

GDST Dignity at Work Policy and Procedure for Staff

Introduction

1. The purpose of this policy is to ensure that all staff of the Girls' Day School Trust (GDST) are treated and treat others with dignity and respect, and are free from harassment and bullying. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.
2. This policy applies to all GDST staff irrespective of their status, level or grade. It therefore includes all employees, Heads, school and Trust Office managers, directors, officers, consultants, contractors, trainees, staff who work from home, casual and agency staff and volunteers (collectively referred to as staff in this policy). It also covers bullying and harassment by third parties such as customers, suppliers or visitors to GDST premises.
3. This policy covers harassment or bullying which occurs both in and out of the workplace, such as on school or business trips or at events or work-related social functions. Staff must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable. The GDST is committed to creating a work environment free of bullying and harassment, where everyone is treated with dignity and respect and will not tolerate bullying or harassment of any kind, or victimisation of a person for making allegations in good faith of bullying or harassment, or supporting someone in making such a complaint. All complaints or suspicions of bullying, harassment and victimisation will be treated seriously and investigated promptly and fairly. All bullying and harassment is misconduct, and is a disciplinary offence which will be dealt with under the GDST Disciplinary procedure.
4. The GDST will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Complaints made by employees should be treated as confidential by all parties involved and should not be discussed with other employees unless necessary for the investigation or resolution of the complaint. All employees should be aware that in making a complaint, their identity and the nature of the allegations must be revealed to the alleged harasser so that s/he may respond to the allegations.
5. This procedure may be used as an alternative to the GDST's Grievance Procedure in cases of bullying, harassment and victimisation. However, the GDST reserves the right to follow any procedure it thinks the most appropriate in the circumstances.
6. An independent third party or mediator can sometimes help to resolve matters. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. If the GDST consider it appropriate, it may offer mediation as an option to resolve a complaint.
7. Disabled employees may request reasonable adjustments so that they may attend investigatory meetings and/or dignity at work meetings and appeal hearings.
8. This procedure will not apply to complaints where matters have not been initiated within 3 months of the circumstances giving rise to the complaint, unless fundamentally linked to a present complaint or particularly mitigating circumstances exist.
9. For the avoidance of doubt, this Dignity at Work Procedure does not form part of the terms and conditions of employment, and employees have no contractual expectation that it will automatically be followed in all cases.

Background

1. The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. It is also unlawful to victimise someone because he or she has alleged unlawful discrimination or supported someone in making a complaint or given evidence in relation to a complaint.
2. Under the Health and Safety at Work Act 1974 the GDST has a duty of care towards its staff, for ensuring their safety and physical and psychological welfare at work.

What is bullying?

1. Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which can make a person feel vulnerable, upset, undermined, humiliated or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
2. Examples of bullying might include (but are not limited to):
 - a. shouting at, being sarcastic towards, ridiculing or demeaning others;
 - b. physical or psychological threats;
 - c. overbearing and intimidating levels of supervision;
 - d. inappropriate and/or derogatory remarks about someone's performance;
 - e. abuse of authority or power by those in positions of seniority; or
 - f. deliberately excluding someone from meetings or communications without good reason.
3. However, this does not include legitimate and constructive criticism relating to an individual's performance or behaviour at work. It is recognised that differences of opinion, outbursts of bad temper, etc may occur from time to time in any normal working environment, and will normally be resolved through informal processes.

What is harassment?

1. Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
2. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
3. Examples of harassment might include (but are not limited to):-
 - a. unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
 - b. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;

- c. continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - d. sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - e. offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - f. mocking, mimicking or belittling a person's disability;
 - g. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - h. outing or threatening to out someone as gay or lesbian; or
 - i. ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
4. It is important to remember that conduct may be considered to be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person, as different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Again, it is hoped that most incidents can be resolved informally.

What is victimisation?

1. Victimisation is treating someone less favourably than others because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.
2. Examples of victimisation might include (but are not limited to):
 - a. isolating someone because he or she has made a complaint,
 - b. overloading him or her with work, or
 - c. giving him or her demeaning work.
3. Provided that employees act in good faith, i.e. there is a genuine belief that the complaint is true, employees have a right not to be victimised for making a complaint or supporting a complaint of bullying or harassment. The GDST will take appropriate action to deal with any alleged victimisation, which may include investigation and disciplinary action. Maliciously making a false allegation, or giving evidence which you know to be untrue, is a disciplinary offence.

Informal Procedure

1. The GDST encourages its staff to come forward at an early stage, and before problems have a chance to become serious. Staff who wish to report incidences of bullying or harassment should initially raise the matter informally and in confidence to their line manager, the Head or an appropriate member of staff at Trust Office in the first instance. The manager will take whatever steps may be necessary to resolve the issue informally. If staff are not certain whether an incident or series of incidents amount to bullying or harassment, they should initially contact their line manager or the Human Resources Department informally for confidential advice.
2. The GDST's Employee Assistance Programme can also be contacted for advice if staff wish to discuss matters in strict confidence. Contractors should report any concerns to the School Business Manager or a member of the Trust Office Senior Management Team.

3. If informal steps have not been successful at resolving the issue or are not possible or appropriate staff should follow the formal procedure set out below.

Raising a formal complaint in writing

1. If a staff member wishes to make a formal complaint about bullying or harassment, they should submit it in writing to their line manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.
2. If it is the complainant's line manager's behaviour or conduct that is the cause of complaint, or for any other reason the complainant does not wish to approach their line manager, then the complainant should refer it to the line manager's line manager or the Head or a member of the Senior Management Team at Trust Office as appropriate who will arrange for another manager to investigate.
3. If it is the Head's or another senior manager's behaviour or conduct that is the cause of complaint, or if for any reason the complainant does not wish to approach them, either the Chief Executive Officer of the GDST or another member of the Senior Management Team at Trust Office should be informed, who will arrange for another manager to investigate. If it is the CEO's behaviour or conduct that is the cause of complaint, a Deputy Chairman of the Council of the Trust should be informed.
4. The written complaint should set out full details of the conduct in question, including the name of the alleged harasser, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
5. The manager to whom the complaint has been submitted should acknowledge receipt of the complaint as soon as possible. The manager will inform the employee who will investigate the matter.

Investigation

1. The formal complaint will be investigated in a timely and confidential manner either by the person who received the complaint or another more appropriate person. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
2. The investigation may involve the complainant giving a written statement of the type of behaviour that has caused offence with details of when and where incidences took place, and if there were any witnesses. Where possible, the complainant should be given the option of being interviewed in an investigative meeting by either a male or female manager, taking into account gender sensitive issues. The complainant may bring a companion to any meeting dealing with their complaint, and a record of any investigatory meetings will be kept. Companion includes a qualified trade union representative or a work colleague, as defined in the GDST's Grievance Procedure.
3. Where the complaint is about another employee, the GDST will try wherever possible, to ensure that the complainant and the alleged harasser are not required to work together whilst the complaint is under investigation. The alleged harasser may be suspended on full pay in suspected cases of gross misconduct, or to facilitate investigation, or for other urgent cause, pending a disciplinary

hearing. Suspension is not in itself regarded as disciplinary action, and continuing suspension will be reviewed in line with the disciplinary procedure.

4. The investigator will also meet with the alleged harasser to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond. As far as is reasonably practicable, other persons who may have evidence which is directly relevant to the case will also be interviewed. Where interviews are not held, written signed statements will be obtained as far as reasonably practicable. A written record of any investigatory meeting will be kept.
5. Where the complaint involves someone other than an employee, such as a contractor, customer, service user, supplier, or visitor, the GDST will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of the complainant. Where appropriate, the GDST will attempt to investigate the matter with the third party.

Actions following the investigation

1. At the end of the investigation the line manager (or the person who carried out the investigation) will report their findings to the line manager, Head or a member of the Senior Management Team or Deputy Chairman at Trust Office as appropriate. If it is considered there is a case to answer by the alleged harasser, the appropriate manager will initiate any necessary action, such as invoking the GDST's Disciplinary Procedure.
2. On conclusion of any investigation, the complainant and alleged harasser will be told the outcome of the investigation and what action is being taken. If no action is to be taken, the reason for this will be explained to both parties. The outcome will be confirmed in writing to both parties.
3. The written complaint will be placed on the personnel file of the staff member who submitted the complaint, along with a record of any decisions taken (irrespective of the outcome) and notes or documents gathered during the process.
4. If the complaint is upheld, and the person found to have bullied or harassed remains in the GDST's employment, every effort will be made to minimise the amount of time in which both parties work alongside each other (where possible), and possible options such as mediation and/or counselling will be discussed. Where the harasser is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

Appeals

1. If the complainant is not satisfied with the outcome of the investigation, they may appeal in writing, giving full grounds, to the Head, Chief Executive (CEO) or Chairman of the Council of the Trust as relevant, within ten working days of receiving the outcome.
2. The complainant will be given at least five working days' written notice of the appeal hearing, which will be held without unreasonable delay.
3. The appeal hearing will be dealt with impartially by a more senior manager or a member (or members) of the Council of the GDST, who has (have) not previously been involved in the case. The complainant may bring a colleague or qualified trade union representative to the hearing as set out in the GDST's Grievance Procedure. Other appropriate persons (i.e. a member of the HR team and/or another manager or senior administrative staff member) may be present in an advisory

capacity and/or to take notes and, if necessary, the person who investigated the matter and/or the manager who dealt with the complaint may also attend. Notes will be made at the meeting.

4. If the person holding the hearing feels that further investigation is necessary, the hearing should be adjourned to allow for further advice or information to be obtained.
5. Following an appeal hearing, either: (a) the original outcome will be confirmed; (b) the original outcome will be revoked; and/or (c) a different outcome will be substituted.
6. In any case, the final decision will be confirmed in writing to the complainant usually within five days of the appeal hearing. Where appropriate and practicable, the decision will also be explained to the staff member in person. The letter will advise that this is the end of the procedure and there is no further right of appeal. A copy of the notes of the appeal hearing will be provided to the employee.

General

1. The GDST recognises that a formal procedure can be a stressful and upsetting experience for all parties involved. All parties involved in a formal Dignity at Work procedure are entitled to be treated courteously and with respect. The GDST will not tolerate abusive or insulting behaviour from any person taking part in or conducting Dignity at Work procedures and will treat any such behaviour as misconduct under the Disciplinary Procedure.
2. Occasionally it may not be reasonably practicable to comply with the time limits specified above in which case they may be varied by agreement between the GDST and the employee.
3. If an employee decides not to pursue a complaint any further at any stage during this procedure, this will be recorded in writing, and any other parties involved in the complaint notified accordingly.
4. Where an employee raises a complaint under this procedure during a disciplinary or capability process, the disciplinary or capability process may be temporarily suspended in order to deal with the complaint if it is thought appropriate to do so. Where the complaint and disciplinary or capability cases are related it may be appropriate to deal with both issues concurrently.
5. Neither the GDST nor the employee who raises the complaint (including his or her companion) may make any electronic recording of any meetings or hearings conducted under this procedure.
6. This procedure may be amended from time to time by the GDST, in order to reflect changes in statutory requirements or organisational changes within the GDST. Substantive changes will only be made following consultation with appropriate employee representatives.

Useful contacts

Employee Assistance Programme – for details of current provider please refer to the intranet or contact HR. This is a free and confidential support and advice service, available 24/7.

ACAS helpline (tel. 0300 123 1100)

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