



Extend Learning
Academies Network

Dignity at Work Policy and Procedure

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1. Introduction

1.1 The Extend Learning Academies Network (ELAN) aims to provide a safe and supportive working environment where all its employees are treated with dignity and respect and are valued for their skills and abilities.

1.2 ELAN believes that employees are entitled to be treated by other employees, pupils, students, parents and other individuals in a way which respects their rights and feelings, and values them as individuals. All employees are entitled to be treated fairly.

1.3 ELAN will not tolerate any form of discrimination, bullying or harassment, by or against staff. Employees found to be engaging in this behaviour may be subject to disciplinary action, up to and including dismissal.

1.4 It is the responsibility of each individual to be sensitive towards the impact that he/she has on others and not to discriminate against, bully or harass colleagues or condone discrimination, bullying or harassment by others.

1.5 The Equality Act 2010 prohibits discrimination, harassment and victimisation on the grounds of:

- race (including ethnic and national origins, colour and nationality)
- sex
- gender reassignment
- disability
- religion or belief (including lack of religion or belief)
- sexual orientation
- age
- pregnancy and maternity
- marriage and civil partnership

1.6 There are many definitions of bullying and harassment.

Bullying can be described in many ways but can, according to ACAS, be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment is defined in the Equality Act 2010, as: 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 offensive environment for that individual.

2. Purpose

2.1 This policy aims to:

- ensure the dignity at work of all employees
- respect and value differences
- ensure that high standards of behaviour are consistently maintained and demonstrated by all employees
- provide a working environment in which employees feel confident to raise complaints of harassment or bullying without fear of victimisation
- identify individual responsibilities in preventing such behaviour

- provide procedures to ensure that reported harassment or bullying is dealt with as a serious matter and tackled quickly, fairly and sensitively
- enhance ELAN's compliance with its legal obligations and policy commitments in relation to equal opportunities

3. Scope

3.1 This policy applies to all employees, regardless of role, including those working full-time, part-time or on a temporary basis and all employees are required to comply with this policy, whether working at their normal place of work or off site.

3.2 Individuals not directly engaged by the Trust such as volunteers, agency/supply staff, contractors and members of the trust board or Local Governing Bodies (LGB) are expected to conduct themselves in accordance with the principle and spirit of the policy.

3.3 ELAN will not tolerate incidents of harassment, bullying or discrimination by third parties (including governors, parents, contractors, visitors, pupils, or parents/carers) towards any employee during the course of their employment.

4. Equal opportunities

4.1 The dignity at work procedure must always be applied fairly and in accordance with employment law and ELAN Equality and Equal Opportunities policy.

5. Responsibilities

5.1 ELAN has a legal responsibility to ensure the health and safety of staff and a working environment which is free from unlawful discrimination, specifically by:

- maintaining fair, consistent and objective procedures for matters relating to dignity at work
- providing an environment free from harassing and bullying behaviour across the ELAN network
- ensuring that employees are made aware of the policy and procedure in relation to harassment and bullying

5.2 The headteacher/central location leader has overall responsibility for:

- the internal organisation, control, management and effective implementation of the policy in their school or central location
- making employees aware of the policy
- ensuring that through their own actions or inactions, remarks or other behaviours, they do not conduct themselves in a way which may reasonably be perceived by other employees as bullying or harassment
- ensuring that workplace arrangements and practices foster good working relations and behaviours, and do not allow scope for bullying and harassment

5.3 employees have a responsibility to;

- treat other employees and stakeholders with dignity and respect and take responsibility for their behaviour, in accordance with this policy and other policies such as the Staff code of conduct
- not harass/bully any other employee and to discourage any forms of harassment and bullying

- to cooperate fully with procedures and attend meetings when applicable under this policy

6. Timing

6.1 Dignity at work matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales may be varied. In this circumstance, the employee should be given an explanation and informed when a response or meeting can be expected.

6.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged within five working days.

7. Informal procedure

7.1 If an employee feels that they are being harassed or bullied, they should wherever possible raise the matter with the alleged harasser or bully themselves. They should describe the behaviour, which they find offensive, explain how the behaviour makes them feel, and most importantly, ask for the behaviour to stop (see appendix 1 for flow chart of dignity at work procedure process).

7.2 If the complainant does not feel able to tackle this on their own, they may choose to speak to a colleague, or their line manager, either of whom may accompany them or make the approach on their behalf. Should this be the case, the complainant or their representative must also approach the headteacher to inform them as to the circumstances prior to the meeting.

7.3 An individual wishing to lodge a formal written complaint under the Dignity at work policy should do so as soon as possible after the event and without unreasonable delay. This should normally be within three months of the event.

7.3 Practice has shown that most complaints can be informally resolved and mediation at this stage may be appropriate. However, in situations where the matter remains unresolved due to non-acceptance of the allegation made, or because the behaviour continues, then the formal procedures should be invoked.

7.4 If the complainant does not feel able to use the informal procedure, or the seriousness of the incident(s) makes it inappropriate, the informal stage can be omitted and the formal stage started.

8. Formal procedure

8.1 Raising a complaint

8.1.1 If not already done so, the complainant (accompanied as above if they wish) should write to their line manager or alternative senior manager if appropriate, setting out the details of the harassment or bullying in writing.

8.2 Investigation

8.2.1 The line manager or senior manager is responsible for appointing an investigating officer to cases. The investigating officer should be impartial and should have had no previous substantial involvement with the grievance. HR must be consulted prior to the initiation of any investigation.

8.2.2 Care should be taken to ensure that the investigating officer will not be a disciplinary procedure decision-maker, in case the complaint is serious and becomes subject to the disciplinary procedure.

8.2.3 The investigating officer must investigate the complaint as soon as possible. If they cannot investigate it personally within such a timescale, it should be assigned to another senior member of staff who is competent and able to do so. During their investigation the investigating officer should ensure that strict confidentiality protects the rights of all parties involved.

8.2.4 The investigation process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all sides have the opportunity to present their side.

8.2.5 The complainant and the subject of any allegation may be accompanied by a work colleague or trade union representative during the investigation stage. Witnesses may not be accompanied.

8.2.6 In some cases, after the initial investigation, the investigating officer may decide that the complaint may be resolved informally. Alternatively, mediation with the two members of staff and a third party may be appropriate. Mediation is often most successful when those actually in conflict work directly with the mediator to resolve it, especially if they will need to work together in the future. The employee(s) may choose to bring a companion to the mediation, who must be either a work colleague or trade union representative. If the employee(s) choose to be accompanied they must discuss this with the mediator before the mediation takes place as all those involved in the mediation must know who will be attending. During the mediation, a record must be made of any actions agreed.

8.2.7 If the complaint appears more serious, further action will be taken in accordance with the disciplinary procedure.

8.2.8 Following the investigation the complainant will be informed in writing as to whether or not their complaint has been upheld and / or of any actions agreed.

9. Appeal

9.1 The complainant can use the Grievance procedure if they believe the Dignity at work procedure has not been conducted thoroughly or concluded adequately and, as a result, the original complaint has not been responded to properly. In these circumstances, it is likely that the grievance will start at the appeal stage.

9.2 The alleged harasser can appeal against any disciplinary action or decision taken under the appeals procedure of the Disciplinary procedure. They could also appeal under the Grievance procedure if they feel that the complaint may have been made maliciously or there were flaws in the investigative process.

10. Record keeping

10.1 Investigating officers must keep written records of meetings and discussions relating to the formal dignity at work procedure. These must be written during or as soon after the event as possible to ensure the accuracy of the record. Written records must be signed and dated by all parties. Copies of all final meeting records must be given to employees and their representatives. Written confirmation of the outcome of any meetings will be sent to the employee and their representatives for their information and a copy kept on the employee's personnel file in accordance with the Data Protection Act 1998.

10.2 Records should include

- the nature of the grievance
- what was decided and actions taken
- the reason for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments.

10.3 Employees may also wish to keep records of events to support their case.

11. Special situations

11.1 Malicious complaints

11.1.1 It is recognised that on occasions, complaints are made maliciously with no basis in fact, and are purely attempts to damage the alleged harasser in some way. If this is the conclusion of the investigating officer, he/she will need to consider whether it is appropriate for formal disciplinary action to be taken against the person making the complaint.

11.1.2 Malicious complaints may be regarded as gross misconduct and disciplinary action may be taken.

11.2 Handling dignity at work cases from former employees

11.2.1 Wherever possible a dignity at work case should be dealt with before an employee leaves employment. Ex-employee complaints will be determined on a case-by-case basis.

11.3 External sources of help

11.3.1 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the dignity at work procedure. For instance, where relationships have broken down, an external facilitator might be able to help resolve the problem through mediation. This intervention should be initiated in consultation with HR.

12. Review

12.1 This policy will be reviewed every two years.

Appendix 1 – Dignity at work procedure process

