

PORTFIELD SCHOOL & SATELLITE CENTRES



POLICY DOCUMENT FOR DIGNITY AT WORK



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Review of Policy

This policy will be reviewed biennially unless changes of circumstances or legislation requires it to be amended earlier.

Signed: Date:
Headteacher

Signed: Date:
Chair of Governors

Portfield School Mission Statement

Working together Learning together Achieving together

At Portfield School we strive to

- Create a happy, safe, supportive and stimulating learning environment
- Value everyone
- Develop everyone's personal, social, emotional health and wellbeing
- Promote relevant academic and vocational skills
- Meet individual needs through an imaginative and flexible approach
- Enable all learners to achieve their full potential

UNCRC United Nations Convention on the Rights of the Child

- Portfield School places the values and principles of the UNCRC at the heart all policies and practices
- Portfield School is a Rights Respecting School

PEMBROKESHIRE COUNTY COUNCIL

DIGNITY AT WORK

1. POLICY STATEMENT

- 1.1 **The Governing Body, in partnership with Pembrokeshire County Council, strives to provide a working environment which values the contribution all its employees make to the efficient delivery of a quality education service. The aim is to create and foster good working relationships within a “team” culture.**
- 1.2 The Governing Body views all forms of harassment and bullying as unacceptable and will not tolerate such behaviour. The contribution of employees will be most effective in conditions that are free of unnecessary anxiety, stress and fear, and these conditions are likely to flourish in an environment which respects the rights of individuals and is concerned with maintaining their dignity at work.
- 1.3 Should harassment or bullying occur, all individuals will be afforded the right to raise the issue and have it properly dealt with.
- 1.4 The Governing Body support the following principles:
- Bullying/harassment issues will be treated seriously and sensitively.
 - Employees who believe that they are being bullied or harassed have the right to complain about it - both parties will be offered support during and after the investigation of a complaint.
 - Informal complaints will be dealt with in confidence to try to resolve them, and confidentiality will be maintained at all times.
 - All parties will be required to co-operate with an investigation.
 - The Governing Body will not tolerate victimisation of individuals who follow this procedure.
 - The Governing Body will comply with its legal obligations as an employer
 - The Governing Body reserves the right to report any complaints of alleged criminal behaviour to the police
- 1.5 The Governing Body **aims to create the right climate so that** this policy can help prevent problems arising and/or developing into something more serious and detrimental to the workforce.
- 1.6 Support and guidance will be offered to the alleged harasser and the harassed, the alleged bully or the bullied in order to deal with the situation fairly and effectively to ensure that working relationships can be improved and positive action(s) implemented and maintained.
- 1.7 All individuals have a vital role to play in implementing and supporting this policy. In particular, the Head Teacher and senior members of staff are required to take early and appropriate action to safeguard a stress-free working environment for all. The issue of harassment and bullying will be incorporated into training courses/workshops as appropriate.

2. INTRODUCTION

- 2.1 An employee who makes a complaint about bullying or harassment will generally only do so after having considered the matter very carefully. Quite often they will feel that making a complaint is the only way to improve the situation.
- 2.2 Any complaint will be treated seriously and the person making the complaint will not be viewed as a troublemaker or having failed in some way. Bullying or harassment can constitute gross misconduct under the terms of the Schools' Disciplinary Procedure.

3. THE GOVERNING BODY'S RESPONSIBILITY

The Governing Body recognises its role as part of the County Council's objective to be a good employer is to provide a safe working environment that is conducive to the delivery of high quality service to the school and diocese, as appropriate. Harassment and workplace bullying can lead to poor performance, high levels of absence and in extreme circumstances, claims of unfair or constructive dismissal and unlawful discrimination.

4. THE HEAD TEACHER'S RESPONSIBILITY

- 4.1 The Head Teacher and senior members of staff have a duty to ensure that unfair treatment does not occur in work areas that they are responsible for. They can do this by:
- Engendering a team ethos and creating a suitable working environment
 - Challenging inappropriate behaviour
 - Responding to and supporting any individual complaining about unfair treatment
 - Providing advice and support in accordance with this document
 - Ensuring that no repetition or victimisation occurs once a complaint has been resolved.
- 4.2 If there is clear evidence that the Head Teacher has not taken the necessary action to deal with a legitimate complaint, the disciplinary or capability procedures may be invoked against her/him. The Head Teacher's action or inaction may also be a cause of complaint in proceedings for unfair or constructive dismissal or in civil claims.

5. THE INDIVIDUAL'S RESPONSIBILITY

Individuals are responsible for their own behaviour, ensuring appropriate standards of conduct for themselves and for others. Individuals should:

- Be sensitive to the potential impact of their own behaviour on colleagues
- Encourage colleagues to respect each other
- Report any incidents that cause concern to the Head Teacher/a senior member of staff

- Make it clear to colleagues that they find their behaviour unacceptable, should this be the case
- Support colleagues who are being bullied and/or harassed
- Seek advice from their trade union or professional association.

6. PROCEDURE - INFORMAL STAGE

- 6.1 Best practice guides and research show that ideally complaints should be resolved informally, quickly and sensitively. This approach has many advantages as it produces solutions which are speedy and effective, reduces embarrassment, reduces the risk of breaching confidentiality and minimised disruption at work. The aim is to improve working relationships and resolve the complaint. All complaints will be taken seriously, considered impartially, thoroughly and addressed by remedial action implemented promptly.
- 6.2 An employee who has concerns may wish to consider the following guidelines:
- They should recognise that what is happening to them does constitute harassment or bullying (see Appendix 1 and 2 - what is bullying/harassment) as they may feel shame, embarrassment, guilt or fear
 - They may consider keeping a diary of events so that they can determine the extent of the problem.
 - They may wish to ask the person to stop the action/behaviour themselves as the alleged bully/harasser may not have realised the effect of his/her actions/behaviour was having on the individual. This gives the alleged bully/ harasser an opportunity to stop without anyone else being involved.
 - They may wish to consider expressing their concerns in writing and keeping a copy of the document for future reference.
 - Before proceeding further they may wish to talk to an independent person - someone not connected with their immediate situation
 - They may wish to talk to a Personnel Officer, Trade Union representative or a colleague who could offer support
 - They may wish to request advice from the Council's Occupational Health Adviser.
- 6.3 Where employees consider that they are being bullied or harassed and wish to make a complaint, they should first raise the matter with their supervisor or Head Teacher who will encourage the employee to raise the matter directly with the accused.
- 6.4 The aggrieved and/or the representative should describe the behaviour/conduct and explain to the supervisor/Head Teacher how the behaviour affects the aggrieved personally and professionally.
- 6.5 The supervisor/Head Teacher must maintain a record of discussions and outcomes, including any monitoring.
- 6.6 At any point the aggrieved may request that no further action is taken. The supervisor/Head Teacher must consider the seriousness of the situation and determine whether any further action is required. Should the supervisor/Head Teacher consider that the issue/complaint has substance, he/she may wish to

take appropriate action based on their own observations. This may take the form of monitoring and would enable the complainant's confidentiality to be maintained.

- 6.7 The informal route should not be used if the complainant prefers to take a more formal approach.
- 6.8 Where an informal complaint is unsubstantiated, the supervisor/Head Teacher may consider it necessary for training, counselling or other support measures to be provided.

7. FORMAL STAGE

- 7.1 Complaints of harassment or bullying should be dealt with under the formal stages when the following apply:
- An informal approach has failed to redress the complaint and/or
 - It is the preference of the complainant and/or
 - The complaint is of serious harassment; for example abuse relating to a person's sex, race, disability or sexual orientation, stalking, continuous open criticism of an individual in front of colleagues and/or
 - The allegation is of unlawful behaviour (-it should be noted that any intentional harassment in the workplace may now be a criminal offence, be it on the grounds of sex, race, religion, disability, sexual orientation, HIV/AIDS, etc).
- 7.2 The complaint must be lodged in writing to the Head Teacher. It should give details including times, dates, places, possible witnesses as well as a description of the behaviour.
- 7.3 If the complaint is against the Head Teacher, the complaint should be lodged in writing with the Chairman of the Governing Body. He/she will then be charged with dealing with the matter.
- 7.4 If the complaint is against the Chairman of the Governing Body, an officer of the Education Division will deal with the matter.
- 7.5 Complaints of alleged bullying or harassment must be investigated as soon as possible. The Head Teacher/Chairman Governors/Local Authority officer of other must convene a preliminary meeting with the aggrieved within 10 working days of receipt of written complaint.
- 7.6 The aggrieved has the right to be represented by his/her Trade Union representative or a work colleague.
- 7.7 The aggrieved and/or the representative should describe the behaviour/conduct and explain how it affects the aggrieved personally and professionally.
- 7.8 The Head Teacher will provide information as to the process that will take place.

- 7.9 The Head Teacher must meet separately with the accused to outline the nature of the complaint and allow the accused to respond if he/she so wishes. The accused shall be given the opportunity to be represented by his/her Trade Union representative or a work colleague. Information will be provided as regards to the process that will take place.
- 7.10 A private room should be located for all meetings/interviews throughout the process, the rights of the aggrieved/accused are to be protected by all parties involved maintaining confidentiality. A breach of confidentiality may be detrimental to the process and could result in disciplinary action being taken.
- 7.11 The Head Teacher may need to consider whether the accused is suspended on full pay as a precautionary measure. Additional measures may be required to safeguard the aggrieved/accused during this process to ensure that appropriate professional working relationships are maintained. Such decisions/measures should be taken in conjunction with advice from the Personnel Officer.

8. **INVESTIGATION**

- 8.1 The Head Teacher will appoint an Investigating Officer to undertake a full investigation into the complaint. The Investigating Officer could be another member of staff, an employee of the County Council or an independent person recommended by the Personnel Division. The Investigating Officer should be unconnected with the complaint and preferably have no direct personal knowledge of the complaint to avoid possible bias.

All investigations should be undertaken in accordance with the following format:

8.2 Interview process

- i. Interview the aggrieved - this allows the aggrieved to detail the issue/complaint.
- ii. Interview all other relevant witnesses. At times it may be necessary to interview all members of a team. If in doubt, Investigating Officer to consult with link Personnel Officer. During the course of an investigation, if a trade union representative becomes aware of other complainants, this information should be passed to the Investigating Officer and/or the link Personnel Officer.
- iii. Interview the accused - this allows the accused to respond to the issue/complaint.
- iv. Interview and/or re-interview any other relevant witnesses as necessary.
- v. It may be necessary to re-interview the aggrieved and/or accused for clarification.

8.3 Evidence

The Investigating Officer is responsible for collecting/collating all relevant information and documentation relating to the issue/complaint when employees have recorded details of alleged bullying/harassment that they have experienced.

- 8.4 On receipt of the Investigating Officer's report, the Head Teacher will need to consider its contents in conjunction with the Personnel Officer. Consideration could lead to one or more of the following actions being taken:
- i. The complaint should be redressed through an apology and/or an instruction to correct behaviour.
 - ii. Arrangements should be made for mediation to take place between parties.
 - iii. The accused and the aggrieved should receive counselling.
 - iv. Consideration may be given to placing the accused on the redeployment list, if appropriate.
 - v. Convene a disciplinary hearing with the Staff Dismissal Committee against the accused. (Consideration will need to be given as to whether or not the case may be regarded as gross misconduct and therefore require that an employee or employees are suspended to allow the case to be investigated.)
 - vi. Invoking the Capability procedure to effect an improvement.
 - vii. Arrange team-building sessions with [PCC Training and Development Department](#)
 - viii. Other appropriate action should be taken for example, dealing with the matter as a malicious complaint (see Appendix 3 - Malicious Complaints).
 - ix. The complaint is unfounded and therefore there is no case to answer.
- 8.5 The above list is neither exclusive nor exhaustive and the Head Teacher may consider that other forms of intervention/action may be required.
- 8.6 Where a formal complaint is unsubstantiated, the Head Teacher may consider it necessary for training, counselling or other support measures to be provided.
- 8.7 It is recommended that an investigation into a complaint is carried out as quickly as possible. This should normally be within 15 working days of its receipt. However, it must be recognised that some cases will be more complex than others will and may take longer to investigate. The investigation should be impartial and if necessary the Governing Body may wish to consider approaching the Personnel Officer for support with this.
- 8.8 If either the aggrieved or the accuser is not happy with the decision, the Head Teacher has made and/or the action he/she has taken following the investigation, then he/she may appeal to the Chairman of the Staffing Appeals Committee of the Governing Body.
- 8.9 If the aggrieved or the accuser is not happy with the way the investigation had been carried out, he/she should lodge a grievance through the Schools Grievance Procedure.
- 8.10 If the complaint involves a partnership organisation and its employees, the Governing Body will seek full co-operation from the partner and will encourage the partner to deal with the matter in accordance with best practice and the principles of this policy.

- 8.11 If the partner refuses to co-operate, the investigation should still be carried out and the partner should be advised of the action that the Governing Body wishes to take to safeguard the interests of the workforce and the school.

9. **MONITORING**

- 9.1 **Head Teachers and Governing Bodies will be responsible for monitoring the policy in their own schools in order to measure its effectiveness and to identify any improvements that can be made.**

- 9.2 It should be noted that the identity of individuals must not be disclosed in order to maintain confidentiality in accordance with the requirements of this policy.

- 9.3 During the process and following informal/formal action, the monitoring should include the evaluation of the actions taken, ie measures to safeguard parties, prevention of victimisation, support, training and team building.

10. **VICTIMISATION**

Victimisation can be wide-ranging and may involve parties other than the aggrieved and the accused. If victimisation is alleged, during or after the aforementioned processes, the School's Disciplinary Procedure will be invoked and could lead to dismissal.

11. **SUPPORT**

All employees involved in this process will be offered and can be provided with counselling. Local face-to-face counselling can be provided through the link Personnel Officer. This counselling would be of a short-term nature. Long term face-to-face counselling can be obtained through a GP.

12. **CONFIDENTIALITY**

- 12.1 Harassment and bullying are sensitive and controversial issues which must be treated with a high level of confidentiality.

- 12.2 Throughout and following the process (the informal and or formal action) confidentiality must be maintained by all parties involved, both inside and outside the workplace and by members of the Governing Body.

- 12.3 Any breach of confidentiality will result in the School's Disciplinary Procedure being evoked.

APPENDIX 1

1. WHAT IS HARASSMENT?

Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people. In general terms it can be described as **unwanted behaviour that a person finds intimidating, upsetting, embarrassing, humiliating or offensive and it may threaten a person's job security.**

2. GROUNDS OF HARASSMENT

2.1 People can be subject to undignified behaviour on a wide variety of grounds including the following:

- Race, ethnic origin, nationality and skin colour
- Gender, gender re-assignment or sexual orientation
- Willingness to challenge harassment (leading to victimisation)
- Membership, or non-membership of a trade union
- Disability, sensory impairment or learning difficulty
- Status as an ex-offender
- Age
- AIDS/HIV
- Health
- Physical characteristics
- Personal and cultural beliefs

This list is not intended to be exhaustive. It is possible for people to abuse their power over others in all sorts of ways.

2.2 FORMS OF HARASSMENT

Forms of harassment and bullying can range from extremes such as violence to things that are less extreme for example, ignoring someone. Whatever form it takes, it will be unwanted behaviour, which is unwelcome and unpleasant. Forms of harassment and bullying include:

- Physical contact
- Jokes, offensive language and behaviour, gossip, slander, sectarian songs and letters
- Posters, graffiti, obscene gestures, flags, bunting and emblems
- Isolation or non-co-operation and exclusion from social activities
- Coercion for sexual favours and pressure to participate in political/religious groups
- Intrusion by pestering, spying and stalking

APPENDIX 2

1. WHAT IS BULLYING?

1.1 Bullying may combine a variety of different approaches. **It is persistent and often unpredictable harassment and can be experienced from senior to subordinate, peer to peer, or one group of individuals to another individual. It is insidious and undermines the ability and confidence of the person who is suffering from it.** It can lead to fear, de-motivation, isolation, poor concentration, reduced work output, symptoms of stress and a high sickness absence level.

1.2 The following points need to be taken into account when considering whether or not the pattern of behaviour constitutes bullying:

- **Bullying is not about an occasional angry response, it is about persistent and deliberate undermining and psychological crushing**
- Bossiness can turn into bullying when professional abrasiveness becomes tainted with an element of personal vindictiveness.

2. OBVIOUS BULLYING

The following would constitute bullying:

- Using strength and power to coerce others by fear
- Attempting to make others toe the line by singling out, demeaning and devaluing.
- A culture endorsing an aggressive and intimidating style of management
- Using a “booming” voice, dominating all round, giving a public “dressing down”
- Undermining, wearing down gradually and making unreasonable demands
- Having a personal style that is dominant, overbearing, obsessional, reprimanding, disapproving, humiliating and punishing
- Using abusive language and aggressive body language
- Name calling and using personal insults, suddenly becoming enraged - often over trivial matters
- Spreading rumours which are often unfounded and malicious
- Rarely listening to another’s point of view
- Criticising excessively and/or unfairly in public.

3. LESS OBVIOUS BULLYING

3.1 The focus is often on competence, or rather the alleged lack of competence of the bullied person. In reality, the target of bullying is often competent and popular and the bully is aggressively projecting her/his own social, interpersonal and professional inadequacy onto her/his target. The bully might do this by:

- Making life difficult for those who have the potential to do the bully’s job better than the bully does
- Shouting at individuals to get things done
- Criticising excessively and/or unfairly in private

- Deliberately ignoring or excluding individuals from activities
- Keeping individuals in their place by unfairly blocking their promotion
- Insisting that her/his way of doing things is always right, without discussion
- Refusing to delegate because he/she feels he/she can't trust anyone else
- Punishing others for being too competent and/or constantly criticising
- Punishing others by removing their responsibilities, often giving them trivial tasks to do instead
- Overloading others with work by reducing deadlines.

3.2 The above list is not intended to be exhaustive as bullying can occur in many different ways. Some types of bullying are obvious and easy to identify whereas others are much more subtle and difficult to explain.

| <u>GOOD MANAGEMENT</u> | BULLYING |
|--|---|
| Setting Standards. | Setting unreasonable targets with unreasonable deadlines. |
| Giving constructive feedback. | 'Dressing down' in public. |
| Supervising. | 'Over' supervising constantly without just cause. |
| Using the appraisal process to aid development. | Abusing the appraisal process to criticise and undermine. |
| Keeping records for legitimate purposes. | Keeping information that is difficult to justify. |
| Being able to refer to factual and objective evidence when dealing with unsatisfactory performance - putting an action plan in place to improve the performance. | Making subjective and critical judgements about performance that are not substantiated - not offering support to address the 'perceived' shortfall. |

APPENDIX 3

MALICIOUS COMPLAINTS/REPRISALS

On occasions it may be considered that the complaint was made maliciously or was exaggerated, with no basis in fact, and/or was purely an attempt to damage an employee in some way. In this event, the Head Teacher will need to consider whether or not to evoke disciplinary action through the School's Disciplinary Procedure.

It must be stressed, however, that this is likely to be an extremely rare occurrence and should not deter individuals from making genuine complaints of harassment and bullying as these will be dealt with sympathetically with a view to a constructive outcome.