



WARWICK INDEPENDENT SCHOOLS FOUNDATION

Author	Human Resources
Version	2.0 ¹
Date of Approval	September 2019
Review	Bi-annually unless legislative changes dictate an earlier review
Next Review due	Summer 2021

DIGNITY AT WORK POLICY

1.0 Introduction

- 1.1 This policy is to ensure that all employees of the organisation are treated with dignity and respect and are free from harassment, intimidation or other forms of bullying at work.
- 1.2 As an employer, Warwick Independent Schools Foundation (WISF) supports the principle of equal opportunities and opposes discrimination on the basis of age, sex, marriage and civil partnership, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity and part-time or fixed-term employment (defined as Protected Characteristics). Being a committed equal opportunities employer, the organisation will take every possible step to ensure that employees are treated equally and fairly. All policies and practices will seek to conform to the principle of equal opportunities in terms of recruitment and employment.
- 1.3 WISF will not tolerate bullying, harassment, sexual harassment and other inappropriate behaviour by its staff.
- 1.4 We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.
- 1.5 We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees. The aim of this policy is to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
- 1.6 We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

¹ This policy was formerly contained within the Employment Handbook but became a stand-alone Policy on 1st June 2015. It was last reviewed in October 2017.

2.0 Who this Policy applies to

Person(s) Responsible:	Responsible for:
Governors	The Governing Body has overall responsibility for this policy.
Heads Executive Group (HEG) ²	The Governing Body has delegated day-to-day responsibility for overseeing and implementing action required under it to HEG. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change to the policy also lies with HEG.
Head of Human Resources	HEG may further delegate their responsibilities to the Head of Human Resources and her team.
Line Managers/Head of Department	Those with line management duties have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that staff understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards.
All Staff	All employees are responsible for treating their colleagues with dignity, and for the success of this policy and should ensure that they take the time to read and understand it. Employees should disclose any instances of harassment or bullying of which they become aware to the Head/Foundation Secretary. Questions about this policy should be directed to the Head of Human Resources in the first instance.

3.0 Legislation, Aims, Other Policies and Important Notes

Legislation applying to this policy	Equality Act 2010
Aims of this policy	<p>WISF as your employer has a responsibility to ensure that you are not harassed, victimised, bullied or discriminated against in the course of your work on the grounds of your sex, sexual orientation, marital or civil partnership status, gender reassignment, race, religion or beliefs, pregnancy and maternity, disability or age. This Policy aims to ensure:</p> <ul style="list-style-type: none"> • compliance with all relevant legislation and HR best practice; • that no employee is treated unfairly on any grounds including race, , religion or religious belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, marital or civil partner status, disability or age.
Other Policies you might need to refer to	<ul style="list-style-type: none"> • Equal Opportunities • Employment Handbook • Disciplinary and Dismissal Procedure • Staff Code of Conduct Policy
Important Notes	<ul style="list-style-type: none"> • In certain circumstances harassment can amount to unlawful discrimination. This policy serves to demonstrate our commitment to identifying and wherever possible eliminating such unlawful behaviour. • Breach of this policy will be dealt with under our disciplinary and dismissal procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

² Head of Warwick School, Head of King's High, Foundation Secretary

4.0 Responsibilities

4.1 *Employee responsibilities*

WISF requires its employees to behave appropriately and professionally at all times during the working day, including events outside of working hours which are classed as work-related such as social events, School Trips etc. Employees should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time. A breach of this policy will be treated as a disciplinary matter.

4.2 *Employer responsibilities*

WISF is responsible for ensuring all members of staff, including those in management positions, understand the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related events. We will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

4.3 Where an incident is witnessed, or a complaint is made under this policy, WISF will take prompt action to deal with this matter. All incidents will be deemed serious and dealt with in a sensitive and confidential manner.

5.0 Types of Harassment and Bullying

5.1 Harassment occurs when:

- A person engages in unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee. Such conduct is commonly related to sex, sexual orientation, marriage and civil partnership status, gender reassignment, race, religion or belief, pregnancy and maternity, disability or age (a **Protected Characteristic**), to the employee's perceived Protected Characteristic or to the Protected Characteristic of someone associated with the employee;
- A person engages in sexual conduct which has the purpose or effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee;
- A person engages in conduct of a sexual nature, which has the purpose or effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee, and because of the employee's rejection of or submission to that person's conduct, the person treats the employee less favourably than they would have treated the employee if the employee had not rejected or submitted to the conduct.

5.2 **Instances:** Harassment generally arises where an employee has made it clear that they find certain behaviour towards them unwelcome and that behaviour has continued unchanged. Harassment can also arise as a result of a single incident provided it is sufficiently serious. It is important to remember that even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment. Employees who believe they are being subjected to harassment should not hesitate to use the procedures set out below. All staff should consider whether their actions could be offensive to others.

5.3 **Examples of harassment:** Examples of harassment might include:

- unwanted physical contact, ranging from touching or brushing against another employee's body; to assault or coercing sexual relations;
- unwelcome sexual advances, propositions or pressure for sexual activity;
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- offensive or intimidating comments by colleagues;
- suggestions that sexual favours may further an employee's career or that refusal of sexual favours may hinder it;
- the display of pictures, objects or written materials that may be considered pornographic or offensive to particular ethnic or religious groups;
- conduct by colleagues or third parties that denigrates or ridicules an employee because of his or her sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
- insensitive jokes or pranks;
- lewd and abusive comments;
- shunning an employee, for example, by deliberately excluding him or her from conversation.

The list is not exhaustive and other behaviour may constitute harassment.

5.4 **Definition of bullying:** Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure a colleague. Bullying does not include legitimate and constructive criticism of your performance or behaviour, an occasionally raised voice, or an argument. Examples of bullying include ridiculing or demeaning others, particularly junior colleagues, name-calling; overbearing supervision and unjustifiably excluding colleagues from meetings / communications.

5.5 **Conduct outside the workplace:** This policy covers harassment or bullying which occurs both in the workplace itself and in settings outside the workplace, such as School trips, events or social gatherings.

6.0 **What to do if you have been bullied or harassed: informal procedure**

6.1 **Stage one:** If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that the behaviour in question is not welcome and that it offends you or makes you uncomfortable.

6.2 **Stage two:** If stage one is too difficult or embarrassing for you to do on your own, you should seek support from Head or Foundation Secretary or Head of HR. Your line manager will provide advice and assistance to employees who have been bullied or harassed and will assist in the resolution of any problems, whether through formal

or informal means. If the person concerned is your line manager, you should ask the person at the next level of management to speak to him or her.

6.3 **Stage three:** If the conduct continues or if it is not appropriate to resolve it informally, you should keep a record of any relevant incidents and follow the formal procedure set out below.

6.4 **Guidance:** If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then in the first instance you should approach your manager or Head of HR, on an informal basis. They will be able to advise you as to how the matter should be dealt with.

7.0 What to do if you have been bullied or harassed: formal procedure

7.1 **Formal procedure:** The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with the Head/Foundation Secretary, whose role is to achieve a solution wherever possible. (If the matter concerns the Head/Foundation Secretary, you should refer it to the Chair of Governors.)

7.2 **Pursuing a complaint:** As a general principle, the decision to progress a complaint rests with you. However, as your employer we have a duty to protect all employees and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

7.3 **Necessary details:** If you wish to make a formal complaint, you should set out full details of the unwanted conduct in writing. These details should include the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) when the harassment or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment or bullying.

8.0 Formal procedure: investigation

8.1 **Conduct of investigation:** Complaints will be managed in a timely manner via an investigation to establish the details of what happened. At the outset, either the Head/Foundation Secretary will investigate the complaint or will approach an individual with no prior involvement in the complaint to carry out an investigation. The investigation will be carried out with sensitivity and with due respect for the rights of all parties concerned.

8.2 **Arrangements during the investigation:** Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, suspended on full pay or whether reporting lines should be altered pending the outcome of the investigation.

8.3 **Meeting:** As part of the investigation, the person investigating the complaint will meet with you to hear your account of the events leading to your complaint. You may be accompanied by a colleague or a trade union official of your choice. The person investigating will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union official of his/her choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

- 8.4 **Conclusion:** At the conclusion of the investigation, the person investigating will prepare a report. You and the alleged harasser will be provided with a copy of the report together with any findings. You will be informed of your rights of appeal.
- 8.5 **Disciplinary sanctions:** If it is found that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under the School's disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether he or she should remain in his or her current post or be transferred. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

9.0 Formal procedure: appeal

- 9.1 If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within 5 working days of being notified of the outcome. You should submit your full written grounds of appeal to the Head or Foundation Secretary. Arrangements will then be made for your appeal to be heard at an appeal meeting. You may be accompanied by a colleague or a trade union official of your choice. You will be notified of the outcome of the appeal within 7 days of this meeting. This is the final stage of the formal procedure.

10.0 Protection from victimisation

- 10.1 Employees who, in good faith, make complaints under this policy will be protected from intimidation or victimisation in connection with their involvement. If you have been subjected to any such intimidation or victimisation you may raise a complaint in writing under this procedure or the grievance procedure. Employees who, after investigation, are found to have given information falsely and in bad faith will however be subject to action under the disciplinary procedure.

11.0 Confidentiality

- 11.1 Confidentiality is very important throughout all parts of this procedure. It is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.

12.0 Procedure following termination of employment

- 12.1 **Procedure:** If a complaint is raised by you following termination of your employment, if appropriate the School may follow all or part of this procedure at its discretion.

13.0 Training

- 13.1 The Head and Foundation Secretary have responsibility for ensuring that any personnel who may be involved with investigations or administrative tasks carried out under this policy receives regular and appropriate training to assist them with these duties.

14.0 Queries

- 14.1 All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives. If you have any questions about the content or application of this policy, you should contact the Human Resources team by emailing hr@warwickschools.co.uk or telephoning 01926 735413.

15.0 Review

- 15.1 This policy reflects the law and the School's practice as at September 2019.. The Head of HR will be responsible for reviewing the policy, particularly given the current government consultation process due to end on October 2019 about bullying and harassment in the workplace.