

Dignity at Work (Tackling Bullying and Harassment) Policy for School

June 2018 / FV 3.0 Human Resources



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1.0 Policy Statement

- 1.1 The school is committed to creating a safe working environment free from bullying and harassment, where all employees are treated with dignity and respect, and where complaints of bullying and harassment are dealt with quickly, positively and confidentially.
- 1.2 All employees should be treated equally irrespective of gender, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, nationality, ethnic or national origin, disability, age, pregnancy or trade union membership or the fact that a worker is employed on a part-time or fixed-term basis.
- 1.3 The school will not tolerate any form of harassment, or victimisation of a person who has raised an allegation, and where appropriate such conduct will be treated as a disciplinary matter.
- 1.4 All matters that require consideration under the terms of this policy will be treated in the strictest confidence. This applies whether at an informal level, or in obtaining relevant information at investigatory or disciplinary stages. Any breach of confidentiality may be investigated under the Disciplinary Policy.
- 1.5 The school also recognises that its employees may be subject to bullying or harassment from third parties and will take all reasonable steps to protect them.

2.0 Scope

- 2.1 This policy applies to both teaching and support staff in community and Voluntary Controlled schools following adoption by the Governing Body. It also applies to ex-employees who raise a complaint in writing within four weeks of leaving the school.

A similar policy applies to all non-schools employees of Milton Keynes Council.

- 2.2 This policy may only be used to raise issues of bullying and harassment. Employees with concerns about matters other than bullying and harassment must raise these issues through school's Resolving Workplace Concerns policy.
- 2.3 There may be occasions where it is not immediately apparent whether issues raised under the Dignity at Work Policy should be managed under this policy. In some circumstances, it may be more appropriate that the concerns are investigated under the Grievance Policy. In these circumstances, the Headteacher (or Chair of Governor's if complaint relates to the Headteacher) will make a decision on which policy should be applied.

3.0 Purpose

- 3.1 Bullying or harassment of any nature is always unacceptable and is likely to be detrimental to the wellbeing of the individual and the working environment and may result in increased staff turnover, high levels of stress and impaired performance at work. This policy provides a way to heighten awareness of the need for fair treatment and provides a mechanism for individuals to raise their concerns about bullying or harassment and have these concerns dealt with fairly and consistently.
- 3.2 The Policy aims to:
- Prevent all forms of bullying / harassment by employees towards other employees of the school.
 - Provide a way for employees who believe (and can substantiate) that they have been bullied or harassed to bring about action to stop the bullying or harassment.
 - Reassure employees that any issue will be taken extremely seriously and treated with the utmost confidentiality.
 - Help identify when bullying / harassment takes place.
 - Provide examples of actions which may be regarded as bullying / harassment.
 - Create a climate in the workplace where bullying / harassment are unlikely to occur.
- 3.3 This policy also applies to work-related activities held outside normal working hours, either on or off the school's premises, such as social events, leaving celebrations, working lunches, team building and training etc. In addition, any use of personal social networking sites by employees to bully / harass colleagues will not be tolerated. Complaints relating to incidents of this nature against colleagues may be raised via this policy. If the complaint relates to the bullying / harassment of pupils the school's disciplinary policy will be invoked as a means of investigating the complaint.

4.0 Roles and Responsibilities

- 4.1 Chair of Governors (for the purposes of implementing the Dignity at Work Policy, the "Chair of Governors" means, in the absence or involvement of the Chair of Governors, a representative who is either the Vice Chair of Governors or another Governor who has been nominated by the Chair of Governors).
- Treat all bullying or harassment complaints seriously, dealing with each one fairly, consistently and sensitively.
 - Own and take responsibility for a bullying or harassment complaint if this is directed against a Headteacher and ensure that it proceeds within the timescales set out within the Dignity at Work Policy.
 - Ensure that the Dignity at Work policy is followed correctly, seeking advice from the school's HR provider where unsure.
 - Have due regard to the elimination of discrimination and harassment.
 - Ensure that records of investigations and meetings are placed on the appropriate file.
 - Maintain appropriate confidentiality and keep records of all relevant conversations and decisions.

4.2 Governing Body or IEB

- Ensure that the Dignity at Work Policy is adopted by the school and is followed in a fair and reasonable manner.
- Appoint a Hearings Committee comprising at least three governors who will be responsible for conducting a disciplinary hearing should the outcome of the dignity at work investigation warrant it. The Governing Body or Interim Executive Board (IEB) will make their decision based on the options given below. These options are formally minuted and reviewed annually:
 - a) to appoint a separate Hearings Committee consisting of three governors (in exceptional circumstances this may be reduced to two)
 - b) may collaborate with another school's Governing Body or IEB
- Appoint an Appeal Committee comprising three governors (in exceptional circumstances this may be reduced to two).
- The Chair of Governors must not be a member of either committee
- Appoint a clerk to keep a record of any meeting or appeal meeting relating to a bullying or harassment matter.

