

# Fairness and Dignity at Work

## Policy and Procedure

**Last amended 25.06.18 by Heather Watson**

**Reviewed and Approved by Chris Stafford June 2018**

**Ratified by Trustees' Staffing Committee 19.06.18**

**Next review date Spring 2020**

*This policy has been reviewed in line with the 8 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.*

Within this policy the term Headteacher refers to the Headteacher of the school and the term CEO refers to the CEO of the Twynham Learning Academy Trust (the Trust).

The governors of the Trust are charity trustees and company directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy.

## **1 Introduction**

- 1.1 The Trust is committed to promoting a fair and dignified working environment and culture which is free from any form of bullying, harassment or victimisation. This will enable all employees to contribute more effectively to the school and to perform to the best of their abilities. A positive working environment will enhance working relationships, encourage good attendance levels and ultimately improve the quality of education delivered to our students.
- 1.2 The purpose of the policy is to promote a positive and inclusive working environment and to ensure that employees are aware that unacceptable behaviours such as bullying, harassment, victimisation and intimidation will not be tolerated. The policy also provides a mechanism for handling allegations of unacceptable behaviour.
- 1.3 This procedure has been agreed following consultation with the recognised Trades Unions.

## **2 Scope**

- 2.1 This policy covers all employees and workers employed by the Trust.
- 2.2 Where appropriate, reasonable adjustments and appropriate support will be provided to employees in order to ensure all employees are treated equitably in accordance with this Policy and Procedure.
- 2.3 Nothing in this procedure should preclude any pragmatic means of resolving issues and/or improving working relationships.

## **3 Responsibilities**

- 3.1 The CEO, Headteacher and Governors seek to support all employees in their working life and aim to provide a positive and fulfilling environment in which to work. The CEO, Headteacher and Governors aim to protect all employees from bullying and harassment at work and will not tolerate any forms of unacceptable behaviour. Allegations of unacceptable behaviour will be dealt with in a responsive, supportive and sensitive manner, maintaining appropriate confidentiality.
- 3.2 All employees have a duty to build appropriate working relationships within the Trust and are encouraged to resolve difficulties at an early stage.
- 3.3 All employees are obliged to comply with this policy and to treat all colleagues fairly and with dignity and respect. In the event that an employee becomes aware that a

colleague is either the recipient or perpetrator of unacceptable behaviour they should report it to the Headteacher, a Governor, or their line manager.

- 3.4 All employees have a personal responsibility for their own behaviour and for ensuring their conduct at work is appropriate and assists in creating an environment where individuals can be confident enough to bring complaints without fear of ridicule or reprisal.
- 3.5 All parties have a responsibility to maintain appropriate levels of confidentiality throughout the application of this policy and procedure.
- 3.6 If it is found an employee has made mischievous or malicious allegations against a colleague, they may be subject to disciplinary action.
- 3.7 It is recognised that cases dealt with under this procedure, may by their very nature, put a significant degree of pressure on those involved. The school's Stress Management Policy and Procedure can be referred to for further support and guidance. The HR Provider's Counsellor may also be used in some cases, to act as a source of support to employees as necessary. Contact details are given within section 12 of this policy.

#### **4 What is unacceptable behaviour?**

Unacceptable behaviour may be any of the following actions:

##### **4.1 Harassment**

This may involve action, behaviour, comment or physical contact which can be found to be objectionable by the recipient or which causes offence and can result in the recipient feeling threatened, humiliated, patronised, isolated or degraded even if this effect was not intended by the person responsible for the conduct.

Harassment may include the use of intimidation intended to subdue or influence others through fear, to prevent an employee from speaking out or making a complaint.

Harassment may also include the use of bullying which may be characterised as offensive, intimidating, malicious or insulting behaviour, and abuse or misuse of power through means intended to undermine, humiliate or injure the recipient. It can be an abuse or misuse of power through means intended to undermine, humiliate, denigrate or induce fear.

##### **4.2 Victimisation**

Victimisation is where an employee is selected for ill treatment or is treated differently to others because s/he has made a complaint. Employees will be protected from victimisation for filing a complaint of harassment or assisting in an investigation.

#### **5 Procedure**

##### **5.1 Investigation**

- 5.1.1 An investigation may be carried out at any time either as part of the formal or informal procedure. When an issue is raised, the Headteacher, Governor or a member of the

Senior Leadership team can seek advice from the HR provider as to whether an investigation should be conducted.

- 5.1.2 An investigation is a fact-finding exercise based on the information provided by the employee. It can be used to substantiate or refute statements made by an employee.
- 5.1.3 Advice on the choice of an Investigating Officer can be obtained from the HR Provider. It is important that the Investigating Officer is neutral and impartial. Exceptionally, it may be appropriate to use an independent Investigating Officer.

## 5.2 Informal Procedure

- 5.2.1 The aim in all cases will be to resolve issues as promptly and informally as possible. It is in the interests of all parties and the school that issues raised are resolved at the earliest opportunity. Advice can be sought from the HR Provider.
- 5.2.2 An employee who believes they are being subjected to unacceptable behaviour(s) is encouraged to try to resolve the matter in the first instance with the person against whom they have a complaint. Sometimes individuals are not aware that their behaviour is unwelcome and an informal discussion can often lead to greater understanding and an agreement that the behaviour will cease. It may be appropriate at this stage to seek advice from their line manager, colleague, governor, Trade Union or Professional Association representative.
- 5.2.3 If the employee feels unable to approach the individual, they may seek an intermediary to try to resolve matters early for them, on their behalf. An intermediary person may be a line manager, colleague, governor, Trade Union or Professional Association representative or any other appropriate person.
- 5.2.4 The aim of informal resolution is for the person against whom a complaint has been made to be made aware that certain behaviours and/or actions are unacceptable and that these behaviours and actions should stop. In order to reach this resolution, it may be necessary to have an informal meeting or meetings, which may involve only the individuals concerned or the individuals concerned plus any other nominated individuals in order to achieve a resolution.
- 5.2.5 Every measure should be taken, by all parties, to try to resolve matters informally and all parties should endeavour to contribute to the prompt resolution of matters, without recourse to the formal procedure.
- 5.2.6 If matters are not able to be resolved informally, or the employee feels unable to approach the person who has perpetrated the unacceptable behaviour, the employee may invoke the formal procedure.

## 5.3 Formal Procedure Stage 1

- 5.3.1 If it is not possible for issues to be resolved informally, the employee concerned should write to the Headteacher, advising them of the complaint and what resolution they are seeking, unless the allegation is against the Headteacher when Paragraph 8 refers. This should be done as soon as possible after the incident(s) or exhaustion of informal action.
- 5.3.2 All formal complaints must be made in writing describing the incident(s) leading to the complaint. On receipt of the complaint, the Headteacher should discuss the issues with the HR Provider, who will be able to advise on the formal procedure. The

Headteacher will arrange separate meetings with the employee concerned and the employee against whom the complaint has been made. Either party may be accompanied to the meeting by a Professional Association or Trade Union representative or other colleague.

- 5.3.3 It may be appropriate for the Headteacher to meet separately with both parties and representatives prior to convening a joint meeting.
- 5.3.4 At the meeting the Headteacher will try to resolve matters between both parties and identify any necessary next steps in managing the issue(s).
- 5.3.5 In the event that the Headteacher deems there to be a case of misconduct, the issue will be dealt with in accordance with the school's disciplinary procedure. The Headteacher can decide to undertake an investigation into proceedings at any stage during the procedure.
- 5.3.6 Following the meeting the Headteacher may decide on any of the options outlined in paragraph 6 in order to resolve matters between both parties.
- 5.3.7 In all cases the Headteacher will draw up a detailed action plan, to be shared with both parties, identifying the proposed resolution to the issue(s) with appropriate timescales.
- 5.3.8 The Headteacher will make arrangements to review matters, in accordance with the action plan, within an appropriate timescale following the meeting.

#### **5.4 Formal Procedure Stage 2**

- 5.4.1 If the employee who made the initial complaint is dissatisfied with the resolution following stage 1 of the formal procedure, they must make their complaint, in writing, to the Chair of the Local Governing Body, stating the nature of their complaint and why they are dissatisfied with attempts at resolution to date. It may be appropriate for the LGB Chair to meet separately with both parties and representatives prior to convening a joint meeting.
- 5.4.2 The LGB Chair will arrange to meet with the employee concerned and the Headteacher in order to ascertain the point that the case has reached and to discuss any further options. The employee against whom the complaint has been made will also be invited to attend. Either party may be accompanied to the meeting by a Professional Association or Trade Union representative.
- 5.4.3 If issues continue to be unresolved, the matter may be referred to a panel of Governors, convened for this purpose, for a decision on what action should be taken to resolve matters. The HR Provider will support the Trust as far as reasonably practicable in order to achieve a suitable resolution.

## **6 Options to Consider in resolving Fairness and Dignity Cases**

### **6.1 Mediation**

It may be deemed appropriate that both parties attend mediation with an impartial facilitator in order to bring both parties back together, so as to seek an agreed resolution (See Paragraph 7).

## 6.2 **Change in Structure / Reporting Lines**

A minor alteration to team structure or reporting lines may alleviate the issue and following any necessary consultation, the Headteacher or CEO may alter a team structure or reporting line in order to resolve matters.

## 6.3 **Change in Role / Responsibilities**

Changing certain aspects of one or both employee's responsibilities may assist in alleviating the issue. In order to achieve this, with appropriate consultation, the Headteacher or CEO may decide to alter the role as necessary.

## 6.4 **Team Building**

Team building may be considered as an option to resolve matters by improving team relationships and team communication, in order to address issues within working relationships.

## 6.5 **Redeployment**

In particularly complex cases, and usually following attempts at mediation and matters having proceeded to the formal stage, the Headteacher or CEO may decide to consider redeployment of either party following advice from the HR Provider.

## 6.6 **Disciplinary Action**

Please refer to paragraph 5.3.5 – acts of harassment and victimisation are misconduct and may be classed as gross misconduct which can lead to dismissal without notice. This will also include acts of physical violence between colleagues. Advice should be sought from the HR Provider in cases where disciplinary action is being considered.

## 6.7 **Formal Grievance**

If the above courses of action fail to resolve the matter, it may become necessary for the employee to consider raising a formal grievance to seek resolution of the issues.

# 7 **The Role of Mediation**

7.1 Mediation is a confidential process designed to help bring both parties together with the aid of an impartial, objective third party facilitator. The aim is to enable communication in order to increase the likelihood of a resolution and improved working relationships.

7.2 Workplace mediation is only effective when employees enter the process voluntarily. During the mediation process, employees are encouraged to identify their own solutions and agreements. Mediators are impartial and will seek to help all parties equally. They will not express opinions or make judgments about who is right or wrong.

7.3 The mediator will seek to identify what has happened, how relationships have broken down and will speak independently to all parties in order to assess the best way to bring the parties together. Usually a joint meeting will be held at a neutral

venue in order to explore the issues and reach an agreement on how both parties can move forwards.

- 7.4 The Trust is committed to using mediation as a means of resolving conflict amongst employees. The Trust will in all cases, where appropriate, seek to engage the services of an impartial mediator to assist in resolving matters. However, it is recognised that mediation may not be appropriate in all cases.

## **8 Allegations against the Headteacher or CEO**

- 8.1 If an allegation is made against the Headteacher or the CEO, the employee is encouraged to try to resolve the matter in the first instance, informally and directly with the Headteacher or CEO.
- 8.2 If the employee feels unable to approach the Headteacher or CEO they may seek an intermediary to try to resolve matters early for them, on their behalf. An intermediary person may be a colleague, Trade Union or Professional Association representative, a Governor or any other appropriate person.
- 8.3 The aim of all parties will be to resolve matters promptly and informally.
- 8.4 If informal resolution cannot be achieved, the same procedure will apply as outlined in Paragraph 5.3 (Formal Procedure – Stage 1). For allegations against the Headteacher it will be the responsibility of the CEO to progress matters. For allegations against the CEO it will be the responsibility of the Chair of Trustees to progress matters. The HR Provider will be able to offer advice in these cases.

## **9 Group or Team Complaints**

- 9.1 In cases where a group of employees wish to make the same complaint, the group may nominate an appropriate representative to make the complaint on the employees' behalf. The appropriate representative may be a member of the group of employees, nominated by the group, or a Trade Union / Professional Association representative who has agreed to represent the group.
- 9.2 The representative will aim to try to resolve the matter in the first instance with the person against whom the group has a complaint, although great care and tact must be exercised by the representative to ensure that the person against whom the complaint is being made does not themselves feel threatened in any way.
- 9.3 The same procedure will apply as detailed above, but it will be the responsibility of the representative to inform all employees involved of progress made and any proposed outcomes.

## **10 Confidentiality**

- 10.1 The importance of maintaining the confidentiality of employees contacted through this procedure, or who become party to its processes, should not be underestimated. As far as possible, the Trust requires confidentiality to be kept between all parties concerned, to ensure a fair and impartial investigation and to maintain a safe and stable environment. Any breach of confidentiality, particularly with the intent of unfairly influencing or undermining an investigation, could be subject to disciplinary

action.

## **11 Record Keeping / Monitoring**

- 11.1 Records of all meetings, reports and action plans will be kept throughout each case and shared with the employees involved and their representatives, as appropriate.
- 11.2 The Governors, in liaison with the Headteacher, will be responsible for the monitoring of cases raised under this procedure.

## **12 Sources of Assistance and Advice**

- 12.1 The following sources of assistance, advice and information are available:

### **HR Providers**

Contact details available from the HR department

### **Teaching Professional Associations**

- ATL – 020 7930 6441
- NAHT – 030030 30333
- NASUWT – 03330 145550
- NUT – 0345 811 8111
- ASCL – 0116 2991122
- VOICE – 01332 372 337

### **Trade Unions**

- UNISON – 0800 0857 857
- GMB – 020 8397 8881
- Unite – 02380 637373

### **ACAS** (Advisory, Conciliation and Arbitration Service)

- National Helpline – Tel: 0300 123 1100
- Website address – [www.acas.org.uk](http://www.acas.org.uk)

### **Teacher Support Network**

- Tel: 08000 562 561
- Website address – [www.teachersupport.info](http://www.teachersupport.info)

## Equality Impact Assessment – Initial Screening Record

|                                   |   |
|-----------------------------------|---|
| 1. What policy is being reviewed? | Fairness and Dignity at Work Policy and Procedure |
| 2. Upon whom will this impact?    | All employees of the Trust                        |

3. How would the work impact upon groups; are they included and considered?

| <b>The Equality Strands</b>                                | Negative impact | Positive impact | No impact |
|--|-----------------|-----------------|-----------|
| Minority ethnic groups                                     |                 |                 | √         |
| Gender   |                 |                 | √         |
| Disability   |                 |                 | √         |
| Religion, faith or belief                                  |                 |                 | √         |
| Sexual orientation   |                 |                 | √         |
| Transgender  |                 |                 | √         |
| Age <small>(N/A to pre-school and school children)</small> |                 |                 | √         |
| Rurality   |                 |                 | √         |

4. Does data inform this work, research and/or consultation, and has it been broken down by the equality strands?

|                           | NO | YES | Uncertain |
|---------------------------|----|-----|-----------|
| Minority ethnic groups    | √  |     |           |
| Gender                    | √  |     |           |
| Disability                | √  |     |           |
| Religion, Faith or belief | √  |     |           |
| Sexual Orientation        | √  |     |           |
| Transgender               | √  |     |           |
| Age                       | √  |     |           |
| Rurality                  | √  |     |           |

Does the initial screening highlight potential issues that may be illegal? NO

Further comments:-

Do you consider that a full Equality Impact Assessment is required? NO

Initial screening carried out by Julian Burton, Chair of Staffing Committee,  
06/05/14. Reviewed by Staffing Committee June 2018

Comment by Headteacher: