



Three  
Spires  
TRUST

*'Life in all its fullness'*

# Dignity at Work Policy

Policy owner	Director of Operations
Approved by	Trust Board
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**This policy has been consulted upon with all recognised professional associations who form part of the Joint Negotiating Committee in line with the Three Spires Trust Trade Union Recognition Agreement.**

## Contents

Section	Title
1	<b>Definitions</b>
	1.1 Bullying
	1.2 Harassment
	1.3 Harassment based on perception
	1.4 Harassment based on association
	1.5 Third party harassment
	1.6 Discrimination
	1.7 Direct Discrimination
	1.8 Direct Discrimination based on perception
	1.9 Direct Discrimination by association
	1.10 Indirect Discrimination
	1.11 Victimisation
	1.12 Detriment connected to trade union membership/activities
2	<b>Policy Statement</b>
3	<b>Scope</b>
4	<b>Procedure</b>
5	<b>Roles and Responsibilities</b>
	5.1 Employees
	5.2 Managers
	5.3 Trade Unions
6	<b>Protected characteristics under the Equality Act 2010</b>
Appendix A	Examples of unacceptable behaviour

## 1. Definitions

### 1.1 Bullying

**ACAS characterises bullying as ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate (*criticise unfairly / to say somebody does not have any value or is not important*) or injure the recipient.’**

The impact of bullying on a person can be the same as harassment, and as such the words bullying and harassment are often used interchangeably, although the term harassment specifically refers to behaviour which relates to the protected characteristics referenced in section 6.

### 1.2 Harassment

Harassment is defined by the effect that it has on the individual, not by the intention of the person responsible for the harassment, and is related to a protected characteristic or of a sexual nature.

**Harassment is defined by the Equality Act 2010 as ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’**

### 1.3 Harassment Based on Perception

Harassment can occur where a person does not have a protected characteristic, but is harassed on the basis of a perception that they do, for example on the basis of perceptions regarding their sexual orientation or faith.

### 1.4 Harassment Based on Association

Harassment can also occur where a person does not have a protected characteristic, but is associated with or connected to someone that does, for example they may be the parent or carer of a child or adult who has a disability.

### 1.5 Third Party Harassment

Harassment can also include circumstances where an individual is subjected to harassment by a third party, such as an individual (this could be a parent) or a contractor providing services. In the event that an employee considers that they have been bullied, harassed, discriminated against or victimised by a third party, they should immediately report this to their manager who will take appropriate action.

### 1.6 Discrimination

Employees should be aware that there is the potential for direct and indirect discrimination to arise in relation to many aspects of employment, including but not limited to, recruitment and selection, pay, promotion, leave of absence, training, flexible working and dismissal. Being mindful of this will help them to recognise and prevent unfair and unlawful discrimination.

## 1.7 Direct Discrimination

**Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with or are connected to someone who has a protected characteristic.**

## 1.8 Direct Discrimination Based on Perception

Direct discrimination may occur where a person does not have a protected characteristic, but is treated less favourably than another person on the basis of a perception that do, for example in relation to their sexual orientation or faith.

## 1.9 Direct Discrimination by Association

Direct discrimination may occur where a person does not have a protected characteristic, but is treated less favourably than another person on the basis that they are associated with or connected to someone that does, for example they may be the parent or carer of a child or adult who has a disability.

## 1.10 Indirect Discrimination

**Indirect discrimination can occur where an organisation's practices, policies or procedures are applied to everyone, but have the effect of disadvantaging people who share certain protected characteristics.**

In circumstances where an employer can show that there is an objective justification for indirect discrimination, and that it is a proportionate means of achieving a legitimate aim, it may not be unlawful. In order to demonstrate this the employer must be able to show that they have been fair and reasonable, and that they have considered less discriminatory alternatives.

If an employee considers that any of Three Spires Trust practices, policies or procedures may be indirectly discriminatory, they should report their concerns and the basis for them to their line manager, who take appropriate action and ensure that the employee receives a written response in respect of the concerns that they have raised.

## 1.11 Victimisation

**Victimisation occurs when an employee is treated less favourably than others for:**

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection to) the Equality Act 2010

**Victimisation may also occur because an employee is suspected of doing one or more of these things.**

Employees who do any of the above in good faith will be protected from victimisation.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint, and in this event may be subject to disciplinary action.

#### 1.12 **Detriment connected to trade union membership / activities**

It is unlawful to subject an employee to detriment in connection with their membership or non-membership of a trade union, taking part in lawful trade union activities, or making or proposing to make use of trade union services. No employee will be subjected to detriment on this basis.

## **2. Policy Statement**

- 2.1 Three Spires Trust are committed to adopting policies and procedures to encourage a positive working environment, and have a duty to create a safe work environment where everyone is treated with dignity and respect.
- 2.2 Three Spires Trust will ensure that employees receive appropriate training and information to help them to understand their rights and responsibilities in connection with this Policy, including equality and diversity training and training in the implementation of the Trust's relevant policies and procedures.
- 2.3 Three Spires Trust are responsible for ensuring the effective implementation of this Policy, and as part of equality monitoring will review and monitor the operation of the Policy on an annual basis.
- 2.4 Bullying, harassment, discrimination and victimisation are unlawful, and will not be tolerated at any level in any shape or form. All people working for or with the Trust are required to treat all people they come into contact with, with dignity and respect, and they are entitled to expect this in return.
- 2.5 This Policy aims to assist employees in preventing, recognising and stopping any behaviour which may amount to bullying, harassment, discrimination or victimisation, any of which can have serious consequences for employees and for the Trust.
- 2.6 The Trust recognises that these consequences can include a negative impact on people's health and wellbeing, on family and social relationships and their performance at work; which can in turn impact on the Trust's provision and so outcomes for children and young people.
- 2.7 Three Spires Trust is committed to equality and values diversity. As such the Trust is committed to fulfilling its Public Sector Equality Duty (Equality Duty) obligations, and expects all staff and volunteers to share this commitment.
- 2.8 The Equality Duty requires the Trust to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation;
  - Advance equality of opportunity; and
  - Foster good relations between people who share characteristics, such as age, gender, race and faith, and people who do not share them

- Schools/Academies are required to publish equality information as well as equality objectives, which show how they plan to reduce or remove particular inequalities or disadvantages. Schools/Academies will need to update the published information at least annually and publish objectives at least once every four years

- 2.9 This Policy has been developed with due regard to the Equality Act 2010, the Equality Duty and ACAS guidance.
- 2.10 All allegations of bullying, harassment, discrimination and victimisation will be investigated, and if appropriate disciplinary action will be taken. If proven, allegations of bullying, harassment, discrimination or victimisation could constitute gross misconduct leading to dismissal without notice. They may also constitute a criminal offence. A non-exhaustive list of examples of unacceptable behaviour which may result in disciplinary action is set out in Appendix A.
- 2.11 Decisions will not be taken in respect of bullying, harassment, discrimination or victimisation on the basis of whether a person submitted to or rejected a particular instance.
- 2.12 All employees and the Trust must observe their duties and responsibilities in respect of confidentiality where allegations of bullying, harassment, discrimination or victimisation arise.

### 3. Scope

- 3.1 This Policy applies to all teaching and non-teaching staff employed to work in the Trust by the Three Spires Trust board and to all teaching staff employed centrally.
- 3.2 Where an employee has concerns in relation to bullying, harassment, discrimination or victimisation that they may have witnessed at work, which does not amount to individual grievance that is within the scope of the Grievance Procedure to address, it may be appropriate for them to consider raising their concerns under the Trust's Whistleblowing Policy and Procedure.
- 3.3 Whilst many of the principles in this Policy are transferable, this Policy is not intended to apply to the treatment of children and young people by employees of the School; the required standards of behaviour and conduct in relation to children and young people are set out in the applicable professional standards, and various policies and procedures including the Child Protection Policy, Behaviour management Policy and Code of Conduct.
- 3.4 **All Trust staff have a duty to immediately report any concerns that they may have in relation to the safeguarding of children and young people, and must follow the Trust's Child Protection Policy and Statement in respect of Managing Allegations against Staff and Volunteers who work with Children and Young People.**
- 3.5 The application of this Policy and the standards of behaviour set also extend to any work related setting outside of the workplace, for example social gatherings, and any setting where an employee can be considered representative of the Trust. This includes social networking / online contact with / about colleagues external to the work context.
- 3.6 This Policy provides information which underpins the Trust's Grievance Procedure, Code of

Conduct, Whistleblowing Policy and Disciplinary Procedures. Copies of these policies and procedures can be accessed via the online academy portal.

## 4. Procedure

### Raising a concern or complaint

- 4.1 Employees may be able to resolve matters informally. The person may not know that their behaviour is unwelcome or upsetting.
- 4.2 An informal discussion may help them to understand the effects of their behaviour and agree to change it. Employees may feel able to approach the person themselves, or with the help of a colleague, a manager, trade union representative or HR Consultant. Alternatively, an initial approach could be made on an employee's behalf by one of these people.
- 4.3 Employees should tell the person what behaviour they find offensive and unwelcome and say that they would like it to stop immediately. **Employees may want to add that, if the behaviour continues, they intend to raise a formal grievance.** Notes of the date and what was said and done should be kept. This will be useful if the unacceptable behaviour continues and an employee wishes to make a formal complaint.
- 4.4 There will be instances where an informal approach does not resolve matters, or the situation is deemed too serious to be dealt with informally. In these cases, any concerns about alleged bullying, harassment, discrimination or victimisation, should be raised formally **following the process set out in the Grievance Procedure.**

## 5. Roles and Responsibilities

### 5.1 Employees

All employees have a responsibility to help create and maintain a work environment free of bullying, harassment, discrimination and victimisation by:

- Treating colleagues with dignity and respect
- Being aware of their behaviour, and that their behaviour and that of other people may affect others
- Making it clear that bullying, harassment, discrimination and victimisation are unacceptable
- Making it clear to others when their behaviour is unacceptable
- Intervening to stop bullying, harassment, discrimination or victimisation and to give support to victims
- Reporting these behaviours to a manager or the Principal, and supporting the Trust in the investigation of complaints
- Where a complaint is made, not prejudicing or victimising the complainant or alleged harasser
- Not knowingly making a malicious or vexatious allegation against another employee or person/s working for or with the Trust.

## 5.2 Managers

Managers have a particular responsibility to:

- Set a good example by their own behaviour
- Ensure that there is a supportive working environment
- Make sure employees and those working with or for the Trust know what standards of behaviour are expected of them
- Intervene to stop bullying, harassment, discrimination or victimisation and to give support to victims
- Report promptly to the Principal any complaint concerning these behaviours or any incident witnessed (where the complaint does not relate to the Principal). Such complaint should be reported to the Chair of the LGB/CEO.
- Manage any allegations in accordance with the requirements of the Trust's Grievance or Disciplinary Procedures

## 5.3 Trade Unions

Employees with trade union membership will be able to be accompanied to any meetings by their union for advice and support in circumstances where they witness, are the victim of, or are accused of bullying, harassment, discrimination or victimisation.

## 6 Protected characteristics under the Equality Act 2010

Bullying or harassment will constitute unlawful discrimination where it relates to one of the nine protected characteristics defined in the Equality Act 2010. They are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race (which includes colour, nationality and ethnic or national origins)
- Religion and belief (or lack of)
- Sex
- Sexual orientation

Bullying behaviour does not have to be related to one of the protected characteristics in order to be considered as such.

## Appendix A

### Examples of unacceptable behaviour *(This list is not exhaustive)*

Bullying, harassment, discrimination and victimisation can occur during face to face interactions, but can also take place via written communication, visual images (for example pictures of a sexual nature or embarrassing photographs), e-mail and telephone. Examples of unacceptable behaviour which may result in disciplinary action include:

- verbal or physical threats and intimidation
- persistent negative comments
- humiliating / ridiculing someone in front of others
- unjustified, persistent criticism / picking on one person for criticism when there is a common problem
- offensive or abusive personal remarks
- setting unattainable, unreasonable targets
- constantly changing work targets or overloading in order to cause someone to fail
- reducing someone's effectiveness by withholding information
- intentionally blocking promotion or training opportunities
- ostracism / exclusion
- not giving credit where it is due / claiming credit for someone else's work
- belittling someone's opinion
- making false allegations
- monitoring work unnecessarily and intrusively / overbearing supervision or other misuse of power or position
- undervaluing work done
- removing areas of responsibility without justification
- imposing unfair sanctions
- making threats or comments about job security without foundation
- spreading malicious rumours or insulting someone, using words or behaviour
- sharing information that is confidential about someone to others
- unwelcome sexual advances – touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected