



# Dignity at Work Policy

---

<b>Department Owner</b>	Operations (National)
<b>Section Owner</b>	HR
<b>Approver</b>	E-ACT Education & Personnel Committee
<b>Date Approved</b>	Policy under scheduled review
<b>Review Date</b>	February 2021

This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Recognised trade unions have been consulted on this policy.

This policy was approved by Trustees as follows –

Board/Committee: Education & Personnel  
Committee

Date: May 2018

Frequency of review: 3 years

Next review date: May 2021

ELT Owner: Director of Corporate Services

Author: National HR Officer

Summary of changes at last review:

- Inclusion of legal protection against harassment on the basis of an individual being (or not being) a member of a trade union
- Rewording of harassment and bullying definitions and inclusion of further details about bullying and harassment in relation to the use of social media

## **Policy**

- 1 E-ACT values all of its employees and is committed to providing a safe, healthy and productive work environment, free from harassment, bullying, intimidation and victimisation.
- 2 Behaviours which could be interpreted as harassment or bullying will not be tolerated and will be investigated using the E-ACT grievance procedure and, where appropriate, may lead to action being taken in accordance with the disciplinary procedure (see list of related policies at the end of this document).
- 3 All complaints of harassment and bullying will be taken seriously and handled sensitively and discreetly.

## **Eligibility**

- 4 All people who work for E-ACT, contractors, volunteers as well as job applicants, and ex-employees are to be protected from harassment. This is both at work and outside of work, for example at a work related function. The harassment can be from a work colleague but also from a visitor or client of the school such as a parent.
- 5 Because of the nature of harassment and bullying, staff will not always talk to their line manager or the Headteacher. or the CEO. A member of staff being bullied may confide in a colleague, or simply resign. Indicators such as uncharacteristic behaviour or poor performance should be looked out for, and questioned early on. It is incumbent on the Employer to be proactive in tackling harassment or bullying behaviours to avoid all of the negative consequences and possible claims of unfair dismissal or discrimination.

## **Entitlement**

- 6 The Employer has a duty in law to ensure that the workplace is free from discrimination and harassment. It is liable for the discriminatory acts of its employees in the course of their employment, whether or not they are carried out with the knowledge or approval of the academy, unless it can be shown that all reasonable steps were taken to prevent employees carrying out unlawful discrimination.
- 7 Harassment of an employee may be carried out by a third party. The employer must take reasonably practicable steps to prevent the third party from harassing the victim where they know or ought to know that harassment is occurring.
- 8 All staff are duty bound to comply with this policy and help the Employer comply with their legal duties. They must co-operate to keep the workplace free of attitudes or behaviours which may cause offence to others, to assist the academy in dealing with cases of harassment or bullying by giving evidence in investigations or hearings, and generally to take reasonable care of their own health and safety and that of their colleagues.

- 9 Staff should be made aware that if they are accused of harassment then this will be investigated under the disciplinary policy and that the allegations if upheld may result in a formal disciplinary sanction including dismissal without notice for gross misconduct
- 10 Harassment on the grounds of 'protected characteristics' of individuals (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) is prohibited in equality law. Sexual harassment and disability harassment is extended to cover harassment of someone associated with the claimant, or harassment witnessed by the claimant, or harassment because of the claimant's association with a person who has one of the protected characteristics.
- 11 Protection from harassment is legislated for under the Protection from Harassment Act 1997, the Equality Act 2010 and several other acts including the Public Order Act 1986 (as amended) which make intentional harassment a criminal act. An employee may be able to pursue criminal charges against an alleged harasser through a court of law in these circumstances.
- 12 There is also legal protection against harassment on the basis of an individual's membership or non-membership of a trade union.

### Definitions

- 13 **Harassment** is defined in the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual' .
- 14 **Bullying** is defined by ACAS as offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- 15 ACAS sets out the following examples of such behaviours:
- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief);
  - copying correspondence that are critical about someone to others who do not need to know;
  - ridiculing or demeaning someone—picking on them or setting them up to fail;
  - exclusion or victimisation;
  - unfair treatment;
  - overbearing supervision or other misuse of power or position;
  - unwelcome sexual advances - touching, standing too close, display of offensive materials;

- making threats or comments about job security without foundation;
  - deliberately undermining a competent worker by overloading and constant criticism;
  - preventing individuals progressing by intentionally blocking promotion or training opportunities.
- 16 Bullying and harassment is not always verbal or face to face, but can involve written communications or visual images, such as pictures of a sexual nature or embarrassing photographs sent by text, instant messaging, email or social media.
- 17 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. It can often occur without witnesses.
- 18 Employees should be familiar with E-ACT's social media policy when posting messages and material that could be open to wider publication and circulation e.g. using Facebook, Twitter or WhatsApp.
- 19 There may be a series of trivial acts, but another bullying action may be the "final straw". ACAS does stress that behaviour that is considered bullying by one person may merely be considered firm management by another.
- 20 It must be recognised that it is how the recipient perceives such behaviour, not the intent of the person accused of the harassment that is important in determining whether harassment has occurred. The examples should be used in communications with employees to help increase the understanding of the nature, effect and causes of harassment.
- 21 Other forms of harassment or bullying may include:
- practical jokes which embarrass or humiliate;
  - deliberate exclusion or isolation of others, whether professionally or socially; and
  - physical aggression or intimidation;
- 22 The ACAS guide on bullying and harassment is a good reference point and E-ACT academies are advised to have a copy available for use in management and awareness training. The leaflet can be downloaded [here](#).
- 23 If an employee experiences offensive or unwelcome behaviour from a member of the public in relation to work, they should speak to their manager. See E-ACT's Grievance policy for further details.

### **Accountability**

24. All staff are responsible for treating stakeholders in line with this policy and should be aware of their duties when conducting themselves professionally.
25. Head teachers hold delegated responsibility for discharging the sound application of all E-ACT policies within the relevant academy.

26. In accordance with E-ACTs terms of reference, the Regional Education Directors have delegated responsibility for direct line management of headteachers and day to day oversight of each Academy within their respective regions.

### **Procedures**

27 Allegations of harassment should be dealt with using E-ACT's grievance procedure. Initially claims of harassment should, when possible, be resolved using an informal approach (see below). This can not only be a quicker approach, but can avoid adversarial relationships building and remaining. If the informal approach does not work, or the person raising the grievance does not want to use this route, then the formal approach will be the next step.

28 The procedure should remain confidential and all people involved or interviewed should be asked to respect the confidential nature of a complaint of harassment or bullying.

### **Informal Procedure**

29 The recipient should, as a first step, tell the person who is causing the problem that the behaviour in question is unwanted and/or offensive to them and ask for it to stop. This could be done verbally or in writing. This will hopefully achieve the result that the victim wants, and the person who is accused of the harassment may not have realised that their actions were causing an issue/offence, and may stop immediately.

30 If the employee finds it difficult or embarrassing to raise the issue directly with the person creating the problem, they should, whenever possible, ask their immediate line manager, trade union representative or another colleague for help. Alternatively, they could ask another manager or member of the senior leadership team to support them at this stage, particularly if the complaint is about the alleged behaviour of their immediate line manager, or another manager.

31 The employee should keep a record of incidents, noting the date, time, nature of the incident, the names of those involved and any witnesses. Such information will be vital if there is recourse to the formal procedure.

### **Training, Communication and Awareness**

32 All managers and staff should receive training in recognising and tackling harassment and bullying behaviours. This should start at induction, be reinforced through briefings on the employment policies and procedures, and re-trained if a case of bullying or harassment arises in the academy. Accurate records should be kept of all training undertaken in relation to the operation of this policy.

### **Further support**

33 Further support for employees experiencing harassment or bullying can be obtained from an employee's trade union or E-ACT's employment assistance programme.

### **Record keeping and review**

34 Accurate records should be kept of all aspects of the operation of this policy, including equality monitoring and regular policy reviews carried out in consultation with the recognised trade unions. This will ensure that relevant legal obligations are fulfilled, and that a pro-active and consistent approach to tackling harassment or bullying behaviour can be demonstrated in the event of a complaint to a tribunal or court of law of harassment.

### **Related Documents**

- Grievance Policy and Procedure
- Disciplinary Procedure
- Equality and Diversity policy
- Social media policy