



DIGNITY AT WORK POLICY

2018-2020

Approved: ECUTC Full Governing Body

Signed: Chair of Governors

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1. Introduction

- 1.1. Energy Coast UTC believes that all employees are entitled to be treated by other employees, students, parents/carers, governors 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. Energy Coast UTC 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.
- 1.2. 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.
- 1.3. The Equality Act (2010) prohibits discrimination, harassment and victimisation on grounds of:
 - race (including ethnic and national origins, colour and nationality);
 - sex; • age;
 - gender re-assignment;
 - disability;
 - religion or belief (including lack of religion or belief);
 - sexual orientation;
 - pregnancy and maternity;
 - marriage and civil partnership
- 1.4. There are many definitions of bullying and harassment. ACAS define bullying 'as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient' and harassment 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 that:
 - High standards of behaviour are consistently maintained and demonstrated by all employees;
 - All employees have a right to expect high standards of behaviour and a working environment free from discrimination, bullying and harassment;
 - Reported harassment or bullying is dealt with as a serious matter and tackled quickly and fairly.

3. Scope

- 3.1. This policy applies to all employees (teaching and support staff), including those working full-time, part-time or on a temporary basis. This policy allows

for employees to raise concerns regarding other members of staff and governors.

- 3.2. Where a member of staff believes that they are being bullied or harassed by a parent/carer or student, then they should seek advice from their line manager in the first instance.

4. Equal Opportunities

- 4.1. The dignity at work procedure must always be applied fairly and in accordance with employment law and Energy Coast UTC Equal Opportunities Policy. All employees have the right to be treated with dignity and respect.
- 4.2. Energy Coast UTC has a firm commitment to equality of opportunity and as such will not tolerate bullying or harassment of its staff.

5. Responsibilities

- 5.1. Energy Coast UTC is responsible for maintaining fair, consistent and objective procedures for matters relating to dignity at work and for preventing bullying and harassing behaviour across the College.
- 5.2. Energy Coast UTC has a legal responsibility to ensure the health and safety of staff and a working environment which is free from unlawful discrimination.
- 5.3. The Principal has overall responsibility for the internal organisation, control, management and effective implementation of the policy in the College.
- 5.4. Members of the SLT (Senior Leadership Team) have responsibility for the internal organisation, control, management and effective implementation of the policy in their area of responsibility.

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 can be varied. If this is initiated by management, 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 re-schedule meetings then these should be re-arranged 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 Principal 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.
- 7.4. 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.
- 7.5. 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 the appropriate member of the SLT (or to the Principal in relation to a member of the SLT or the Chair of Governors in cases involving the Principal) setting out in writing, the details of the harassment or bullying.

8.2. Investigation

- 8.2.1. The Principal or member of the SLT is responsible for appointing an Investigating Officer. 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 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 within 10 working days. If the Investigating Officer cannot investigate it personally within such a timescale, it should be assigned to another senior member of staff with the necessary skills and experience 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, Professional Association 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, Professional Association 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. The Investigating Officer 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. 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.

10.2. 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.

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 to ensure adherence to legislative changes and best practice.

APPENDIX 1 - Dignity at Work Procedure

