

Ladywood Primary School



Barnsley Metropolitan Borough Council DIGNITY AT WORK POLICY

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DIGNITY AT WORK POLICY (HARASSMENT / BULLYING/ VICTIMISATION)

1.0 INTRODUCTION

- 1.1 The Council\School is committed to creating and maintaining a positive working environment where all employees are treated with dignity and respect and are free from any form of harassment, bullying or victimisation.
 - 1.2 This policy applies to all employees and Elected Members of the Council, including those employed in Locally Managed Schools (subject to adoption by the Governing Body) and has been agreed with the recognised Trade Unions.
 - 1.3 Harassment, bullying and victimisation are unacceptable behaviours that will not be tolerated and if proven, could lead to disciplinary proceedings, including dismissal.
 - 1.4 Each employee must take individual responsibility and accountability for the impact of their conduct and behaviour upon others.
 - 1.5 It is expected that all personnel working for contractors who are engaged by the Council/School will be expected to adhere to the principles of this policy. Managers/Headteachers should ensure that this responsibility is included within the contractual agreement.
 - 1.6 All scanned documentation should then be placed on the employee's electronic record. Further guidance is available in the [Employee Record Policy](#) which also includes advice on the retention of documents.
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2.0 DEFINITIONS OF HARASSMENT, BULLYING AND VICTIMISATION

- 2.1 Harassment, bullying and victimisation includes any treatment, which a person or persons as a group knew, or ought to have reasonably known would have been intimidating or humiliating to another person(s).
 - 2.2 **Harassment**

The Equality Act 2010 defines harassment as “unwanted conduct relating 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”

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.
 - 2.3 **Bullying**

The Advisory, Conciliation and Arbitration Service (ACAS) define bullying in general terms as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, belittle or injure the recipient.”
 - 2.4 Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It
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may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying / harassing behaviour include (this list is not exhaustive):-

2.5

- Spreading malicious rumours or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- Copying information that is critical about someone to others who do not need to know
- Ridiculing or demeaning someone i.e. picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances e.g. touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent employee by overloading and constant criticism
- Preventing employees progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment does not always take place face to face. It may also occur in other forms of communications, electronic email, telephone, text or social media.

2.6

Victimisation

Victimisation is defined as the 'unfavourable' treatment of an individual/individuals as a result of any one of the following:

2.7

- Bringing a complaint of harassment or bullying
- Challenging inappropriate behaviour
- Acting as a witness in a harassment and bullying case

Victimisation may also be as a result of unfavourable treatment on the grounds of an individual/individuals gender; sexual orientation; race; disability; religious or political convictions; ethnic origin; nationality or colour; age; status as a ex-offender; membership or non membership of a trade union; their real or suspected infection with AIDS/HIV. This list is not exhaustive.

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Any victimisation of an individual will not be tolerated and may lead to disciplinary action.

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3.0

EARLY RESOLUTION

3.1

It is the aim of this policy to attempt to resolve any complaint of alleged harassment, bullying or victimisation quickly as a means of preventing the problem becoming more serious over time and provides an opportunity for an early resolution to avoid prolonged stress to both parties.

- 3.2 Where an employee feels they have been bullied, harassed or victimised there are a number of options available to them:

- **Consider talking over their concerns with their immediate Line Manager/Headteacher.**

Sometimes employees are unsure as to whether or not the way they are being treated is acceptable. In this situation employees should consider talking over their concerns with their immediate Line Manager / Headteacher

- **Consider talking over their concerns with the next highest level of management or other Manager within the Directorate/Department**

If employees are unable to discuss the matter with their Line Manager/ Headteacher or if their Line Manager / Headteacher are the cause of the complaint then the employee may wish to raise the issue at a higher level. In the case of a school-based employee from a locally managed school they should discuss the matter with the Chair of Governors.

- **Speak directly to the person(s) responsible for the incident**

The employee feeling harassed, bullied or victimised can choose to address the situation directly with the person(s) responsible and explain that their behaviour is unwelcome and unacceptable.

- **Enlist the support of a colleague(s) or friend(s)**

If the employee feeling harassed, bullied or victimised does not wish to speak directly to the perpetrator(s), they may enlist the support of a colleague(s) or friend(s) who could speak to the person on their behalf.

- **Seek advice from a Trade Union Representative**

If the employee is a member of a Trade Union or Professional Association, they may also wish to seek advice from their local representative.

- **Arrange mediation for both parties**

Managers/ Headteachers can arrange for mediation if both parties are in agreement in an attempt to resolve the issues that have been raised (see section 4 Mediation Facilities)

- 3.3 If the employee is not happy with the outcome of the early resolution process they should refer to the [Grievance Procedure](#).

- 3.4 If it is found that the complaint is vexatious or malicious then the disciplinary process may be invoked, see [Disciplinary Procedure](#).

4.0 MEDIATION FACILITIES

- 4.1 Mediation is a structured and facilitated conflict resolution strategy used where employees are unable to resolve their disputes without assistance. It is a voluntary process and can

only be arranged if both parties are in agreement to this course of action and are willing to resolve the matter and reach a solution.

- 4.2 The Mediator will not have had any previous involvement with the disputants or have any prior knowledge of their conflict situation. This is to ensure objectivity on the part of the Mediator and avoid any perceived bias.
- 4.3 The Mediator is not empowered to make a decision about the conflict. Their role is to facilitate the process and enable a dialogue to take place between the disputants. The aim of mediation is for the disputants to find a mutually acceptable agreement.
- 4.4 Mediation focuses on agreeing what will happen now, and in the future, rather than what has happened in the past with an emphasis on the disputants agreeing how they will behave towards each other in the future.
- 4.5 Mediation can be accessed by contacting your HR Business Partner in the first instance. Further details regarding Mediation facilities can also be found on the Manager and Employee Hubs'.
- 4.6 It must be noted that Services/Schools will be recharged for any associated costs of mediation.

5.0 REDEPLOYMENT

- 5.1 If the working relationship is deemed untenable between employees who have been involved in a complaint of harassment, bullying or victimisation and steps for early resolution have been exhausted, then redeployment of either employee irrespective of their status/seniority may be considered.
- 5.2 In this type of situation it is expected that the employee must normally be redeployed within their own Service or School in the first instance.
- 5.3 The employee who is being redeployed will be afforded "At Risk" status and will be entitled to apply for suitable alternative positions as an "At Risk" candidate with Priority 3 status, meaning they will be expected to seek an alternative post that matches their current contractual earnings.
- 5.4 Managers/Headteachers are asked to seek further advice from their HR Business Partner/HR Provider if they consider redeployment to be the last resort.

6.0 COUNSELLING SERVICES

- 6.1 A complaint of harassment, bullying or victimisation can cause fear, stress and anxiety for all those involved and it can be useful to enlist the services of a trained counsellor. Access to this facility can be arranged by contacting the Councils Occupational Health Unit or Schools Occupational Health Provider who will make the necessary arrangements.
- 6.2 If employees require additional support during this process, please refer to our [Employee Assistance Programme](#) which provides confidential access to a complete support network, expert advice and compassionate guidance covering a wide range of issues.

7.0 MONITORING

- 7.1 It is the Council's/School's statutory duty under the Equality Act 2010 to collate and analyse statistics in respect of the ethnicity of any employee involved in an incident of harassment.
- 7.2 It is therefore essential to record and monitor all complaints of harassment, bullying and victimisation regardless of the reasons for it, in order to continually assess the effectiveness of this policy. Managers must record all complaints brought to their attention in accordance with the Council's [Policy Implementation Monitoring Guidelines](#). [Monitoring Forms](#) must be completed in accordance with the guidance and submitted to the Policy Monitoring (HR) Inbox.
- 7.3 In respect of Schools, the collation and reporting of incidents under this procedure shall be in accordance with your service level agreement.
- 7.4 Completion of the Policy Monitoring Form will enable the Council to assess the impact of the policy on different sections of the workforce. Human Resources will review this on a regular basis and ensure this informs any future review of this policy.
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8.0 EQUALITY AND DIVERSITY

- 8.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact your Human Resources Business Partner who will if necessary ensure the policy is reviewed.
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9.0 INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS

- 9.1 There is no income tax or national insurance contribution implications arising as a result of this procedure.
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Document Control

Implementation Date	17/05/2016
Author	Business Advisory Service
Revised/Updated	February 2021
Brief Reason for Change	Section 6 – reference to EAP.
Version Control	V4