

**DIGNITY AND RESPECT POLICY FOR THE  
SHEFFIELD CATHOLIC SCHOOLS PARTNERSHIP**

**POLICY AND PROCEDURE FOR ALL EMPLOYEES FOR  
DIGNITY AND RESPECT AT WORK**

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## **SECTION 1 DIGNITY AND RESPECT POLICY**

### **1.1 Introduction**

- 1.1.1 This policy sets out how we will support and manage issues that breach the dignity and respect of employees. Such breaches are not acceptable and may constitute misconduct or gross misconduct and may potentially lead to dismissal in accordance with the school's Disciplinary Policy.
- 1.1.2 As a Governing Body we are committed to a culture of respect and expect of all school employees positive behaviours that are ethical and socially responsible.
- 1.1.3 All employees have rights and responsibilities for creating and upholding those standards of behaviour that support the ethos of our school as we lead and establish in our pupils positive attitudes and relationships that will help them learn and grow.
- 1.1.4 All school employees have a responsibility to behave in a manner that supports the ethos, vision and aims of the school and to have professional, constructive relationships with colleagues. Employees should ensure that their behaviour is consistent with what constitutes a positive role model for pupils and families/carers.
- 1.1.5 Each employee is accountable for their actions, challenging inappropriate behaviour and ensuring a safe and non-threatening workplace. This includes accountability for individual actions and actively seeking to put things right as well as collective responsibility for creating a culture of openness and transparency within the staff to ensure that all employees are valued and treated fairly.
- 1.1.6 The Headteacher has responsibility for ensuring that employees' behaviour is in line with the standards expected.

### **1.2 Purpose**

- 1.2.1 This policy aims to raise awareness of dignity and respect in the workplace and to promote a culture of openness where harassing or bullying behaviour is securely challenged and appropriately managed.
- 1.2.2 This is a proactive policy to underpin how we, as a school community, work together in a climate of openness and commitment to agreed standards of behaviour and values that facilitate understanding and communication, engender dignity, fairness, trust, respect, equity, tolerance and learning.

### **1.3 Application**

- 1.3.1 This policy applies to all teaching and non-teaching school employees, whether operating within the school or outside, e.g. while on school business or where an

employee's actions could have a serious adverse impact on the business of the school or bring it into disrepute. Staff are expected to exercise their professional judgement. Employees should also make reference to the social media policy.

- 1.3.2 This procedure applies to instances of harassment, discrimination, victimisation and bullying made by employees, or by agency staff employed in the school, against other such employees.
- 1.3.3 Complaints made by school employees against agency staff will be investigated and referred to the agency as appropriate. The Headteacher and/or Governing Body will determine the appropriateness of retaining the services on an agency employee.
- 1.3.4 Complaints made by pupils and/or parents against staff will be addressed via the schools' complaints procedure and fully investigated. If the complaint is proven not to be malicious or subjective, it will then be addressed via the school's Disciplinary Policy.
- 1.3.5 Complaints made by staff against pupils will be addressed via the school's Behaviour Policy pertaining to pupil behaviour and will be fully investigated and recorded with a final outcome.

#### **1.4 Commitment**

- 1.4.1 The Governing Body is committed to promoting a positive working environment where employees conduct themselves in a way which contributes positively to the aims of the school and which respects all colleagues and the school community.
- 1.4.2 The Governing Body is committed to promoting dignity and respect and seeks to provide an environment of mutual trust and respect amongst the entire workforce and to resolve any issues or difficulties at work in a mutually beneficial way.
- 1.4.3 The Governing Body is opposed to and will not tolerate any form of harassment, discrimination, victimisation, bullying or intimidation or any unacceptable conduct towards an individual or group, in the workplace, whether as a single incident or persistent acts.
- 1.4.4 The Governing Body will take any allegations made by employees seriously and, as far as possible, complaints will be managed speedily and confidentially.
- 1.4.5 Employees will have the responsibility to ensure that issues raised through this procedure are reasonable and genuine. If a complaint is found to have been made for vexatious or malicious reasons, then the complainant may be dealt with under the school's Disciplinary Policy.
- 1.4.6 The Governing Body will make every effort to resolve complaints informally. Where this is not appropriate or possible, a formal process will be followed.

- 1.4.7 The Governing Body acknowledges that this is a sensitive area and will ensure that employees are appropriately supported and that any complaints remain confidential, wherever possible. Any breach of confidentiality may result in disciplinary action.
- 1.4.8 The Governing Body will communicate with employees to raise awareness about Dignity and Respect and the implications of unacceptable behaviours will be highlighted.
- 1.4.9 The Governing Body recognises its legal and moral responsibilities towards school employees.

## **1.5 Harassment, Discrimination, Victimisation and Bullying**

- 1.5.1 The Governing Body has taken into account the information contained within relevant EU Directives, Employment regulations, Equality legislation and the Equality Act 2010 in determining the definitions of Harassment, Discrimination, Victimisation and Bullying.
- 1.5.2 The Equality Act covers the same groups that were protected by previous legislation and extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law. These are now called '**protected characteristics**' and cover Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation. Note: People may also experience Harassment, Discrimination, Victimisation and Bullying which may not be related to a protected characteristic.
- 1.5.3 **Definitions**

**Harassment is** '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'.

**Discrimination is** 'where one person is treated less favourably than another person was or would have been treated on the grounds of their protected characteristic'.

**Victimisation is** 'when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act and/or school policies or because they are suspected of doing so.

**Bullying is** 'persistent unwelcome offensive and intimidating behaviour or misuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence'.

Bullying may take, but is not confined to, the following forms of behaviour:

- Instantaneous rages, often over trivial matters
- Personal insults and name-calling
- Persistent criticism
- Public humiliation, put downs or ridiculing
- Blocking promotion
- Hoarding information
- Changing priorities and objectives unreasonably
- Excessive and unreasonable supervision
- Removing areas of responsibility without appropriate consultation and agreement
- Inflicting menial tasks
- Talking only to a third party to isolate another
- Turning down annual leave or leave of absence for no discernible reason
- Refusal to delegate
- Including in public but ignoring in private
- Imposition of unreasonable/unachievable deadlines

#### 1.5.4 **Types of discrimination**

##### **Direct discrimination**

This is when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

##### **Associative Discrimination**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

##### **Perceptive Discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

##### **Indirect Discrimination**

Indirect discrimination can occur where there is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that an action was reasonable i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision made in running a school, but if there is a discriminatory effect it is likely to be unlawful. Being

proportionate really means being fair and reasonable, including showing that less discriminatory alternatives to any decisions have been examined.

1.5.5 **Harassment, discrimination, victimisation and bullying can come in many forms. It may happen once or more than once, either way it is unacceptable. Examples could include:**

**Offensive material**, including pornography, racist material, or material which ridicules or abuses religion or belief, men or women, black people, disabled people, transgendered people, lesbians or gay men, older or younger people.

**Verbal abuse**, including racist or sexist language, and language that undermines or ridicules e.g. disabled people, lesbians or gay men, older or younger people.

**Bullying**, exercising power to intimidate, ridicule or demean an individual or group of people usually through a number of small incidents over a period of time.

**Leering**, comments on dress or appearance, embarrassing remarks or jokes, demands for sexual favours.

**Physical assault**, including touching or unwanted physical advances.

**Persistent comments**, which undermine or undervalue a person's abilities, particularly on the basis of sex, race, disability, sexuality, age. This could also relate to comments on a person's physical appearance.

**Cyber-bullying**, is when the internet, phones or other devices are used to send or post text or images intended to hurt or embarrass another person. It may include threats or sexual remarks or ganging up to make someone a victim of ridicule in social networking forums.

## 1.6 Hate Crime and Hate Incidents

The following definitions are as agreed by the Association of Chief Police Officers and the Crown Prosecution Service:

- 1.6.1 A Hate Incident is: "Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate."
- 1.6.2 Hate Crime is defined specifically as: "Any Hate Incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate."
- 1.6.3 As an employee complaints of Hate Crime or Hate Incidents will be dealt with through one of the following procedures:

**Dignity and Respect Procedure** – this should be used if they feel they have experienced harassment, discrimination, victimisation or bullying at work by another school employee.

**Grievance Procedure** – this should be used if an employee wants to raise significant and specific concerns about their employment or treatment at work.

**Accident, Violent Incident, and Ill Health Report Form** this should be used if a Hate Crime or Hate Incident happens to an employee, one of their colleagues or a member of the public.

**Whistleblowing Procedure** - this should be used for concerns where the interests of others or of the organisation itself are at risk.

## **1.7 Roles and Responsibilities**

### **Headteachers, Governing Body and Managers**

- 1.7.1 The Headteacher has a duty to implement and enforce this policy in a fair and equitable way and to ensure that all employees understand and follow it.
- 1.7.2 The Headteacher is responsible for ensuring that all employees are aware that a breach of this policy could lead to consideration of formal disciplinary action or dismissal under the school's Disciplinary Policy depending upon the circumstances. However, every effort should be made to resolve any issues at the lowest possible level and notes taken, agreed and retained appropriately by the investigation panel at each stage of the procedure.
- 1.7.3 The Headteacher and Governing Body recognise that the lodging and/or investigation of a complaint may be extremely difficult and distressing for both the complainant and the subject of the complaint. In both cases, consideration should be given to appropriate support being provided before, during and after an investigation.
- 1.7.4 The Headteacher and Governing Body will ensure that complaints of harassment, discrimination, victimisation and bullying are taken seriously and that investigations are, so far as is possible, managed speedily, confidentially and communicated effectively.
- 1.7.5 The Headteacher and Governing Body will ensure that employees, who have raised concerns or have provided evidence during an investigation, are not victimised as a result of their actions.

### **Employees**

- 1.7.6 Every employee has a responsibility to treat all colleagues and school users with dignity and respect.
- 1.7.7 Employees need to be aware of their own conduct and behaviour and how it can impact on others in the school and its community.

- 1.7.8 Employees are encouraged to bring to the attention of the Headteacher any examples of unfair treatment, as defined within this policy, that they have witnessed or have evidence to suggest that is taking place.
- 1.7.9 Employees are required to co-operate with investigations into the allegations made under this policy and to treat such investigations confidentially.
- 1.7.10 Employees must not make false or malicious allegations and need to be aware that disciplinary action may be considered in such circumstances.

#### **Trade Union Representatives**

- 1.7.11 Employees who are members of a recognised trade union have a right to be represented by their trade union representative, who will also be able to offer advice and support to those experiencing problems or who have had allegations made against them.

#### **Human Resources**

- 1.7.12 Human Resources providers will support the Headteacher and Governing Body in managing the procedure.

#### **Occupational Health Nurse**

- 1.7.13 Where employees experience a significant detrimental impact upon their health and well being it may be appropriate to seek advice from the Occupational Health Service.



## SECTION 2 DIGNITY AND RESPECT PROCEDURE

All issues relating to dignity and respect as outlined in Sections 1.5 and 1.6 of this policy should be dealt with within this procedure. However, this does not remove the right for employees to raise other areas of concern which may not fall within the scope of this document via other means.

### 2.1 How to Make a Complaint

- 2.1.1 It is the intention of this procedure for issues and complaints to be resolved informally, quickly and at an early stage in order to prevent problems becoming more serious over time. Some allegations however may be of such a serious nature that an informal resolution may not be appropriate and will have to be dealt with formally.
- 2.1.2 The procedure should be used where you have experienced personal harassment, discrimination, victimisation, or bullying, as defined in the procedure, particularly where this relates to a protective characteristic. Any other significant and specific issues or concerns about your employment or treatment at work should be raised through the school's Individual Grievance Procedure.

In order to make your complaint you need to:

- (i) understand the definitions contained within the procedure
  - (ii) be clear about the basis of your complaint
  - (iii) submit it without unreasonable delay
  - (iv) stick to the facts but provide as much information as possible (the information you provide will be used to determine whether or not your complaint has substance)
  - (v) let your employer know the outcomes you are seeking
  - (vi) indicate whether you would like to try to resolve the problem via informal resolution or whether you would like to request a formal resolution
  - (vii) send the information to your Headteacher. If your complaint is about the Headteacher send the information to the Chair of the Governing Body.
- 2.1.3 If you are a member of a trade union your trade union representative will be able to give advice and help you put this information together. A proforma is attached as **Appendix 2(i)** that you can complete to help you ensure that you include all the relevant information.
- 2.1.4 Informal issues or complaints should be made verbally or in writing to the Manager/Headteacher or Chair of the Governing Body where the Headteacher is the subject of the complaint. More than one person or third parties can also raise an issue or make a complaint.

## **The Informal Resolution meeting with the Manager/Headteacher**

- 2.1.5 Before the meeting read through the information you have provided and any further information/evidence you wish to present. Explain fully what your complaint is about and go through the facts and evidence you are providing. Only talk about what is directly relevant.
- 2.1.6 Remember that this is an opportunity to discuss problems/establish facts/understand the background and surrounding circumstances in order to reach a resolution if possible.
- 2.1.7 Outline what you would like to see happen to resolve the matter. Ask for an adjournment if you feel that it is necessary.
- 2.1.8 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the allegation(s) is such that informal resolution is inappropriate. Formal complaints should be in writing to the Manager/Headteacher or Chair of Governing Body where the Headteacher is the subject of the complaint. A proforma is attached as **Appendix 3(i)**.
- 2.1.9 Both the complainant and the subject of the complaint have the right to be accompanied at all stages of the procedure by their trade union representative or other school employee or chosen representative.

## **2.2 Initial Verification**

- 2.2.1 The Manager/Headteacher/Governor will complete an initial verification of the complaint and determine and make a decision as to whether or not the allegations have some substance. This should take place within **5 working days** of the initial complaint.
- 2.2.2 If there is substance to the allegations then a discussion will take place with the complainant about options for resolution. An invitation to this discussion will be put in writing. The complainant will be able to have a trade union representative or colleague with them if they wish. This should take place within **10 working days** of determining the substance of the complaint. An Informal Investigation will take place unless the seriousness of the incident(s) is such that the informal route is inappropriate. Formal Resolution will only be used where the Informal route is inappropriate or unsuccessful.
- 2.2.3 Where the Manager/Headteacher/Governor has decided there is not a case to answer or no further investigation is required a written explanation will be given to the complainant within **5 working days** of determining the lack of substance of the complaint. The complainant may, within **10 working days** of being told of this decision appeal (see **Appendix 3(ii)**) on the following grounds:

- (i) the written explanation provided includes factually incorrect information

(ii) the written explanation fails to address key relevant points of fact

2.2.4 In the event of a counter complaint being made by the subject of the complaint and where the complaint could be material to, or affect the outcome of the originating complaint or investigation, the counter complaint should be comprehensively included and dealt with in the originating investigation or informal resolution process, ensuring that a full response to the allegation is covered in the final report and fed back. Complainant should use proforma at **Appendix 3(i)** and Headteacher/Governor to follow process from 2.2 Initial Verification.

2.2.5 If a complaint is found to have been made for vexatious or malicious reasons then the complainant may be dealt with under the school's Disciplinary Policy.

(See **Appendix 2** for further guidance for Managers/Headteachers/Governing Body.)

### **2.3 Informal Resolution**

2.3.1 It may be sufficient for the Manager/Headteacher/Governor to speak to the subject of the complaint to explain the situation, the impact of the behaviour, understand his/her position, discuss possible future action should this continue and report back to the complainant. This should take place within **10 working days** of determining the substance of the complaint. The complainant and the subject of the complaint will be able to have a trade union representative or colleague with them if they wish.

2.3.2 Where appropriate the Manager/Headteacher/Governor may bring the two parties together to discuss the complaint and agree a way forward to resolve the situation and prevent it from escalating: "round table meeting". Options, solutions and actions will be discussed. This will depend on the circumstances of the case and the wishes of the complainant. The complainant and the subject of the complaint will be able to have a trade union representative or colleague with them if they wish.

2.3.3 The Manager/Headteacher/Governor will keep records of the complaint, all actions taken in verifying the allegations, discussions with the complainant and the subject of the complaint, details of any joint meetings and agreed actions.

2.3.4 Where appropriate, the Manager/Headteacher/Governor may agree with the complainant and subject of the complaint, to hold a review meeting with the complainant and the subject of the complaint **within 4 weeks** of the meeting to discuss the way forward. It may also be necessary to hold another review meeting depending on the success of the last one and this should take place **within 2 weeks** of the last meeting. Records will be kept for up to 12 months.

2.3.5 If Informal Resolution is unsuccessful or inappropriate then it may be necessary to proceed to Formal Resolution.

2.3.6 As this is an informal process no witnesses will be called.

## 2.4 Formal Resolution

- 2.4.1 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the incident(s) is such that the informal route is inappropriate.
- 2.4.2 If there has been an informal investigation – on receipt of a formal complaint the Manager/Headteacher/Governor advised by the HR provider will consult the records made in the informal investigation to ensure that appropriate approaches have been used to resolve the issues. The Manager/Headteacher/Governor may then consider further actions as part of an informal resolution before deciding whether or not to go ahead with a formal procedure.
- 2.4.3 If there has not been an informal investigation – on receipt of a formal complaint an appropriate Governor(s) and senior Manager/Headteacher (Investigation Team) will be appointed to investigate the complaint supported by the HR provider (see **Appendix 2** for guidance).
- 2.4.4 Within **10 working days** the Investigation Team will inform both parties of the specific complaint being investigated, the parameters of the investigation and the timetable for carrying this out.
- 2.4.5 The Investigation Team will only interview those witnesses relevant to the complaint under investigation.
- 2.4.6 Witnesses must be informed that the statements taken during the investigation may be included in the management statement of case and, therefore, shared with both parties and their representatives and referred to in future proceedings. Where possible, efforts should be made to support and protect witnesses during the process.
- 2.4.7 On completion of the investigation, the Investigating Team will produce a short written report that will outline the nature of the complaint, the process of investigation, a summary of the findings of the team and recommendations for action. This report will be provided to both the complainant and subject of the complaint within **10 working days** of the end of the investigation.
- 2.4.8 Where an outcome of the investigation is to recommend that disciplinary action be taken, this will be in accordance with the school's Disciplinary Policy.
- 2.4.9 The complainant needs to know that their complaint has been taken seriously and that issues relating to the complaint will be dealt with. They do not have a right to know the outcome of any disciplinary hearing. If the complainant feels the complaint has not been dealt with appropriately at this stage they may discuss their concerns with the Manager/Headteacher/chair of Governing Body.

## **2.5 Right of Appeal About the Dignity and Respect Investigation**

2.5.1 Any appeals in respect of a dignity and respect investigation should be contained within the scope of the school's dignity and respect procedure and not via any other process. However, this does not remove the right for employees to raise other areas of concern which may not fall within the scope of this document via other means.

2.5.2 Subject of the complaint

If disciplinary action is to be taken, the Disciplinary Policy will apply and any concerns about the investigation process may be raised as part of his/her statement of case.

2.5.3 The Complainant

The person making the complaint has the right of appeal against the outcome of the investigation on the following grounds:

(iii) the investigation was conducted in an unfair manner or was in some way inadequate

(iv) the conclusion (recommended actions) was unfair based on the evidence

2.5.4 Appeals should be submitted in writing within **10 working** days of receipt of the Investigation Report. Appeals should be addressed to the Headteacher/chair of Governing Body, setting out the grounds of the appeal (see section 2.5.2 and the reasons for the appeal). Proforma attached as **Appendix 3(iii)**.

2.5.5 A separate panel of Governing Body will hear the appeal within **10 working days** of request being received, consider the facts, and make one of three decisions:

(i) to uphold the original conclusion

(ii) to substitute a different conclusion

(iii) to instigate further investigation, either in whole or part, as necessary

The decision of the appeal will be notified in writing within **3 working days** and will be final.

## **2.6 Suspension or Transfer**

2.6.1 Where the Headteacher/Governor seeks to suspend the subject of the complaint, they will do so in accordance with the school's Disciplinary Policy. Suspension is not a disciplinary sanction and shall be used only in circumstances where:

- Alleged behaviour is so serious and is of such a nature that an individual may face the possibility of dismissal with or without notice and/or
  - It would be dangerous/impractical to continue to allow the individual to remain at work, and/or
  - There is a danger that the individual's continuing presence at work would jeopardise investigations into the alleged misconduct(s)
- 2.6.2 Where there is the potential for gross misconduct to have occurred, temporary transfer of the subject of the complaint must not be used as an alternative to suspension.
- 2.6.3 The Headteacher/Governor should not normally transfer the subject of the complaint and/or the complainant to a different worksite within the school unless either party specifically requests transfer for themselves. Any transfer requested will only be considered where it can be easily facilitated by the school.
- 2.6.4 In the event that a transfer is agreed, the transferring employee must be informed in writing that the transfer agreement will normally continue for the duration of the investigation and any formal proceedings which may follow it; including any individual grievance and/or appeals against any disciplinary action.
- 2.6.5 The subject of a complaint may initially be transferred in accordance with 2.6.3, 2.6.4 above but during the investigation it becomes clear from the evidence being obtained that suspension from duty would be appropriate. Reasons for actioning suspension during investigation rather than at the outset will be given to the subject of the complaint both verbally and in writing.
- 2.6.6 On conclusion of the process, including any grievance and/or appeal hearing, the transferee will be expected to return to their substantive work position unless a longer-term transfer is agreed by Headteacher/Governing Body as appropriate and by the transferee.

## **2.7 Timescales**

- 2.7.1 Timescales have been set so that complaints, problems and issues are dealt with and resolved as quickly as possible. This is important in terms of reducing the impact of stress and possible long term sickness that may be caused to individuals involved in the resolution process.
- 2.7.2 It is accepted that timescales may not always be easy to adhere to and this will need to be discussed throughout the process between Managers, HR provider and trade union representatives.

## **2.8 Monitoring the Use of the Procedure**

- 2.8.1 Within the school there should be a record of all dignity and respect complaints, including dates, substantive issues, findings and outcomes is retained by the Chair of Governing Body. The recording process should not identify individuals.