

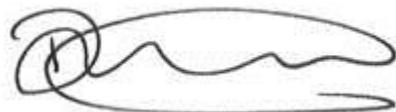
DIGNITY AT WORK POLICY

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 26th November 2015.

Jay Mercer
Chair of OHCAT Board



Darren Coghlan
Chair of OHC Board



Dignity at Work Policy

INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. As an organisation, we are proud of our diverse community of pupils/students, staff and stakeholders and we are committed to maintaining excellence in teaching and learning by ensuring there is equality of opportunity for all, fostered in an environment of mutual respect and dignity.

As such, OHC&AT will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and disciplinary action will be taken if appropriate. OHC&AT will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal. They may be personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work for OHC&AT, whether by direct contract with OHC&AT or otherwise. If the complainant or alleged harasser is not employed by OHC&AT e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that OHC&AT could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

RESPONSIBILITIES

It is the responsibility of the whole OHC&AT community to promote an ethos of mutual respect, fairness and equality in everything we do, in order to create a positive atmosphere for all. Everyone should have an understanding of the issues around bullying and be aware of what to look out for, in order that any incidents of bullying can be proactively managed.

In particular, Executive and Management Teams should:

- Ensure that all staff are aware of this policy and related documentation
- Regularly review any logged incidents and take any necessary action to proactively manage the situation

It is incumbent upon all staff to:

- Uphold OHC&AT's values of dignity, respect and equality for all
- Challenge unacceptable behaviour and language in the workplace
- Report bullying or harassment to a manager and/or OHC&AT HR and support the organisation in the investigation of complaints
- Ensure they are familiar with this policy and adhere to all relevant procedures

DIGNITY AT WORK

What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant protected characteristics that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, **or**
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Protected characteristics are: sex, race (including colour, nationality and ethnic or national origins), age, disability, gender reassignment, pregnancy, maternity, sexual orientation, religion or belief, caste, and marital/civil partnership status.

Conduct may be harassment whether or not the person behaving that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

Behaviour which any reasonable person would realise is likely to offend will be harassment without the recipient having to make it clear in advance that this is unacceptable, e.g. sexual touching. Many behaviours and interactions exist on a continuum and it may not always be obvious whether something may be unwelcome or offensive, e.g. flirtatious 'banter' or inviting someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or behaviour, that such conduct is unacceptable to them.

Harassment may also occur:

- where a person engages in unwanted conduct towards a colleague based on the assumption that that colleague has a protected characteristic, when the recipient does not in fact have that protected characteristic;

- where a person is bullied or victimised because of a connection with another person who has a protected characteristic, e.g. the person's wife is disabled;
- where an individual is subject to unwanted conduct from a third party, such as a client or customer.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the OHC&AT Disciplinary Procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics listed on page x. Serious bullying or harassment may amount to other civil or criminal offences e.g. a civil offence under the Protection from Harassment Act 1997 as amended by the Protection of Freedoms Act 2012, criminal assault etc.

Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal e.g. by letter or email.

Examples of unacceptable behaviour that are covered by this policy include, but are not limited to:

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- offers of advancement or favourable treatment in return for compliance with unreasonable demands e.g. unwanted sexual advances, complicity in corruption;
- threats;
- demeaning comments about a person's appearance, character, lifestyle or other personal aspects;
- unwelcome jokes or comments of a sexual or racial nature or about a person's age, disability status, sexual orientation or religion;
- intrusive questions about a person's sex life;
- unwanted nicknames relating to a person's age, race, sexual orientation or disability;
- the use of obscene gestures;
- excluding a person because they are connected with someone with a protected characteristic;
- excluding an individual because they are thought to have a protected characteristic, whether or not that person does have that protected characteristic;
- the open display of pictures or objects with racial or sexual overtones e.g. magazines, calendars or pornographic imagery;
- spreading malicious rumours;
- ridiculing, excluding or isolating a person;
- non-cooperation at work.

What is victimisation?

Victimisation is subjecting a person to a detriment because they have in good faith complained (whether formally or otherwise) of bullying or harassment, supported someone to make a complaint of bullying or harassment, or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a workload that you know to be unreasonable.

You have a right not to be victimised for making or supporting a complaint in good faith. OHC&AT will take the appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

What happens when a complaint is made

- *If you think you are being bullied or harassed:* you may be able to resolve matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or you may wish to enlist the help of OHC&AT HR, your line manager or other relevant colleague. Alternatively, an initial approach could be made on your behalf by your line manager or OHC&AT HR.
- *If you are approached informally about your behaviour:* do not dismiss the complaint out of hand. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and the assurance that you will not repeat the offending behaviour in future.

An informal discussion should communicate exactly what behaviour is offensive and upsetting to the complainant and the fact that they would like this behaviour to stop immediately. The complainant may wish to add that if the behaviour continues, they intend to make a formal complaint. They should keep a note of the date and time of any informal discussion, along with what was said, in case matters proceed to a formal complaint.

If an informal approach does not resolve matters, or the situation is deemed too serious to be dealt with informally, the complainant should raise the matter using the OHC&AT Grievance Procedure.

In very serious cases, a criminal offence may have been committed and the complainant may wish to report matters to the Police. OHC&AT HR can offer support with this if required.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought.

OHC&AT will treat complaints of bullying and harassment sensitively and will maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a 'need to know' basis. The person against whom the complaint is made will be informed of the complainant's identity and allegations in order to respond to the allegations made against them.

Wherever possible, OHC&AT will work to ensure that the complainant and the alleged harasser are not required to work together while the complaint is under investigation. In serious cases the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

If a complaint is upheld against a person who then continues to be employed by OHC&AT, it may be necessary to give key staff e.g. managers some information in order for them to adequately manage the risk of further harassment by that person against the complainant or others. In this situation, OHC&AT will work to ensure, wherever possible, that the complainant does not have to work alongside the harasser if they do not wish to do so.

If a complaint is not upheld, OHC&AT will offer support to make arrangements for both parties to continue or resume work, and to repair working relationships. Consideration will be given to making arrangements so that the employees in question no longer have to work alongside each other if either party so desires.

POLICY REVIEW DETAILS

<i>Version:</i>	1.0
<i>Reviewer:</i>	Janet Sherborne
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	26 th November 2015
<i>Due for review:</i>	Autumn 2018

RELATED POLICIES AND PROCEDURES

Equality and Diversity Policy
Whistle Blowing Policy
Grievance Procedure
Disciplinary Procedure