4.3 Headteacher:

- Ensure that the Dignity at Work Policy is communicated to all employees within the school.
- Responsible for setting appropriate standards of behaviour and must ensure that the workplace under their control is one where everyone is treated with dignity and respect.
- Must familiarise themselves with the policy and take responsibility for ensuring that employees are aware of the policy and apply the standards of behaviour expected of them by the school and under the law.
- Responsible, in conjunction with the Human Resources (HR) provider, for ensuring that the school's employment policies and procedures are applied in a fair and non-discriminatory way.
- Responsibility for and will deal with any breach of the policy using the appropriate procedure ensuring that complaints are investigated and dealt with promptly.
- Ensure, through regular contact with the Investigating Officer, that the timescales agreed at the outset of the investigation are adhered to.
- Following the investigation and provided the complaint does not relate to them personally, review the investigation report, meet with the Investigating Officer and HR provider and make a decision on the outcome.
- Maintain confidentiality.
- Seek advice from HR provider where appropriate.

4.4 Employees:

- Have a personal responsibility to ensure that their behaviour does not cause offence to others.
- Should not encourage or allow any form of behaviour that contravenes this policy or may be viewed by others as bullying / harassment.
- Should disclose any instances of bullying / harassment that they become aware of (whether or not the incidents are directed at them) to their Headteacher who will advise on how to deal with the issue.
- Shall comply with this policy and associated procedure and co-operate fully with any investigation or subsequent disciplinary hearing convened in accordance with this policy and other related policies. Failure to do so may result in disciplinary action.
- Maintain confidentiality.

4.5 Human Resources Provider:

- Maintain close contact with the Headteacher and the Investigating Officer throughout the process.
- Communicate the policy and procedure.
- Advise and support the Headteacher and Chair of Governors in the application of this policy.
- Attend in an advisory capacity at formal disciplinary hearings / appeal hearings arranged as a consequence of this policy.
- Maintain confidentiality.

4.6 Investigating Officers:

- Are trained and / or experienced in carrying out sensitive investigations.
- Liaise with the Headteacher and HR to gain a full understanding of the nature and scope of an investigation.
- Conduct a robust and thorough investigation taking evidence from all relevant parties.
- Seek advice from HR provider where appropriate.
- Provide a complete investigation report to the Headteacher within the agreed timeline indicating whether they believe, on the basis of the evidence obtained, that bullying / harassment is or is not likely to have taken place.
- Meet with the Headteacher and HR provider to discuss the investigation report and address any issues of clarity prior to the Headteacher agreeing the final outcome.
- Are impartial and will have no conflict of interest that might prejudice a fair investigation.
- Maintain confidentiality.

5.0 Principles

The school acknowledges the fact that people do sometimes make genuine errors of judgement. This policy is designed to enable problems, whether a genuine error of judgement or a deliberate act, to be dealt with sensitively and in accordance with the wishes of the person who believes they have been subjected to inappropriate behaviour.

- 5.2 It is not intended that the Dignity at Work Policy be used to raise a complaint against action by a Headteacher under other school policies such as the Disciplinary, Managing Underperformance and Managing Attendance Policies etc.

However, in some circumstances, there may be indications that the Headteacher has acted in a vexatious or discriminatory manner and, in these cases, the Chair of Governors will determine:

- Whether the employee may have a credible complaint
- Whether or not the Dignity at Work Policy should be invoked
- Whether it is appropriate to temporarily suspend the relevant process in order to deal with the complaint.

The Chair of Governors will thoroughly evaluate the complaint, using the following information as a basis for making their judgment.

- The content of the Dignity at Work Complaint Form.
- The intention of the employee - it is appropriate that the Chair of Governors arranges an informal meeting with the employee. This will enable the Chair of Governors to glean the appropriate information on what took place by listening intently to the employee, paying attention to body language and asking themselves questions, for example, does the evidence indicate that they are merely trying to frustrate a process.
- The management capability and the management style of the Headteacher against whom the complaint has been raised and the likelihood or not that the Headteacher may have acted in a vexatious or discriminatory manner.

The Chair of Governors will then make a judgment on whether it should be dealt with at the same time as the relevant policy i.e. Disciplinary, Managing Underperformance, Managing Attendance etc., or whether or not the complaint merits investigation under the Dignity at Work Policy and that the relevant process should be temporarily suspended to deal with the complaint.

Suspending the relevant process will only take place in exceptional circumstances.

It is important to note that complaints raised in these circumstances should not be rejected without being given proper evaluation. Advice should be sought from the school's HR provider.

- 5.3 It is expected that a complaint of bullying / harassment should be raised informally in the first instance; however where the incident is sufficiently serious in nature then the employee should raise the issue with their Headteacher who will decide whether the formal stage should be invoked. In such cases a written statement outlining the complaint will be required. The form at Appendix 1 should be used.

- 5.4 A complaint of bullying / harassment should be raised with the Headteacher in the first instance, except where the complaint relates to the conduct of the Headteacher. In such circumstances the complaint should be raised with the Chair of Governors. A complaint by the Headteacher or senior management team of the school against members of the governing body should be made to the Service Director for Children Services. If the Headteacher, senior

management team or members of the governing body believe that they are being bullied / harassed by the local education authority or a specific officer of the authority, the complaint should be made to the Service Director for Children Services who will invoke the Milton Keynes City Council Dignity at Work Policy.

- 5.5 A complaint should normally be raised within three months of the alleged incident/s taking place. There may be some circumstances, such as long-term absence, where this is not possible; however, it is important in such a situation that the complaint be made at the earliest opportunity. The employee must understand that the longer they leave the issue before raising it, the less credibility will be assigned to the complaint.
- 5.6 The Headteacher (or Chair of Governor's if complaint relates to the Headteacher) will appoint an Investigating Officer to investigate the facts of the case. The Headteacher will also ensure that the process is managed within the required timescales and act as a link with the Investigating Officer.
- 5.7 Should, following a dignity at work investigation, the Headteacher (or Chair of Governors if complaint relates to Headteacher) decide that bullying or harassment did take place, the offending employee may, as a result, be subject to formal action under the school's Disciplinary Policy.
- 5.8 All complaints of bullying or harassment will be treated seriously and an employee who has a genuine complaint is encouraged to raise it without fear of recrimination. However, any malicious complaints may be considered as gross misconduct by the school and where it is believed that the complaint may be malicious, the matter will be investigated under the Disciplinary Policy.
- A malicious complaint is defined as follows:
- The investigation has shown the original complaint to be without foundation and that it has been submitted vexatiously or as a means of frustrating another process.
 - The investigation can demonstrate that the complainant in making their complaint, knowingly lied to the Investigating Officer.
- 5.9 Where a counter complaint, which is deemed to be valid, is made by the alleged bully / harasser, this will be dealt with as part of the same investigation.
- 5.10 The process will be undertaken in a confidential manner and complete confidentiality will be expected from all parties involved. The extent of confidentiality must be agreed, between the complainant and the Investigating Officer, at the outset of the investigation. As a general principle only those who are required to know the details of the case will have access to the information. In certain cases this may include the line manager of the employee accused of bullying / harassment.
- 5.11 Employees have the right to be accompanied by a work colleague, professional association or trade union representative at both the informal and formal stages of this policy.

- 5.12 If the employee or their representative is unable, for good reason, to attend the investigatory meeting on the date proposed, the Investigating Officer will reschedule the meeting to take place no later than 5 working days after the date set for the original meeting. No further rescheduling will be considered unless the reason for nonattendance is considered exceptional (e.g. hospitalisation).
- 5.13 Sickness of any of the parties to the case should not be allowed to delay the process. Therefore, where the employee is well enough to attend a meeting, the investigation should continue even though the employee may not be able to attend work. This is especially important if concluding the issue will help facilitate a return to work. The method for continuing the investigation will depend on each individual case and will be agreed between the Headteacher and Investigating Officer following advice from the HR Provider.
- 5.14 The provisions of the Equality Act 2010 will be applied throughout the implementation of this Policy. Headteachers (or Chair of Governor's if complaint relates to the Headteacher) and staff should consult the guidance found at Equality Act - Guidance for Schools. This provides protection for several employee characteristics (and also applies to those employees who may be associated / connected to someone with a protected characteristic) covered by equality legislation:
- age – covers all age related issues
 - disability, including making reasonable adjustments
 - gender reassignment from the moment transition starts
 - race, religion or belief
 - sex – things associated with being male or female
 - sexual orientation including feelings, sexuality as well as identity
 - marriage and civil partnership status
 - pregnancy and maternity
- 5.15 Each stage of the procedure should be carefully documented. The complainant's Headteacher (or Chair of Governor's if complaint relates to the Headteacher) has a responsibility to ensure notes are taken at the informal meetings or in the case of the formal stages, arrange for a note taker to be present at the investigatory meetings to take notes on behalf of the investigator. Notes should remain confidential and be stored securely.
- 5.16 If issues of bullying / harassment relate to a professional association / trade union representative, the union's senior local convenor and regional officer must be notified. No further action should be taken until they have been informed.
- 5.17 There may be occasions where school employees are working alongside employees of other schools, agencies or partners and issues of bullying or harassment arise. In such circumstances, the complaint should be handled jointly by the school and the partner organisation, taking account of the respective policy arrangements.

6.0 Definitions of Bullying and Harassment

Bullying may be characterised as behaviour that any reasonable person may find offensive, intimidating, malicious, or insulting, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

6.2 Examples of bullying might include:

- Ridiculing or demeaning others
- Unjustifiably excluding colleagues from meetings/communications

These examples are neither exhaustive nor exclusive.

6.3 Harassment, in general terms, is unwanted conduct affecting the dignity of employees in the workplace. It may be physical, verbal or non-verbal. It may be related to any of the characteristics outlined in paragraph 1.2, or any characteristic of the individual; it may be sexual harassment; or less favourable treatment because they submit to, or reject sexual harassment or harassment related to sex or gender reassignment. Harassment may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable by the recipient. Whilst individuals may not always realise that their behaviour constitutes harassment, they must recognise that what is acceptable to one person may not be acceptable to another.

6.4 Examples of harassment might include:

- Unwanted physical contact, including unwanted sexual advances touching, standing too close, inappropriate comments, continued suggestions for social activity within or outside the workplace particularly after it has been made clear that such suggestions are unwelcome.
- Offensive or intimidating comments.
- Insensitive jokes or pranks.
- Display of offensive materials.
- Unwanted conduct related to the characteristics outlined in paragraph 1.2 that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment on the grounds set out in paragraph 1.2.
- Shunning an employee, for example, by deliberately excluding someone from conversation.

These examples are neither exhaustive nor exclusive.

6.5 It is a requirement that employee performance be managed in order for the school to meet its strategic objectives and this policy does not seek to diminish a Headteacher's ability to do this. Legitimate, constructive and fair discussions by management with an employee in relation to their work performance are not bullying or harassment. It is also recognised that an occasional raised voice or verbal conflict, whilst an inappropriate way of resolving issues may not in itself constitute bullying or harassment.

- 6.6 It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management achieves results whilst ensuring that employees are treated with dignity and respect.

7.0 Legal Framework

Although there is no specific legal protection from acts of bullying an employee could resign and take a claim for constructive dismissal to an Employment Tribunal should the school fail to investigate the concerns.

- 7.2 Harassment is unlawful under the Equality Act 2010 and the school, together with any managers or supervisors who fail to take steps to prevent harassment or investigate complaints, may be held liable for their unlawful actions and be required to pay damages to the victim, as will the employee who has committed the act of harassment.
- 7.3 There is no limit to the compensation that can be awarded in an Employment Tribunal for acts of harassment.
- 7.4 Harassment on any grounds is also a criminal offence under the:
- Criminal Justice and Public Order Act 1994
 - Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001
 - Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

These Acts mean that employees who are harassed by fellow employees or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

8.0 Process for dealing with Bullying or Harassment

The school recognises that it may be emotionally difficult for an employee to raise an issue of bullying or harassment; however, anyone suffering in this way must be encouraged and supported to take action. To support employees, the school has an informal and formal procedure in place to ensure that such cases are handled as sensitively and swiftly as possible.

9.0 Informal Process

Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

- 9.2 An employee who feels that they are being bullied or harassed should, where possible, keep a record of the incident(s), including the date, time, nature of incident, and the names of any witnesses. It is important that the employee then attempts to resolve the problem informally by clearly explaining to the person responsible that their behaviour is not

welcome and that it offends them or makes them feel uncomfortable. This should ensure that the matter can be dealt with swiftly and that further potential harassment is prevented.

- 9.3 If the employee feels unable to raise the issue face to face then a letter or e-mail (explaining the incident and the distress which the behaviour is causing the employee) may be sent to the alleged bully or harasser. Alternatively the employee may prefer to raise the issue with their Headteacher (or Chair of Governor's if complaint relates to the Headteacher) who can communicate the allegations informally on their behalf or help them compose a letter to the alleged bully / harasser.
- 9.4 Mediation is another option within the Informal Process. However it is only feasible if both parties agree to undertake the process with the intention of finding a solution. The school's HR provider will be able to provide details of the mediation services available and the appropriate charge. All employees involved in a complaint must be fully aware of what the issues are, prior to entering into mediation. If mediation is not pursued at the informal stage then it will remain an option for the parties to pursue upon conclusion of any formal investigation but only if the parties involved display a genuine willingness to engage with the process and demonstrate a readiness to examine their respective positions.
- 9.5 Where a resolution is achieved at the informal stage of the process a copy of the outcome should be given to both parties and a further copy included in the personal file of each employee. The Headteacher (or Chair of Governor's if complaint relates to the Headteacher) must also put in place arrangements for ongoing monitoring of the situation.

10.0 Formal Process

Formal Process

- 10.1 If inappropriate conduct continues, or informal attempts to resolve the complaint have failed, or if the complaint is considered sufficiently serious, the formal process should be invoked.
- 10.2 In the first instance the employee should raise the complaint in writing (using the Dignity at Work Complaint Form at Appendix 1) with the Headteacher (or Chair of Governors if the complaint relates to the Headteacher). Full details of the bullying or harassment should be set out including the name/s of the person(s) against whom the complaint is made, dates and times of the incident/s, a description of the incident/s and the names of any witnesses, along with details of any action taken so far to stop the bullying or harassment.
- 10.3 The Headteacher (or Chair of Governor's if complaint relates to the Headteacher) will acknowledge the formal complaint within 5 working days of receipt. The Headteacher (or Chair of Governor's if complaint relates to the Headteacher) must also make the employee aware of the confidential counselling service available via the Education Support Partnership (open to all staff employed within schools). The Education Support Partnership can be contacted 365 days of the year, 24 hours a day on 08000 562 561.
- 10.4 Where the formal process is the first step, i.e. no informal process has been entered into, the Headteacher (or Chair of Governor's if the complaint relates to the Headteacher) must

also inform the alleged bully / harasser of the complaint. Generally speaking as much information as possible should be provided to the alleged bully / harasser although this will depend on the sensitivities of each case. It will, therefore, be necessary to determine whether any particular document should be shared in full or in part with some or all of the persons named in the complaint. By signing the Dignity at Work – Bullying and Harassment Complaint Form, employees are indicating their understanding that they are giving permission for appropriate sections of the form to be copied to anyone named on it. Advice on the amount of detail to share in each particular case should be sought from the school's HR provider.

- 10.5 The Headteacher (or Chair of Governor's if the complaint relates to the Headteacher) must appoint an Investigating Officer to carry out a thorough investigation into the facts of the case. In sensitive cases it may be possible to appoint an Investigating Officer from Milton Keynes Council. Any additional costs incurred would be borne by the school. The Headteacher will also arrange for a Notetaker.
- 10.6 Depending on the nature of the complaint, the Headteacher (or Chair of Governor's if the complaint relates to the Headteacher) will need to consider whether the alleged bully / harasser should be temporarily redeployed (this option will depend on the size of the school and the nature of the incident) or suspended on full pay during the course of the investigation. If any of these options are being considered, then advice from the schools HR provider should also be sought prior to such action being taken.
- 10.7 The Investigating Officer will then undertake a formal investigation and will first meet with the employee raising the complaint to gain full details of the allegations and take a written signed statement. The boundaries around confidentiality will be agreed at this point. They will then interview the alleged bully or harasser, informing them of the allegations and taking a written signed statement. Both parties have the right to be accompanied by a professional association / trade union representative or work colleague at these interviews and throughout the formal process. Any witnesses to the incidents of bullying / harassment will then be interviewed and signed statements taken. A copy of the policy should be given to all interviewees.
- 10.8 The investigation must be robust and should normally be concluded no later than four weeks from the date of initial acknowledgement of the complaint. The Investigating Officer will keep both parties informed of the progress of the investigation, including any necessary alteration to the above timescale. It is important that the Headteacher also keeps in regular contact with the Investigating Officer as it is the Headteacher's responsibility to ensure that the investigation is progressed within the prescribed timescales.
- 10.9 Once the investigation has been completed the Investigating Officer will evaluate all the evidence available and prepare a written report to be passed to the Headteacher (or Chair of Governor's if complaint relates to the Headteacher). The written report will summarise the findings of the investigation, indicate whether the Investigating Officer believes, on the basis of the evidence obtained, that bullying / harassment is or is not likely to have taken place. It is, however, the Headteacher / Chair of Governor's responsibility to determine the final outcome and they will meet with the Investigating Officer and the HR provider to

review the report and the evidence gathered as well as addressing any issues of clarity prior to coming to a final decision on the next steps.

10.10 It is also the Headteacher's (or Chair of Governor's if complaint relates to the Headteacher) responsibility to formally notify both parties of the outcome of the investigation. The outcome letter will be issued by the Headteacher (or Chair of Governor's if complaint relates to the Headteacher) within 5 working days of the decision and copied to the HR provider. A copy will be placed on personal files of both parties. A copy of the report should be provided to the complainant and alleged bully / harasser. Witness statements should not be provided at this stage. Should the matter proceed to a disciplinary hearing, statements, where appropriate may be presented as part of the management case.

