unavailable or where there are a number of witnesses to interview, the individual should be informed that the period will be extended.

The Investigating Manager will produce a written report summarising the issue and the outcome of the investigation giving conclusions to the manager who will make a decision based on the conclusions and all the evidence. The individual and the alleged harasser/bully will be informed of the decision both orally and in writing by the manager or Head Teacher as soon as the decision is reached. Possible outcomes will be either to:

- take no further action because the allegation is not founded, or there is insufficient evidence; or
- uphold the allegation and invoke the disciplinary procedure against the harasser/bully.

Independent of the outcome, remedies such as mediation, team development or an agreement between the parties of acceptable standards of behaviour may be useful.

Aside from the outcome of the process, discussions must also take place relating to future working arrangements.

The Head Teacher or appropriate line manager will contact the individual and the alleged harasser/bully one and six months after the end of the investigation, to ensure no further support is required.

## **PENALTY**

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Where it is confirmed that harassment/bullying appears to have occurred, the disciplinary policy will be invoked.

## **VICTIMISATION**

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Victimisation is subjecting a person to a detriment because they have, in good faith, raised an issue (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to raise an issue or given evidence in relation to an issue.

The Dignity at Work procedure provides a mechanism to solve problems and no member of staff shall suffer any form of victimisation as a result of raising an issue in good faith under this procedure or as a result of giving evidence as a witness.

If the disciplinary outcome falls short of dismissal, e.g. a formal warning, and both the victim and the offender work in close proximity, there may be a requirement to separate them to avoid claims of victimisation or a recurrence of the offence. Any inconvenience in such circumstances will be borne by the offender except in exceptional circumstances, e.g. where there is more than one offender or, temporarily, where no immediate cover can be found for the offender or business needs require their presence.

Anyone who brings an allegation of harassment or bullying, or who gives evidence as a witness, will not suffer any victimisation. Any allegation of victimisation will be dealt with seriously, promptly and confidentially. The manager must follow the disciplinary procedure if it is found that victimisation has occurred.

## **REDEPLOYMENT**

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Redeployment may need to be considered after a formal investigation/disciplinary action has been completed. Where relationships have irredeemably broken down it may be advisable with agreement and where practicable, to redeploy one of the employees concerned.

## THE RIGHT OF APPEAL

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Where the individual is dissatisfied with the decision of the Head Teacher or nominated manager, they can appeal within five working days of receiving the decision to the Clerk of Governors stating the grounds and reasons for their appeal in writing.

An appeal hearing will then be arranged within a reasonable period of time and will be dealt with by an appropriate level of management with no prior involvement with the case and/or investigation. The Appeal Hearing will follow the process set out for an appeal hearing as contained within the Grievance Policy.

The appeal outcome will be confirmed in writing within 10 working days of the hearing.

A meeting of the Appeals Panel is the last stage in the Dignity at Work Procedure and therefore the decision of the panel will be final.