

The Federation of Kintore Way Nursery School & Children's Centre & The Grove Nursery School

Respect at Work Policy

1. INTRODUCTION:

- 1.1 The Respect at Work Policy is an updating of the Harassment Policy in recognition of the importance the Federation's places on maintaining a working environment where everyone is treated with respect. The responsibility for this rests with all staff in supporting a culture and climate which values diversity and individuality.
- 1.2 The sections 35 and 36 of the Education Act 2002 provides that, for community schools, the regulation of conduct at the Federation and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment, shall be under the control of the governing body. These sections contain a similar provision for voluntary and foundation schools.
- 1.3 The external third party mediation forms a key element in dispute resolution and can be used to repair relationships, encouraging positive behaviour and improve team work. Mediation offers a real alternative to formal often more confrontational approaches, providing an early intervention to resolve issues quickly before they escalate and become entrenched. However, where informal resolution such as mediation to a complaint is not possible, the formal process will be dealt with under the Federation's Disciplinary Procedure.
- 1.4 The Policy includes a Statement of Intent and the procedure to follow where issues at odds with the Policy arise. The Policy aims to draw to the attention of all members of staff the many forms of harassment at work, their serious adverse effects, and to provide practical guidance to managers and staff on how to manage issues at odds with the Policy in eliminating harassment and promoting respect for all.
- 1.5 The Governing Body will periodically review this Policy and produce additional or updated guidance as appropriate and in the light of changes in employment law. As well as providing general advice on the application of the Policy, the Federation ensures that appropriate training is available for managers and supervisors to properly equip them to implement and manage the Policy.

2. THE ROLE OF THE SCHOOL'S MANAGEMENT TEAM:

The School Management Team will be responsible for ensuring that:

- 2.1 All employees in the Federation are aware of the Respect at Work Policy and the rights and responsibilities contained therein.

- 2.2 To consider whether the underlying cause of the issue or complaint can be resolved informally outside the procedure in the first instance as part of normal good management practice.
- 2.3 To make use of mediation as an initial standard consideration in all cases where the matters cannot be resolved informally.
- 2.4 In the event of the formal procedure being instigated, to ensure that the employee is made aware of his/her rights to trade union representation and ensure that such representation, if requested, is facilitated, including compliance with the statutory requirement to consider a postponement of the hearings in certain circumstances.
- 2.5 To be aware that a complaint alleging harassment could be a potential disciplinary matter and consider whether a full investigation under the Federation's Disciplinary Procedure is required.
- 2.6 To ensure that prior to all formal interviews and hearings all relevant information is obtained, the facts established and all parties are afforded an opportunity to state their views.
- 2.7 To ensure that complete, accurate and contemporaneous records are maintained in a manner that is secure, confidential and accessible for monitoring purposes.
- 2.8 To seek additional information from third parties to enable all the pertinent facts relating to a complaint are obtained.
- 2.9 To seek advice from the Federation's designated Human Resources Service provider whenever deemed necessary.

The School Management Team will not:

- 2.8 Allow complaints to be heard under the Respect at Work Policy where they can be more appropriately dealt with under separate procedures set up for that purpose.

3. SCOPE:

- 3.1 The Policy will cover complaints on all forms of harassment, which may include but are not restricted to, sexual harassment, racial harassment, bullying, victimisation, harassment due to membership/non-membership of a trade union, age harassment, harassment against people with disabilities, harassment on the basis of sexual orientation and/or religious harassment.
- 3.2 This Policy applies to all permanent, temporary and fixed – term employees within the establishment of a school, whether full-time or part-time, in teaching or support posts, including Executive Headteachers and Deputies. The Executive Headteacher is advised to communicate this Policy to long-term contractors and agencies so they can inform their staff about their responsibility in observing this Policy when working at the Federation.
- 3.3 Colleagues, managers, governors, or other Local authority employees may perpetrate harassment. Complaints of harassment by pupils or parents will be dealt with under a separate process. The staff grievance procedure deals with staff complaints on other employment matters.

4. STATEMENT OF INTENT:

- 4.1 The Federation believes that every employee should enjoy a working environment where everyone is treated with respect. The Federation supports a culture where diversity and individuality are valued as part of delivering a high quality service to the Federation pupils and general public.
- 4.2 Each employee shares a responsibility for recognising the sensitivities and feelings of others, which may be different from their own but no less valid. All employees should be committed to high standards in delivering work and dealing with colleagues, this will not only be about the tasks people do but the effect of their words, how they interact/engage with others and tackling discriminatory or inappropriate behaviour.
- 4.3 Managers and supervisors have a responsibility to model and promote appropriate behaviour, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.
- 4.4 The Federation will not tolerate any acts of staff harassment, bullying and victimisation. As far as practical such occurrences should be avoided through effective management, (including appropriate supervision), recruitment, training and employees' proper adherence to the Federation's Code of Conduct and the Equality and Diversity statement.
- 4.5 Where problems do occur, the Federation aims to create a climate of trust where staff feel confident in challenging inappropriate behaviour in a responsible way, without recourse, or to raise complaints using the procedure that follows. All parties involved in the complaint resolution will be expected to cooperate fully and work responsibly towards a speedy and effective outcome.
- 4.6 All employees will understand how they may raise a complaint on harassment/ victimisation/ bullying and be clear how this complaint will be dealt with. This will be through communication of the Policy that follows and working with the Trade Unions and other groups providing support to employees and furthering the Federation's aims around respect at work.

5. AIM OF THE POLICY:

- 5.1 The aim of this Policy is to draw to the attention of all members of staff, no matter where they are working, the many forms of harassment at work, their serious adverse effects, and to provide practical guidance to managers and staff on how to eliminate harassment.
- 5.2 The problem of workplace harassment can be resolved only by developing and implementing preventative policies and procedures that create a climate of greater confidence to challenge harassment leading to more people coming forward.

- 5.3 The aim of this policy is therefore, to tackle individual incidents quickly and effectively, and to develop a working environment in which the dignity of colleagues, clients and customers is not abused and where harassment is known to be unacceptable.

Please refer to appendix 1 for more information on ways in which harassment can be demonstrated.

6. DEFINITION OF HARASSMENT:

- 6.1 For the purposes of this policy, harassment is defined as:

Including any unwanted abuse, advances, or behaviour, which cause an individual to feel threatened, humiliated, patronised, distressed or harassed. Action can also be considered harassment if it impairs an individual's job performance, undermines their job security, or causes a threatening or intimidating environment. Harassment may be deliberate or unconscious, a repeated action or an isolated incident. In cases of harassment, the impact of the behaviour is the determining factor and not the intent behind it, e.g. was the dignity of the person affected? It is also worth noting that the conduct can be physical, verbal or non-verbal.

- 6.2 Managers should be aware that an employee's perception of whether or not they have been harassed is an important factor that must be given proper consideration when dealing with allegations of harassment.

- 6.3 The fact itself that disciplinary or capability action is taken against an employee as part of legitimate management action would not construe harassment. Where a complaint of harassment is raised as part of or connected to disciplinary or capability action, the matters of complaint will be dealt with as part of the considerations of the case and not through a separate mechanism.

7. EFFECTS OF HARASSMENT:

- 7.1 Harassment affects people adversely at work. It is well documented that harassment damages the victim's health, causing anxiety, tension, depression, deterioration of personal relationships, hostility, inability to concentrate, sleeplessness, fatigue, headaches and other signs of stress at work.

- 7.2 Harassment is usually a display and abuse of power directed from one person to another to the extent that the victim may feel that his/her dignity and job security is threatened. A victim may not feel that s/he can complain, or may feel embarrassed if such harassment is not taken seriously by his/her manager. A victim is often made to feel that s/he is to blame.

8. PREVENTING HARASSMENT:

- 8.1 A contract of employment places a duty of care on the Federation to provide a suitable environment in which to work. To a great extent this refers to the physical environment, but it also includes freedom from stress and other obstacles to a reasonable working environment. Whilst such a duty on the Federation is generally proactive, there is also a responsibility on the Federation to react to concerns raised by employees.

- 8.2 The Federation is vicariously liable for discriminatory acts, including harassment, carried out by employees unless the Federation can show that they took all reasonable practical steps to stop the occurrence of the act.
- 8.3 The Federation can no longer necessarily rely on the defence that an employee was acting outside the course of their employment when carrying out an act of discrimination. Similarly, the Federation can be held liable even when it did not employ the harasser but where it had control over the situation or event where the harassment took place.
- 8.4 The Federation has a responsibility to discourage harassment and prevent it from taking place by:
- Being aware of the problems which harassment can cause, and ensuring that our behaviour does not cause others to feel harassed.
 - Making our colleagues aware that certain conduct or behaviour is causing concern or offence to others.
- 8.5 The Senior Leadership Team has a particular responsibility to prevent harassment-taking place by:
- Being alert to the possibility that harassment may be happening in their relevant school.
 - Using their judgement to correct behaviour that could be considered as offensive and reminding employees of the Policy on this matter.
 - Taking prompt action to stop harassment as soon as it is identified
 - Dealing with all incidents quickly, seriously, sensitively, and in confidence.

9. IDENTIFYING HARASSMENT:

- 9.1 When a Executive Headteacher receives a complaint or becomes aware of an issue, s/he must first decide whether it falls within the scope of this Policy, refer to appendix 1, ensuring that it is not a complaint against the Federation policy or procedure, or that no other formal mechanism exists to resolve it. The Federation's appointed HR Service provider should be consulted for advice on the appropriate use of this procedure.
- 9.2 Complaints of harassment may be reported from a number of sources, for example:
- A colleague may raise the complaint if the person feels uncomfortable at doing so themselves.
 - A trade union representative may raise a complaint on behalf of one of their members.
 - An employee may lodge a grievance under the Employee Grievance Procedure that should instead be addressed and resolved using this Policy only.
 - An employee may pursue a separate matter under the Employee Grievance Procedure, which upon investigation amounts to a case of harassment. If so, the grievance should be addressed and resolved using this Policy alone.
 - A staff member may be harassed or victimised as a result of raising a concern under the Federation's Whistle blowing Procedure. In these instances, a member of the Federation's Management Team who received the complaint in the first instance should refer the matter to the appropriate manager to investigate.
 - Nevertheless, regardless of how a complaint has been reported, all allegations of

harassment must be dealt with using this Policy only.

10. TAKING ACTION:

- 10.1 Where harassment may exist, staff must feel confident that their complaint will be treated seriously and dealt with sympathetically, sensitively and quickly. Staff must be encouraged to bring the matter to the attention of a manager.
- 10.2 The Individual Employee Complaints Procedure will not be used to resolve instances of harassment, but this pro-forma should be used as a means of identifying complaints of harassment.
- 10.3 On receipt of a complaint or when issues are raised an evaluation is required as to whether the matter is most appropriately managed either via the informal or formal route in conjunction with the advice sought from the Federation's appointed HR provider.

11. INFORMAL PROCESS:

- 11.1 Wherever possible it is better for issues to be resolved informally, as most people who complain simply want the behaviour to stop. In some cases it may be sufficient for the manager to explain to the person causing the offence, that their behaviour is unwelcome, unacceptable and embarrassing. The manager may wish to consider training and/or other corrective measures to ensure that harassment ceases and should remind the employee of the Federation Policy on this matter.
- 11.2 It is recommended that a note be made of the date and content of an approach requesting that the alleged harasser stop. This note should be kept securely and confidentially and it may be necessary to refer to this later if the harassment continues.
- 11.2 Use of the informal stage will however depend on: -
 - The nature and seriousness of the complaint itself
 - The wishes of the person
 - Any previous history of either the harasser or the incident itselfThus, it is important that the person being harassed is comfortable with this type of approach, and the manager will need to evaluate the appropriateness of trying to resolve the issue this way.

12. MEDIATION:

- 12.1 As an employer we are looking to focus on the future and on rebuilding relationships where disagreements and conflict occurs at work. Mediation should be seen as a safe, confidential and non-confrontational approach to dealing with workplace difficulties. The use of mediation should be a standard consideration in all matters that can not be resolved informally or there is an issue that should properly be addressed through the disciplinary process. Further information about mediation can be found in appendix 2.

13. FORMAL STAGE – DISCIPLINARY PROCEDURE:

- 13.1 If the informal approach and or mediation was pursued and did not result in resolution or was deemed inappropriate, the manager must then treat the matter as a potential disciplinary matter. An investigation must then be undertaken in accordance with the Federation's Disciplinary Procedure.
- 13.2 It is particularly important in such cases for appropriate standards of confidentiality to be observed and for the profile of the Investigating Manager to be sensitive to the nature of the complaint. The investigation must be completed within a reasonable timescale and feedback on the outcome of complaint given as speedily as possible. All cases of harassment will also be subject to formal monitoring.

14. POSSIBLE OUTCOME:

- 14.1 If a complaint is upheld, managers must ensure that the complainant is not adversely affected by actions taken. Any disciplinary action taken against the alleged harasser will depend upon the nature and extent of the offence.
- 14.2 In minor cases of unintended offence/harassment, this is likely to include a guidance interview, and/or counselling and training with standards of behaviour and the policy reiterated.
- 14.3 In cases of a more serious nature, or a repeated offence, this is likely to include a formal warning, relocation, and/or training and could also result in dismissal, with or without notice. The manager should also remind the employee of the Federation Policy on this matter.
- 14.4 Where a complaint is not upheld, consideration should be given as to how the relationship between the two (or more) parties is to be managed.
- 14.5 Disciplinary action may be taken against any member of staff, including managers, who fail to take the responsibilities of this Policy seriously or to take appropriate corrective action. Except when it can be established that an employee complaint is either deliberately false or malicious, there can be no recriminatory action taken against any employee for raising a complaint under this procedure.
- 14.6 This policy should be followed for any counter allegations of harassment arising from a complaint.

15. POLICE INVOLVEMENT:

- 15.1 In very serious instances of harassment, for example stalking or violent behaviour, it may be appropriate to involve the police. Where the police are called in they should not be asked to conduct any investigation on behalf of the employer, nor should they be present at any hearing or disciplinary hearing.

The Federation of Kintore Way Nursery School & Children's Centre & The Grove Nursery School

Policy Name
Respect at Work

Adopted and signed on behalf of The Federation of Kintore Way Nursery School & Children's Centre & The Grove Nursery School by the Governing Body at the meeting on

_____29th March 2022_____

Name of Governing Body Representative

_____Teresa Ali_____

Signature of Governing Body Representative

_____  _____

Date signed _____29.02.2022_____

Date to be reviewed: Spring 2023