10.11 There are a number of possible outcomes:

- Allegations, fully or partially, substantiated and therefore it is appropriate to take disciplinary action against the alleged bully / harasser.
- Allegations are unsubstantiated, therefore no further action.
- Whilst there may be some evidence of inappropriate or insensitive conduct, this not considered serious enough to warrant a formal sanction, but there is scope for resolution through training, counselling and/or mediation.
- Complainant raised a vexatious claim and therefore may be subject to disciplinary proceedings.

10.12 Should a formal disciplinary situation arise as a result of the Dignity at Work investigation, a separate investigation will not be required under the Disciplinary Policy. The original Dignity at Work investigation will form the investigatory stage of the disciplinary process. The Investigating Officer will present the management case at any relevant hearing jointly with the Headteacher or Chair of Governors.

10.13 If the Headteacher (or Chair of Governor's if complaint relates to the Headteacher) has been directly or indirectly involved with the investigatory process they should not be the decision maker in a Disciplinary Hearing associated with the case. The Disciplinary Hearing will need to be conducted by the school's Hearings Committee but the Headteacher (or Chair of Governors) can present the management case.

11.0 Monitoring

11.1 Where bullying or harassment has been found to have occurred, and the bully / harasser remains in employment the Headteacher will ensure that regular monitoring takes place to ensure that the offending behaviour has stopped and that there has been no victimisation or retaliation against the complainant. The school will also ensure that the employee who committed the act of bullying or harassment is not victimised in any way.

12.0 Appeal

12.1 If the complainant is not satisfied with the outcome of the bullying / harassment investigation they have a right of appeal against the decision which should be submitted to the Clerk to the Hearings Committee within 5 working days of receipt of the decision letter.

12.2 The complainant can appeal on the following grounds only:

- That the Dignity at Work process has been applied defectively or unfairly
- That information related to the original Dignity at Work Investigation has come to light that was not previously available. This information must be:
 - new and different in substance to the information that was available to the original investigation.
 - able to provide a different “line” of discussion.
 - likely to make a difference to the outcome of the original investigation.
 - and, as a result, the outcome of the investigation was inappropriate.

12.3 Arrangements for hearing the appeal will be made by the Clerk normally within 10 working days of receipt of the written appeal and the employee will be given details of the arrangements at least 5 working days in advance of the hearing. The alleged bully / harasser will be advised that the complainant has submitted an appeal and will also be given at least 5 working days’ notice of the hearing.

12.4 The governing body’s Appeals Committee will hear the Appeal. A representative from the school’s Human Resources Provider will be present at all Appeals in an advisory capacity.

12.5 The complainant will be given the opportunity to state their case and the alleged bully / harasser may also be questioned, if further clarification is needed, by the Appeals Committee (the complainant and alleged bully / harasser will not be in the room at the same time). Both parties may be accompanied at the appeal hearing by a work colleague, or professional association / trade union representative.

12.6 In the case of an appeal the Committee will:

- Consider the conclusions and decision of the original Dignity at Work investigation, any new evidence provided by the complainant and any further facts that have come to light as part of this appeal process.
- Make a decision, based on the above information, whether or not to uphold the original Dignity at Work decision.

12.7 The Appeal Hearing decision is final and will be communicated in writing by the Clerk within 5 working days of the hearing. The alleged bully / harasser will also be informed of the outcome within 5 working days of the hearing. Copies of the letters will be placed on the personal files of the employees concerned.

13.0 Harassment by Third Parties

13.1 An employee who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put his or her personal safety at risk. However if they feel sufficiently able the employee may attempt to resolve the matter themselves. If not they should immediately report it to their Headteacher.

- 13.2 The complaint will be investigated and in some cases the bully or harasser may be asked to leave school premises and not return.
- 13.3 If an employee manages to informally resolve a third party bullying / harassment incident they should report this to their Headteacher. The report will be used for the purpose of monitoring the effectiveness of the school's bullying and harassment policy.

14.0 Ex-Employees

- 14.1 Whenever possible a bullying and harassment complaint should be dealt with before an employee leaves the school. However, if an employee has already left employment and raises a complaint within four weeks of leaving, and the Dignity at Work process has not commenced, there is an option of using a modified process, whereby both parties agree to follow the modified Dignity at Work process as follows:

- Step 1 - Statement of Complaint

The employee must set out in writing:

1. The details of the complaint and
2. The basis for it

The employee must send the statement to their former Headteacher. If the complaint concerns the employee's former Headteacher, the employee should raise their complaint with the Chair of Governors.

- Step 2 – Response

The Headteacher will acknowledge receipt of the complaint in writing normally within two working days of receiving it and will ask the ex-employee whether or not they wish the complaint to be dealt with under the standard or the modified Dignity at Work process.

The ex-employee must confirm in writing within five working days that they agree that the complaint should be managed under the modified process. The former Headteacher will then investigate and respond in writing with the decision normally within 4 weeks of receiving the complaint.

- 14.2 If, however, the ex-employee opts to have the complaint managed under the standard process, the standard Dignity at Work Policy will apply.

15.0 Representation

- 15.1 As confirmed throughout the policy, employees have the right to be represented at formal meetings / hearings and appeals by a trade union representative or a workplace colleague. The accompanying person can address the meeting/hearing, but not answer questions on behalf of the employee unless this is agreed by the chair of the meeting/hearing.

16.0 Data Protection

- 16.1 The organisation processes personal data collected during both informal complaints and the formal Dignity at Work Policy in accordance with its Data Protection Policy. A written record of meetings conducted under this procedure may also be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.
- 16.2 Data collected and processed as part of informal complaints and the Dignity at Work procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the Dignity at Work procedure. Records are retained and destroyed in accordance with the organisations Retention Schedule.
- 16.3 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the organisation's Procedure.

17.0 Interpretation

- 17.1 Any questions as to the interpretation of this policy should be referred to the Human Resources provider.

18.0 Version Control and RAG status

Version Control

Version	Date	Updated by	Comments
FV3.0	16/08/2023	Vicky Armer	Transferred on to new MKCC template to ensure accessibility requirements are met (removed flow chart and updated forms). Removal of reference to his/her Changes of Corporate Director Children & Families to Service Director Children Services.

RAG status



This policy is not intended for use by non-maintained schools. If extracts are used they should be attributed.



Foundation and Voluntary Aided Schools can adapt and adopt this policy or use an alternative.



This policy is for use by Community and Voluntary Controlled schools. Governing Bodies are asked to adopt this policy. Should a Governing Body wish to adopt an alternative policy please ensure that a copy is supplied providing assurance that it is legally compliant.

Appendix 1 – Dignity at Work – Bullying and Harassment Complaint Form

This form is intended for use by any employee of the school who would like to raise a formal bullying / harassment complaint about his/her manager or a colleague/s or a third party working in association with the school. Employees should bear in mind before using this form that it is only in very exceptional circumstances that formal complaints will be accepted without actions being taken to resolve the matter informally in the first instance.

Where the employee requests that the complaint be dealt with informally, the Headteacher will discuss the matter with the employee with a view to resolving the matter without recourse to the formal Dignity at Work Policy. Where the employee requests that the complaint be dealt with formally, this form should be completed and the Dignity at Work Policy – for School Staff will be invoked.

In all circumstances, this form should be completed and delivered to your Headteacher (or Chair of Governors, if complaint is about your Headteacher) in an envelope marked “Confidential” or sent as an email attachment with “Confidential” in the subject line

Section 1: Personal Details
Name:
Job Title:
School:
Section 2: Complaint details
<p>Please provide details of your complaint. Where possible please include specific examples of events rather than generalised statements. Make sure that you explain clearly what information/evidence you have that will support your complaint. Your complaint should include the detail below.</p> <ul style="list-style-type: none">• Who is the subject of your complaint and their job title• What is their relationship to you• Where and when did these events take place• Were there any witnesses. If so, provide names• How did the incidents make you feel. This could be how you felt at the time and how you feel now• How did you react at the time. Did you respond to the individual and if so what was your response.
Have you tried to resolve the matter informally? Yes / No. (If yes, please provide details of what you did, and what the outcome was. If you answered no, please explain why you have not raised it with the individual.)
Have you spoken to anyone else regarding the incident (s)? If so, to whom

Have you got any documentary evidence to substantiate your complaint? If so please include a copy.
By making this complaint, what is the outcome that you are seeking?
Declaration - I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue statements may be considered as gross misconduct by the school and where it is considered that a complaint may be malicious, the matter will be investigated under the Disciplinary Policy. I also understand that by completing and signing this Bullying and Harassment Complaint Form, I automatically give my permission for the appropriate sections to be copied to anyone named in it.
Signature of employee:
Date:

Appendix 2 – Confidentiality Agreement

Confidentiality Agreement

(To be issued by the Investigating Officer to all parties interviewed as part of the Dignity at Work Investigation)

The School takes all complaints of bullying and harassment seriously and is committed to resolving these issues as quickly as possible in a fair and sensitive manner, with the least disruption to normal business operation. A formal complaint is currently being investigated. This investigation interview is needed to clarify whether or not the points raised in the complaint have any substance. Confidentiality, in these circumstances, is, therefore, paramount.

During the investigation, the Investigating Officer and school management will commit to maintaining confidentiality by:

- Choosing neutral locations for meetings
- Keeping papers related to the investigation confidential
- Exercising discretion during telephone conversations and in making notes and diary entries
- Ensuring that people providing administration support are bound to maintain confidentiality

It is requested that those involved in this investigation, respect the dignity and privacy of the other parties by:

- Keeping any discussion about the investigation between you and the Investigating Officer
- Not disclosing information about other parties involved in an investigation
- Treating everyone involved in a way that you would wish to be treated
- Undertaking to remain focussed on your normal work responsibilities
- Speaking to your Headteacher if you have any concerns that the dignity and respect of any of the parties involved an investigation is not being observed

To maintain confidentiality, can you please sign and agree as follows:

I fully understand that any breach of confidentiality regarding any aspect of this bullying and harassment investigation will be regarded as a serious disciplinary offence and may result in my dismissal. Please sign below to acknowledge receipt and indicate an understanding of the above

Name (BLOCK CAPITALS)

Signature

Date

One copy should be given to the interviewee and the other will remain on file

Appendix 3 – Confidentiality Agreement – for Interviewees who are not working at the School

Confidentiality Agreement

(To be issued by the Investigating Officer to all interviewees who are not school employees)

The school takes all complaints of bullying and harassment seriously and is committed to resolving these issues as quickly as possible in a fair and sensitive manner.

A formal complaint is currently being investigated. This investigation interview is needed to clarify whether or not the points raised in the complaint have any substance. Confidentiality, in these circumstances, is, therefore, vital.

During the investigation, the Investigating Officer and all other parties involved in this investigation will commit to maintaining confidentiality by:

- Choosing neutral locations for meetings
- Keeping papers related to the investigation confidential
- Exercising discretion during telephone conversations and in making notes and diary entries
- Ensuring that people providing administration support are bound to maintain confidentiality

It is requested that all interviewees, respect the dignity and privacy of the other parties by:

- Keeping discussions about the investigation between you and the Investigating Officer
- Not disclosing information about other parties involved in an investigation
- Treating everyone involved in a way that you would wish to be treated
- Emphasising to the Investigation Officer if you have any concerns that the dignity and respect of any of the parties involved an investigation is not being observed

To maintain confidentiality, can you please sign and agree as follows:

I fully understand that any breach of confidentiality regarding any aspect of this bullying and harassment investigation may put at risk the dignity and privacy of other parties involved in the investigation. Please sign below to acknowledge receipt and indicate an understanding of the above

Name (BLOCK CAPITALS)

Signature

Date

One copy should be given to the interviewee and the other will remain on the investigation file

Appendix 4 – Dignity at Work – Bullying & Harassment Appeal Form

This form is intended for use by any employee of the school who wants to appeal a decision regarding a formal bullying / harassment raised by him/her. This form should be completed and delivered to Clerk to the Hearings Committee in an envelope marked “Confidential” or sent as an email attachment with “Confidential” in the subject line.

In accordance with the Dignity at Work Policy – for School Staff, arrangements for the appeal meeting will normally be made within 10 working days of receipt of this appeal form. If there are likely to be any delays in hearing your appeal, you will be informed, in writing, of the reasons for the delay and you will be given an indication of when you can expect your appeal to be heard.

Section 1: Personal details
Name:
Job Title:
School:
Section 2 Appeal details
<p>Please provide details of why you wish to appeal the decision. Please make sure that you explain clearly what information you have that will support your grounds for appeal as detailed below.</p> <p>N.B: You can appeal on the following grounds only:</p> <p>1) That the Dignity at Work process has been applied defectively or unfairly</p> <p>2) That information related to the original Dignity at Work Investigation has come to light that was not previously available. This information must be:</p> <ul style="list-style-type: none">· new and different in substance to the information that was available to the original investigation.· able to provide a different “line” of discussion.· likely to make a difference to the outcome of the original investigation.
<p>Against That the Dignity at Work process has been applied defectively or unfairly</p> <p>Please explain fully why you believe the dignity at work procedure has been applied defectively or unfairly and what evidence you have which substantiates this view.</p>
<p>Or</p> <p>That new evidence has come to light that was not available at the dignity at work investigation and that is likely to make a difference to the original decision.</p>

Please explain fully what this new evidence is, how it came to light and why it is likely to affect the original decision.

The new evidence that has come to light is as follows:

I believe it is likely to affect the original decision because:

Please set out what outcome you would like to see from your appeal and why and how you believe that this will resolve the issue.

Declaration: I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue statements may be considered as gross misconduct and where it is considered that a bullying or harassment complaint may be malicious, the matter will be investigated under the Disciplinary Policy. I also understand that by completing and signing this Dignity at Work Appeal Form, I automatically give my permission for the appropriate sections to be copied to anyone named in it

Signature of employee:

Date:

