

Policy on the Promotion of Dignity at Work in Schools

The County Council recognises that all employees working within schools and colleges have the right to work in an environment in which the dignity of individuals is respected and which is free from discrimination, harassment and bullying

Key points

- All employees are entitled to be treated fairly, consistently and with dignity whilst at work
- The County Council and its schools and colleges will continue to promote a working environment which values the contribution all employees can make to the efficient delivery of quality services
- Bullying or harassing behaviour will not be condoned in any of the County Council's establishments
- Appropriate disciplinary action will be taken against employees who raise allegations that are vexatious or malicious
- This policy may need to be considered in conjunction with the Violence at Work Policy and incident reporting forms may have to be completed

1. Introduction

- 1.1 East Sussex County Council is committed to eliminating intimidation in any form. The fundamental principle underpinning this policy is that discrimination, harassment or bullying will not be tolerated and action will be taken where it is seen to exist. This action will be supported by strict disciplinary measures.
- 1.2 Discrimination, bullying and harassment all breach the County Councils' Promoting Diversity and Equality in Employment Policy; any action classed as such is classified as a serious offence which may result in summary dismissal under the Disciplinary Procedure.
- 1.3 It is important to provide a working environment in which the contribution of all employees is valued in adding to the efficient delivery of quality services. The working environment should be one which respects the rights of individuals and is concerned with maintaining their dignity at work. Failure to do so can result in tension within the school environment, increased staff turnover, poor performance, ill-health, low morale, difficult employee relations, potential litigation and increased costs.

2. Who does the policy apply to?

- 2.1 This policy applies to all teaching and support staff employed directly in schools. The principles of this policy will also apply to any dealings employees might have with county councillors, governors, service users, contractors and members of the public.

3. What is harassment?

- 3.1 Harassment is usually directed at those individuals who are vulnerable or in a minority. It is generally described as unwanted or unjustified behaviour which affects the dignity of people in the workplace, and which has the effect of creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment. Harassment is defined in all strands of equality legislation and may be on the grounds of gender, ethnic origin, disability, sexual orientation, religion or belief or age.
- 3.2 Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another. Harassment will be considered to have occurred if the person concerned perceives it to have occurred **even if this is not the intention behind it.**
- 3.3 The following interpretations and examples of harassment may be helpful in determining whether harassment has taken place. Harassment can take many forms and may or may not involve bullying but will involve some action, behaviour, comment or physical contact which is found objectionable or which causes offence.
- 3.4 Harassment can be defined as uninvited, unreciprocated and unwelcome behaviour which is offensive and causes the person to feel threatened, humiliated, patronised or embarrassed and it can create a stressful and debilitating work environment. Some general examples of unacceptable harassing behaviour include (NB this is not intended to be an exhaustive list):
- Intrusive or anti-social behaviour such as staring, pestering, unwarranted spying
 - Behaviour that undermines another
 - Breaches of confidentiality
 - Continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome
 - The use of offensive language or gossip
 - Requests for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future employment status
 - Sexually-orientated jibes, innuendo or jokes
 - The use of 'affectionate' names such as 'gorgeous' or 'darling'
 - Unwanted physical contact
 - Comments on dress, physical attributes, personality or sexual activity

4. What is bullying?

- 4.1 Bullying is the intimidation or belittling of someone through the misuse of power or position which leaves the recipient feeling hurt, upset, vulnerable or helpless. It is often inextricably linked to the areas of harassment described above. People affected by bullying often feel the matter may appear trivial to others or they may have difficulty in describing the behaviour.
- 4.2 However, bullying is not restricted to those in positions of power. It may also occur because minorities or those deemed as vulnerable or weak, are bullied by the majority or by those who perceive themselves as stronger. It is intended to undermine, humiliate, denigrate or injure the recipient.

- 4.3 The following are examples of bullying, (NB this is not intended to be an exhaustive list):
- Derogatory name-calling
 - Arbitrarily, unjustifiably and persistently changing work targets, guidelines and deadlines
 - Setting someone up to fail in their job, e.g. by not passing on important information or by feeding false information
 - Mimicry or ridicule
 - Written insults or jokes (including via e-mail)
 - Ridicule of an individual for gender or cultural differences
 - Shouting or raising one's voice at any person, in public or in private
 - Exclusion from normal workplace conversation or social events
 - Unfair allocation of work and responsibilities
 - Embarrassing or humiliating people in front of colleagues
 - Persistent, unfounded criticism, accusations and spreading malicious rumours
 - Verbal abuse and threats
 - Incitement of others to commit any of the above
- 4.4 The essential characteristics of harassment or bullying are that the offending behaviours are unwanted by the recipient and would be regarded as harassment by any reasonable person.
- 4.5 It should be noted that whilst employees are encouraged to raise any concerns they may have it should be understood that many management activities, such as instigating disciplinary proceedings, monitoring performance, dealing with attendance issues, changing deadlines and priorities and responding to service needs do not, if handled reasonably, constitute harassment or bullying.

5. Responsibilities of headteachers/principals and managers

- 5.1 It falls on headteachers/principals and managers in schools/colleges to set the standards and do all they can to ensure that staff and potential staff are treated fairly and courteously and are given the support and respect they need to do their jobs.
- 5.2 Every headteacher/principal and manager has an obligation to prevent harassment and bullying and to take immediate action once it has been identified, whether or not a complaint has been made.
- 5.3 If headteachers/principals or managers are aware that there are relationship problems within their teams it is their responsibility to address these issues immediately before they escalate and formal action ensues.
- 5.4 Allegations of acts of this nature, received either informally or formally must be dealt with promptly and sensitively.
- 5.5 Headteachers/principals and managers should:
- Set an example and promote a working environment where harassment is viewed as unacceptable and where staff feel free to challenge harassment
 - Ensure that employees are aware of the policy and that it is covered in discussions during the induction process and at appraisal or supervision meetings

- Implement the policy within their areas of responsibility and provide appropriate awareness and training on key issues
- Treat seriously and take immediate and appropriate action to investigate any complaints of harassment (where possible to tackle and resolve cases before a formal complaint becomes necessary)
- Ensure that all employees are aware of the support networks available to them

6. Responsibilities of staff

- 6.1 Every employee has a personal responsibility to behave in a way that is not offensive to others. Employees should not discriminate against, harass or bully other members of staff. Any employee found doing so, following an investigation, will be subject to the County Council's Disciplinary Policy and Procedure and in certain cases, such acts may be regarded as gross misconduct and may lead to summary dismissal.
- 6.2 An employee who becomes aware of harassment or bullying occurring to themselves or another member of staff should bring the matter to the attention of his/her manager or headteacher/principal.
- 6.3 Employees are encouraged to support colleagues who may be experiencing harassment and are considering making a complaint.

7. Support networks

- 7.1 East Sussex County Council has an Assistant Personnel Officer, within its' Occupational Health Team, who is trained to provide impartial advice and information, to discuss options and offer support to staff experiencing harassment or bullying in the workplace, but not to act as an advocate. (Contact details available on the Occupational Health site on the intranet)
- 7.2 The County Council also has a strictly confidential Counselling Network which is available to both employees experiencing bullying or harassment and employees against whom such an accusation has been made. The Occupational Health Team will provide guidance and referral for confidential counselling. (Contact details available on the Occupational Health site on the intranet)
- 7.3 The Council's recognised unions also provide advice and support to members if they are experiencing bullying or harassment or are accused of harassment or bullying at work. Teachers may also wish to consider contacting the Teacher Support Network and/or Teacherline for further support. (Teacherline can be contacted on 08000 562 561)

8. Process for dealing with complaints of harassment or bullying

- 8.1 The primary aim of the process is to achieve a resolution of a complaint of harassment or bullying, so that all those involved can put the matter behind them and begin to work amicably and effectively together.
- 8.2 Personnel officers can give general advice to staff and may advise or assist those managers dealing with dignity at work issues but they will not be responsible for conducting the investigations.

- 8.3 Everyone involved in the process must respect the need for confidentiality.
- 8.4 It is recognised that on occasion dignity at work allegations are raised as a result of headteachers/principals or managers addressing performance concerns and should any such issues be raised these will be addressed appropriately.
- 8.5 At any stage of the process the complainant or the accused may feel that they need the help of an independent person before deciding on the best course of action. They can contact one of the Occupational Health nurses, their trade union, or, alternatively they may contact the Assistant Personnel Officer within the Occupational Health Team for guidance or referral for confidential counselling.
- 8.6 The complainant must be assured that s/he will not be discriminated against or victimised for raising the complaint. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be discussed and agreed.
- 8.7 East Sussex County Council's bullying and harassment procedure has two stages, informal and formal. Unless the allegations are of a very serious nature, all employees raising a dignity at work claim will be expected to complete the informal stage of the procedure before progressing to the formal stage.
- 8.8 In the event that an employee raises a dignity at work complaint in the course of the disciplinary process, or there remains an outstanding complaint, consideration of the complaint may be suspended until the outcome of the disciplinary process is known; each case will, however, be considered on its merits to ensure that the school/college is acting reasonably.

9. Stage One – Informal stage

Direct approach

- 9.1 An employee who feels that s/he is being subjected to harassment or bullying would be expected to attempt to resolve the matter informally in the first instance, unless exceptional circumstances prevent this. In some cases it may be possible and sufficient for him/her to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes him/her uncomfortable. The headteacher/principal (the chair of governors if the allegations are against the headteacher/principal) or manager should be made aware of the concerns and personnel advice should be sought even at this early stage.
- 9.2 If at the initial informal discussion stage the complainant finds the circumstances are too difficult or embarrassing to approach the alleged harasser alone, the complainant may wish to be accompanied by a trade union representative or colleague. In which case the person against whom the complaint has been made may also wish to be accompanied. The complainant may wish to write a letter to the alleged harasser as an alternative to speaking to them in person.
- 9.3 Even if the complainant does not take formal action s/he should be advised to keep a record of any incidents, detailing when, where, what occurred, and

witnesses (if any). This may be required if there is a subsequent repetition and it is decided that formal action is necessary.

Statements for the headteacher/principal or delegated manager

- 9.4 If the unwanted behaviour continues after the informal approach or a satisfactory response is not received, it will be necessary for the headteacher/principal or a manager identified by them to become involved so that s/he can give advice and support and help monitor the situation. If the complaint relates to the conduct of the headteacher/principal, the complainant should discuss their concerns with the chair of governors.
- 9.5 When making a complaint, in order that the issue can be dealt with promptly and efficiently, employees will be required to make a statement that covers the following areas:
- Clear, specific allegations against the named person or people
 - Where possible, dates, times and witnesses to any incidents with direct quotes
 - Factual description of events
 - An indication of how each incident made the complainant feel
 - Any documentary evidence
 - Details of any action that the complainant, or others, has already taken
- 9.6 The headteacher/principal or delegated manager, with advice from personnel will ensure that they have enough information from the individual making the complaint to agree a statement which can be presented to the person against whom the allegations are being made. The complainant will be asked to check and sign the statement. The headteacher/principal or delegated manager may wish to meet with the complainant to discuss the statement but this should not delay the process unnecessarily.
- 9.7 Using the statement the headteacher/principal or delegated manager will inform the person against whom the allegations have been made of the nature of the complaint and the intention to deal with the matter informally (Stage 1 of the procedure). At the meeting the headteacher/principal or delegated manager should ascertain whether the alleged harasser/bully agrees that the behaviour occurred, irrespective of their intention. Personnel advice should be taken as to the appropriate course of action. This meeting should take place within 10 working days of recording the statement of complaint.
- 9.8 A written record of the agreed outcome of the meeting should be provided to both parties.

Mediation

- 9.9 If matters have not been resolved previously, before moving to the formal stage, unless the school/college believes it would not be helpful in resolving the situation, both employees will be expected to take part in mediation.
- 9.10 If the behaviour is successfully dealt with informally (at Stage 1 of the procedure) the situation should be closely monitored by the headteacher/principal or delegated manager.
- 9.11 In situations where the headteacher/principal or delegated manager decides that a complaint cannot be easily resolved informally (at Stage 1), or where the

allegation is of such a serious nature, the matter will be dealt with at Stage 2 of the procedure.

10. Stage Two – Formal Stage

- 10.1 If the informal approach has not resolved the situation to the complainant's satisfaction or the alleged harasser has already been approached but has not stopped the harassment, then the complainant has the right to pursue his or her complaint via stage two of the Grievance Procedure. Alternatively an investigation may be instigated under the formal stage of the Disciplinary Policy and Procedure. If this is the case the headteacher/principal or delegated manager should ensure that the employee clearly understands what the procedure will be and who will have responsibility for what.
- 10.2 Headteacher/principals and delegated managers should always seek advice from personnel as to what is the most appropriate course of action. Following that discussion a joint decision will be made as to whether the grievance procedure should be used or the issue is one of serious misconduct by either employee and should be investigated via the disciplinary procedure.

11. Refraining and suspension

- 11.1 Headteachers/principals (or delegated managers in consultation with the headteacher/principal) should seek advice from personnel on the options and way forward before reaching a decision on whether it is appropriate for the complainant and the alleged offender to continue working together during the investigation. It may be advisable for the duration of the investigation to:
- Refrain / suspend the alleged offender on full pay
 - Temporarily move either the complainant or alleged offender in accordance with the terms of their employment
 - Grant the complainant special leave
- 11.2 Refraining / suspension is a neutral act carried out in order to ensure a fair and thorough investigation of the claim. This approach should be closely monitored and reviewed and should not continue for longer than absolutely necessary. Headteachers/principals (or an appropriate delegated manager) must ensure regular communication with any employees on suspension throughout the duration of the investigation.
- 11.3 Any disciplinary hearing against a perpetrator or complainant should be held under the Disciplinary Policy and Procedure.

12. Subsequent action

- 12.1 Following a resolution at the formal stages the headteacher/principal or delegated manager should carefully monitor that the harassment has stopped.

13. Malicious complaints

- 13.1 Having conducted an investigation under either the Disciplinary Policy and Procedure or the Grievance Procedure, should the complaint be found to be

malicious, then the complainant should themselves be dealt with under the disciplinary procedure.

Date last reviewed	April 2006
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