



Trafford Alternative Education Provision

# **Dignity at Work Policy**

**[2023]**

Policy Name:	Dignity at Work Policy
Policy Number:	9
Date of Approval:	September 2023
Review Date:	September 2024
Person Responsible:	Linda Thompson Executive Headteacher
Approved By:	Trafford Alternative Education Management Committee
For Action By	Senior Leadership Team
For Information to:	All staff
General Data Protection Regulations (GDPR)	This policy document has been reviewed in compliance with GDPR (May 2018)  Lynda H Thompson, Executive Headteacher



## **Trafford Alternative Education Provision**

### **Our Mission Statement:**

Trafford Alternative Education Provision is committed to providing....

A 21<sup>st</sup> Century education that promotes the academic, emotional and social development of our students. Our aim is to create a holistic, nurturing and inspiring environment where students are supported and encouraged to take charge of their lives, their learning and their decisions. Every student will have an understanding of their personal journey, challenges and future opportunities. All will be encouraged to become independent thinkers and learn to value and respect others thus enabling them to meet the challenges of the wider world. In partnership with parents, carers, schools and outside agencies we will provide students and staff with a positive and supportive learning experience.

We will achieve our vision by constantly thinking about the bigger picture, working as one team, valuing our staff and their continual development and by frequently reviewing, debating and developing the curriculum.

## Contents

1. Introduction
2. Scope of the procedure
3. What is harassment, bullying and victimisation?
4. The Procedure
5. Possible Outcomes
6. Malicious Allegations
7. Time Limits
8. Records
9. Review

Appendix 1: Dignity at Work Complaint Form

<b>Number</b>	<b>Section</b>	<b>Page</b>
1.	Introduction	4
2.	Scope of the procedure	4
3.	What is harassment, bullying and victimisation	4
3.1	Harassment and bullying	4
3.2	Victimisation	5
4.	The procedure	5
4.1	Informal action	5
4.2	Formal action	6
5.	Possible outcomes	7
6.	Malicious allegations	7
7.	Time limits	8
8.	Records	8
9.	Review	8
Appendix 1	DAW1 formal dignity at work complaint form	9
Appendix 2	Dignity at Work monitoring form	10

a meeting so that they can respond to the allegations. Inform them that they may be accompanied at the meeting.

Consideration given to whether suspension or a temporary transfer is appropriate (see section above).

Take statements from any witnesses, and if a meeting is appropriate, inform them that they may be accompanied.

Keep the employee and the alleged harasser informed of expected timescales.

Following the investigation, the manager should confirm the decision in writing, to both employees. The response should be provided within 14 calendar days of the end of the investigation, where possible. If it is not

possible to respond within this time the employee should be given an explanation for the delay and told when a response can be expected.

The employee who made the complaint should be notified of their right of appeal.

#### 4.2.3 Stage 2 – Appeal

Any appeal should be made in writing, within 14 calendar days of receipt of the written outcome of stage 1. The paperwork from the Stage 1 process will be used at this stage of the process.

Where possible a more senior manager than the manager involved in Stage 1 of the process will hear the appeal. The appeal will be held, where possible, within 14 calendar days, of receiving written notification that the employee is appealing.

The outcome of the appeal will be confirmed in writing to the employee within 14 calendar days. If it is not possible to respond within this time frame the employee should be given an explanation and told when a response can be expected.

The decision at stage 2 is final and there is no further right of appeal.

#### 4.2.4 Right to representation

At all formal stages of the procedure, employees have a right to be accompanied by a companion who is either.

- a fellow employee
- a recognised trade union representative
- an official employed by the trade union

### 5. Possible outcomes

Following the investigation, the facts will be considered to decide whether to:

- Take no action if it is decided that there is no basis for the allegations.
- Use the Council's Disciplinary Procedure.
- Take other management action, this could include:
  - Putting in place arrangements to monitor the situation.
  - Required attendance on training courses.

Recommending that the parties undergo mediation in order to improve their working relationship

### 6. Malicious Allegations

The Council has a duty of care to employees, so if an allegation of harassment is made then it will be taken seriously and the appropriate steps Dignity at Work Policy - version

will be taken. If, however, it is found that allegations have been made maliciously and not in good faith, disciplinary action will be taken against the employee making the allegations.

### **7. Time Limits**

Employees are encouraged to make complaints of harassment and bullying as soon as possible after the incident/s occur. Individuals must raise a complaint within three months of the latest incident. Complaints which are not raised within this timeframe are unlikely to be heard.

### **8. Records**

Records should be kept detailing the nature of the allegation of discrimination or harassment, the Council's response, any actions taken, the reasons for them and the outcome. Details of these should be retained on file by the HR Service, who will ensure the records are held in accordance with the General Data Protection Regulations. The HR Service HR Service who will ensure records of these are kept for monitoring purposes

### **9. Review**

This procedure will be periodically reviewed, in order that it remains appropriate to the Council's operation, is best practice and meets legal requirements. Dignity at Work Policy - version 3.0 Page 9

## **Appendix 1 DAW1 - Formal Dignity at Work Complaint Form**

Employee Name and Payroll number:- Department:-

Job Title:- Line Manager:-

Date of event:-

Summary of complaint:-

Details of any witnesses:-

Other supporting evidence:-

Details of informal steps taken to resolve the complaint (include dates). Details should include why it is felt that the issue has not been resolved informally:

What resolution are you seeking?

Do you wish to be accompanied at a Yes No

formal Grievance Hearing by a work college, certified Trade Union representative or a Trade Union official?

Name of Work colleague/representative

Signed:

Date:-

## **1. Introduction**

1.1 Trafford Alternative Education is opposed to all forms of unlawful discrimination and harassment and wants to create and maintain a workplace where all employees are treated with dignity and respect.

1.2 All such complaints should be treated seriously and dealt with in a timely, comprehensive, effective and fair way. The main aim of this procedure is to resolve complaints of discrimination or, harassment, so that the behaviour stops.

## **2. Scope of the procedure**

2.1 This policy covers all employees of Trafford Alternative Education

2.2 Any employee may use this procedure if they believe they have:

- Been subjected to any form of harassment or bullying at work.
- Witnessed the harassment or bullying of a colleague.
- Been subjected to discrimination (being treated unfairly because of a protected characteristic).
- Being subject to victimisation.

2.3 Employees who, in good faith, raise a genuine complaint under this procedure will not receive unfair treatment or victimisation because they have made a complaint.

## **3. What is harassment and bullying and victimisation?**

### **3.1 Harassment and bullying**

3.1.1 The Equality Act 2010 defines 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”.

3.1.2. Bullying is not specifically defined in law but may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

### **3.2 Examples of harassment and bullying**

3.2.1 Harassment and bullying may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone.



3.2.2.Examples include.

- Unwanted physical contact.
- Unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip.
- Isolation or non-cooperation and exclusion from social activities.
- Graffiti, obscene gestures.
- Coercion for sexual favours, suggestions that sexual favours may result in career advancement or other employment benefit.
- Pressure to participate in political/religious groups.
- Personal intrusion from pestering, spying and stalking.
- Shouting at colleagues in public or in private.
- Setting impossible deadlines.
- Persistent unwarranted criticism.
- Personal insults.

3.3.2 Bullying and harassment is not necessarily face to face. It can also occur in written communications, phone, e-mail and on social networking sites.

### **3.3 Victimisation**

3.3.1 Victimisation is a form of harassment. Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

## **4. The Procedure**

4.1 If an employee believes that they have been the victim of discriminatory treatment or harassment, or have witnessed discrimination or harassment, they may choose to take either informal or formal action.

### **4.2 Informal action**

4.2.1 Where possible, the employee should talk directly to the person who they believe is treating them inappropriately clearly explaining their objection to the other employee's actions or conduct. In the case of harassment, the employee should explain clearly what aspect of their colleague's behaviour is unacceptable, or is causing offence, and request that it should stop. It may be that the person is genuinely unaware that their behaviour is unwelcome or causing offence.

4.2.2 If the employee does not feel able to deal with this on their own, they may choose to speak to a colleague or their trade union representative for support.

4.2.3 The employee should keep a personal record of the events, the discussion with the other person and the change in behaviour requested.

4.2.4 Research has shown that most complaints can be resolved informally 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 procedure should be followed.

### **4.3 Formal action**

4.3.1 Formal action may be necessary when.

- Informal approaches are not accepted and fail to resolve the problem.
- There has been repeated harassment following informal action.
- Informal action is not appropriate because the alleged nature of the behaviour is so serious.

4.3.2 It may be appropriate, depending on the nature and seriousness of the allegations, to suspend the alleged harasser or transfer them temporarily to another department (if possible), whilst a thorough investigation is carried out.

4.3.2 Where formal action is necessary the following process should be followed.

### **4.4 Stage 1 - Formal**

4.4.1 The employee should submit their complaint to their immediate line manager. Where the complaint is against the line manager the matter should be raised with another investigating officer allocated by the Executive Headteacher. The employee must put their complaint in writing using the form attached at Appendix 1

4.4.2 Upon receipt of the complaint the line manager or investigating officer should

- Arrange for a meeting with the employee within 14 calendar days, where possible, to discuss their complaint. Inform the employee of their right to be accompanied at the meeting.
- Inform the alleged harasser of the complaints against them and invite them to a meeting so that they can respond to the allegations. Inform them that they may be accompanied at the meeting.
- Consideration given to whether suspension or a temporary transfer is appropriate (see section above).
- Take statements from any witnesses, and if a meeting is appropriate, inform them that they may be accompanied.

- Keep the employee and the alleged harasser informed of expected timescales.

4.4.5 Following the investigation, the line manager/ investigating officer should confirm the decision in writing, to both employees. The response should be provided within 14 calendar days of the end of the investigation, where possible. If it is not possible to respond within this time the employee should be given an explanation for the delay and told when a response can be expected.

4.4.6 The employee who made the complaint should be notified of their right of appeal.

#### **4.5 Stage 2 – Appeal**

4.5.1. Any appeal should be made in writing, within 14 calendar days of receipt of the written outcome of stage 1. The paperwork from the Stage 1 process will be used at this stage of the process.

4.5.2 Where possible a more senior manager than the manager involved in Stage 1 of the process will hear the appeal. The appeal will be held, where possible, within 14 calendar days, of receiving written notification that the employee is appealing.

4.5.3 The outcome of the appeal will be confirmed in writing to the employee within 14 calendar days. If it is not possible to respond within this time frame the employee should be given an explanation and told when a response can be expected.

4.5.4 The decision at stage 2 is final and there is no further right of appeal.

#### **4.6 Right to representation**

4.6.1. At all formal stages of the procedure, employees have a right to be accompanied by a companion who is either.

- a fellow employee
- a recognised trade union representative
- an official employed by the trade union

### **5. Possible Outcomes**

5.1 Following the investigation, the facts will be considered to decide whether to:

- Take no action if it is decided that there is no basis for the allegations.
- Use Trafford Alternative Education's Disciplinary Procedure.
- Take other management action, this could include:
- Putting in place arrangements to monitor the situation.
- Required attendance on training courses.

- Recommending that the parties undergo mediation in order to improve their working relationship

## **6. Malicious Allegations**

6.1 Trafford Alternative Education Provision has a duty of care to employees, so if an allegation of harassment is made then it will be taken seriously and the appropriate steps will be taken. If, however, it is found that allegations have been made maliciously and not in good faith, disciplinary action will be taken against the employee making the allegations.

## **7. Time Limits**

7.1 Employees are encouraged to make complaints of harassment and bullying as soon as possible after the incident/s occurs. Individuals must raise a complaint within three months of the latest incident. Complaints which are not raised within this timeframe are unlikely to be heard.

## **8. Records**

8.1 Records should be kept detailing the nature of the allegation of discrimination or harassment, the schools response, any actions taken, the reasons for them and the outcome. Details of these should be retained on file by the school, who will ensure the records are held in accordance with the General Data Protection Regulations.

## **9. Review**

9.1 This procedure will be periodically reviewed, in order that it remain appropriate to the Trafford Alternative Education operation, is best practice and meets legal requirements.

## Appendix 1: Dignity at Work Complaint Form

Please send this form and any documents to support your complaint to the Executive Headteacher [lynda.thompson@trafford.gov.uk](mailto:lynda.thompson@trafford.gov.uk)

### About your complaint

Summary of your complaint

Details of any witnesses

Other supporting evidence

Describe how you have been affected.

When did you first become aware of the problem?

If it is more than three months since you first became aware of the problem, please give the reason why you have not formally complained before.

Have you already put your informal complaint to a member of staff? If so, please give brief details and written evidence about how and when you did so.

Please explain what outcome you are seeking and how this might be achieved.

Signature of complainant:

Date: