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# Respect and Dignity Policy

Procedure Originator:	S SMITH
Equality Impact Assessed:	Yes
Approved By:	
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Review Interval:	
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Audience:	Employees



## 1.0 Introduction

- 1.1 There is no place for any form of discrimination, harassment, victimisation or sexual misconduct in any of the Shaw Education Trust schools. Any behaviour contrary to the Shaw Education Trust values and beliefs and/or contrary to legislation is unacceptable in the work place and will be dealt with accordingly.
- 1.2 The purpose of this policy is to provide clarity and details about respect and dignity in the workplace and should apply to all employees, regardless of length of service.
- 1.3 The policy does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions.

## 2.0 Aims

- 2.1 To support and sustain a positive working environment for all staff, free from any form of inappropriate or unacceptable behaviour.
- 2.2 To make it clear that discrimination and harassment are unacceptable and that all employees of the Shaw Education Trust have a responsibility in creating and providing a thriving environment for everyone.
- 2.3 To provide a framework for respect and good conduct to prevent and eliminate all forms bullying, harassment, discrimination and sexual harassment and misconduct.
- 2.4 To ensure that there is no place for any form of discrimination, harassment, victimisation or sexual misconduct in any of the Shaw Education Trust schools. Any behaviour contrary to the Shaw Education Trust values and beliefs and/or contrary to legislation is unacceptable in the work place and will be dealt with accordingly.
- 2.5 To provide the options available to staff who may feel that they are or have been subject to such behaviour, bullying or harassment.
- 2.6 Provide a mechanism by which any complaints, can wherever possible be addressed in timely and appropriate manner.
- 2.7 Set out the responsibilities for managing and supporting staff when concerns are raised under the Respect and Dignity Policy.

## 3.0 Policy Statement

- 3.1 The Trust/Academy is dedicated to creating and maintaining a safe, welcoming, inclusive and diverse workplace which nurtures a healthy environment and culture of mutual respect and consideration, allowing all employees of the Trust/Academy to thrive without fear of harassment, bullying, discrimination, sexual violence, abuse, coercive behaviour, sexual harassment or related misconduct.
- 3.2 The Respect and Dignity Policy details this commitment and explains what actions can be taken if its principles are not observed. The Trust encourages individuals and managers to make every effort to resolve dignity at work problems informally in the first instance as this is often the most effective method of dealing with unacceptable behaviour, although it is recognised this may not always be appropriate.
- 3.3 The Trust defines harassment as single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of
- (i) violating other's dignity
  - (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.
- 3.4 Harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact. Examples of behaviour which may amount to harassment under this Policy include (but are not limited to) the following:
- making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours;
  - engaging in harassment on the grounds of a person's sexuality (or assumptions about a person's sexuality) including making derogatory homophobic, transphobic, or biphobic remarks or jokes aimed at a particular person, offensive comments relating to a person's sexuality, refusal to acknowledge a person's gender or identity, or threats to disclose a person's sexuality to others;
  - making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups;
  - ignoring, disparaging, or ridiculing a person because of assumptions about their capabilities, or making offensive reference to an individual's appearance which may or may not be in the context of their disability;
  - controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief.

- 3.5 Online harassment may take the form of intimidating, offensive, or graphic posts or threats on social media sites or chat rooms, or communications by email, text, or instant messaging.
- 3.6 Sexual misconduct includes the following, whether or not within a sexual or intimate relationship, including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions:
- sexual intercourse or engaging in a sexual act without consent;
  - attempting to engage in sexual intercourse or engaging in a sexual act without consent;
  - sharing private sexual materials of another person without consent;
  - kissing without consent;
  - touching inappropriately through clothes without consent;
  - inappropriately showing sexual organs to another person;
  - repeatedly following another person without good reason;
  - making unwanted remarks of a sexual nature.
- 3.7 ***When a criminal offence may have been committed, the Respect and Dignity at Work Procedure may not be appropriate.*** These cases include, but are not be limited to, serious assault or threat of serious assault. Staff members may wish to seek advice from their HR Manager/Advisor, the Director of Operations and/or approach the Police directly.
- 3.8 Dignity at work may involve equalities issues and UK discrimination law provides specific protection against discrimination, harassment and victimisation on a variety of grounds. The Trust takes its responsibilities in these areas very seriously and managers should seek advice from Human Resources where required.

### 4.0 Early Intervention

- 4.1 In the first instance, unacceptable behaviour should be dealt with informally as this is often the most effective method for resolving issues raised under the Respect and Dignity Policy.
- 4.2 If informal action has been unsuccessful or if the alleged behaviour is deemed by the Principal/Line Manger in consultation with the relevant HR Advisor, to be sufficiently serious, it may warrant an immediate formal investigation.
- 4.3 The Principal/Line Manager should make every effort to protect the rights of both parties and make it clear that at this stage, the complaint has not been substantiated and no decision has been taken as to culpability.
- 4.4 Where (because of particular circumstances) it would be inappropriate for the Principal/Line Manager to take part in the process, the matter should be

referred to a Shaw Education Trust Director who will request an appropriate senior person, to investigate.

- 4.5 Employees who feel that they have been or are being subjected to unacceptable behaviour, or are accused of unacceptable behaviour, are advised to seek advice and support from a work colleague or associated professional.
- 4.6 Employees can obtain advice from their Manager or local HR Advisor, who may be able to support them in finding an informal resolution.
- 4.7 Where a complaint/concern has been raised a confidential meeting will take place to discuss the matter with the complainant to establish details and/or facts of what has been alleged or the behaviour concerns.

### 5.0 Personal Resolution

- 5.1 An employee who feels that s/he is being subjected to unacceptable behaviour, for example bullying or harassment, should if possible approach the other party informally, in a constructive manner, at the earliest opportunity, and explain that they **perceive their behaviour** to be unacceptable and that they would like them to alter this. The approach may be made in person or in writing. The staff member should give specific examples of the unwanted behaviour, and explain why this has made them feel uncomfortable. In many cases this may resolve the issue without any further action being taken and it may be possible to agree a constructive way of working in the future. The employee may seek support in formulating what s/he wants to say, either in writing or verbally to the other person, from a number of sources including their Line Manger or HR Advisor.

### 6.0 Personal Resolution with Support

- 6.1 Where the complainant may be unable or reluctant to approach the other party on their own they may ask for support from a colleague, their Manager, local HR Advisor or union representative to ask for help in achieving an informal resolution of the problem.
- 6.2 The Manager (or other individual from whom help has been requested) may meet separately with the complainant to establish the full details of the complaint and the behaviour that is causing the complainant concern.
- 6.3 Once the facts and the outcome of the complaint are established, the Line Manager and (support individual) can establish a way forward for discussing the complaint / behaviour with the person to whom the complaint has been made against. *(It should be remembered at this stage that the individual to whom the complaint has been made against may be unaware that their behaviour or conduct has caused offence or concern)*

- 6.4 A meeting should be facilitated by a Manager /HR Advisor/or nominated individual with the person to whom the complaint has been made about to discuss the situation. S/he will establish the circumstances, the impact that the complainant **considers the situation** has had on him/her, any steps s/he has already taken to address it, and the response of the person about whom the complaint has been made. The complainant is encouraged to keep a record of any examples of the unacceptable behaviour that can support their complaint during the course of these discussions.
- 6.5 The Manager/nominated individual will then seek to agree a course of action with the person to whom the complainant has been made against. Wherever possible, resolution will be sought through informal means. The spirit of such a meeting should not be one of accusation, but of attempting to demonstrate why distress may have occurred and exploring how such incidents might be avoided in the future. If a successful resolution is achieved, the HR Advisor/Line Manager/nominated individual may keep a confidential record and inform the Director of Operations if s/he considers this appropriate. The complainant and person complained about will be advised of such an eventuality.
- 6.6 Where **mediation** is considered to be appropriate and where both parties agree to participate, the Manager, HR Advisor or the parties themselves may request the case be referred to Mediation. An appropriately qualified mediator will undertake such mediation and no attempt to mediate such a situation by untrained individuals will take place.

### 7.0 Formal Action

- 7.1 If the situation is not resolved by the informal process or the matter is considered particularly serious, the complainant may decide to make a formal complaint to his/her Line Manager (or if the complaint is against the Line Manager an Executive Leader within the Trust). This can be sent under confidential cover to the designated individual manager/leader or made verbally via a meeting.
- 7.2 The Line Manager (or appropriate Trust ELT member) will instigate a formal investigation and appoint a suitably competent and experienced Investigating Officer (I.O.) If the ELT member feels that, an informal resolution may still be feasible and appropriate she/he will discuss this option with the complainant. There may be circumstances in which a complainant is not willing, or able, to make a formal complaint but where the Line Manager or ELT member considers that the implications for the complainant or others actually or potentially affected are so serious as to warrant an investigation being taken forward. In this case the Line Manager/ELT member, having taken advice from Human Resources, may initiate a formal investigation, or informally look into the matter, and make a decision on further action on the basis of such evidence as is available.

- 7.3 The formal procedure incorporates a number of possible routes and outcomes. This is necessary in order to balance the rights and needs of both parties. The intention is to facilitate a non-confrontational approach to resolution, while ensuring that there is a clear formal route should it be necessary.

### **8.0 The Investigation**

- 8.1 The investigation should not be carried out by the person who will assess and decide the outcome. Normally the Investigating Officer will be drawn from a panel of senior employees who have been briefed appropriately, and will not be a member of any institution in which either party is concerned, e.g. may be drawn from another Shaw Education Academy.

Guidance on investigations is available from the Trust Human Resources Advisor/Department.

- 8.2 The Investigating Officer should normally be appointed within 5 working days of receipt of the complaint and will be supported by an HR Advisor. Notes of any meetings should be made and be available for reference.
- 8.3 The Investigating Officer will meet with the complainant in order to confirm the details of the complaint. The Investigating Officer will also, where reasonably practicable, request witness statements from and/or interview any relevant witnesses nominated by the complainant.
- 8.4 The employee who has a complaint made against them may request to have a work colleague/union colleague support them at any investigation meeting. This request should be facilitated.
- 8.5 Investigations should be conducted as soon as reasonably practicable and wherever possible within a 20 day working period. Where this is not possible as further lines of enquiry have to be made the employee and or their representative will be updated accordingly.
- 8.6 Any person interviewed during the investigation will be sent a copy of the note of the meeting and asked if they agree it is an accurate note of their interview. Any comments must be received by the Investigating Officer within 5 working days of the interviewee receiving the meeting notes.
- 8.7 The two parties to the complaint will receive copies of all relevant documents which may include interview notes, written statements or other evidence. At the conclusion of the investigation, the Investigating Officer will write a report for the Principal/Trust ELT member, detailing the facts as established and outlining whether there is a case to answer. (Balance of probabilities not beyond reasonable doubt). Upon receipt it will then be the responsibility of the Principal/ELT Member of the Trust with the support of the Human Resources Division, to determine the course of action necessary.

- 8.8 In carrying out the investigation, the Investigating Officer will need to ensure that the rights of both parties to fair treatment are observed. The principles of natural justice require that any person against whom the complaint has been made has the right to know the nature and details of the complaint, and to respond to the complaint. In some exceptional circumstances however, names/identities may be kept confidential and not disclosed to a party. If any party or a witness has any concerns about details or identity being disclosed, s/he should notify the Investigating Officer (giving full reasons, and evidence where possible, for his/her concerns) and the Investigating Officer will discuss the matter with Human Resources.

### **9.0 No Case To Answer**

- 9.1 As above if the Investigating Officer's report concludes that there is no case to answer and the Principal/ELT member supports this view, the case will be closed. Formal communication will be issued in relation to there being no case to answer. However steps may need to be taken to restore reasonable working relationships between the parties (including referral to a Mediation Service if the parties agree). Advice can be obtained from the relevant HR Adviser.
- 9.2 If the Principal/ELT member concludes that there is no case to answer, and no further action is taken, no documentation regarding the complaint will be put on the personnel file of either the complainant or the person about whom the complaint has been made.
- 9.3 If the complainant does not accept the outcome, they may appeal (see appeal section)
- 9.4 If the Principal/ELT member has grounds to believe, or on considering the Investigating Officer's report, finds that the complaint was malicious or vexatious, s/he may instigate disciplinary action against the complainant, in consultation with Human Resources. No disciplinary action will be taken against a complainant where a complaint is mistaken or ill-founded but not malicious or vexatious.

### **10.0 Case To Answer**

- 10.1 If the Principal/ELT member decides to uphold the complaint, s/he may, as appropriate:

Instigate disciplinary action under the relevant procedure against the person against whom the complaint has been made (or request that that person's Head of Department do so), in consultation with Human Resources.

### **11.0 Appeal Process**

- 11.1 Should a member of staff wish to appeal against the outcome of a formal Respect and Dignity at work complaint he/she must appeal in writing within 10



working days of the receipt of the outcome letter to the Director of Operations, setting out the grounds of appeal and stating whether the appeal is in respect of the whole or in respect of any specified part of any finding of fact or decision. In the proceedings of the appeal the member will not be entitled, except with leave of the Appeal Committee to rely on any grounds of appeal not specified in their written appeal.

- 11.2 The Director of Operations will appoint an Appeal Committee to hear the appeal, consisting of a Chair and two senior members of staff. The Appeal Committee should have no conflict of interest in the appeal, be unbiased, and have the appropriate qualifications and experience to be able to evaluate the issues under investigation. An HR Adviser will advise the Committee. (A note taker may also be present). The Appeal Committee will meet within 10 working days of its establishment to hear the appeal, or as soon as is reasonably practicable thereafter.
- 11.3 The appeal procedure will generally be as follows:
- The appellant and the Investigating Officer encouraged to make representations in writing.
  - The appeal will be determined following an oral hearing. The appellant and the Principal/Line Manager will be entitled to make a statement and to address the Appeal Committee. The appellant may bring a colleague or trade union representative with him/her to the appeal hearing.
  - The Investigating Officer and the witnesses may be asked to attend the appeal hearing by the Appeal Committee if the committee has any questions they wish to ask them.
  - The Chair may set time-limits for each stage of the proceedings, including the Hearing itself, to the intent that any appeal will be heard and determined as expeditiously as is reasonably practicable.
  - Following the hearing of the appeal, the Appeal Committee will consider the facts of the case and may uphold or dismiss an appeal, in whole or in part.
  - The decision of the Appeal Committee will be notified to the appellant in writing and recorded in a document signed by the Chair, giving the reasons for this decision within 5 working days or as soon as reasonably practicable.
  - A copy of the document and letter will be sent to the Director of Operations/Human Resources, and to the Principal/ELT member. Where an individual other than the Principal/ELT member has considered and made a decision regarding a respect and dignity at work complaint, the Chief Executive will be informed of the outcome.
  - The Appeal Committee may decide to vary the above procedure as it deems appropriate.
  - There is no right of appeal against the Appeal Committee's determination of an appeal.

- 11.4 It is anticipated that appeal will be by way of review of the outcome of the formal process. However, in exceptional circumstances the Chair of the Appeal Committee may determine that a rehearing is necessary.

### Appendix 1

Some examples of unacceptable behaviour are:

- Aggressive or abusive behaviour, such as shouting or personal insults

- Spreading malicious rumours or gossip, or insulting someone
- Discrimination or harassment when related to a protected characteristic under the Equality Act 2010
- Unwanted physical contact
- Stalking
- Offensive comments/jokes or body language
- Publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive material or pictures.
- Isolation
- Deliberate exclusion and/or non-co-operation at work
- Persistent and unreasonable criticism
- Unreasonable work demands and impossible targets

Harassment, as defined in the Equality Act 2010, is 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

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.

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.

Employees should be familiar with the school's Social Media policy when posting messages and material that could be open to wider publication and circulation e.g. using Facebook, Twitter.



The Kidsgrove High School  
Gloucester Road  
Kidsgrove  
Newcastle-under-Lyme  
Staffordshire  
ST7 4DL

Twitter: @shawedutrust  
Tel: 01782 742910  
Email: [info@shaw-education.org.uk](mailto:info@shaw-education.org.uk)  
Online: [www.shaw-education.org.uk](http://www.shaw-education.org.uk)

