



Federation of Shevington Primary Schools

Millbrook and Shevington Vale Primary Schools

Dignity at Work Policy

Contents

1. Introduction	Pg 3
2. Policy Statement	Pg 4
3. Scope	Pg 5
4. Responsibilities	
4.1 Employees	Pg 6
4.2 Managers	Pg 6
4.3 Trade Unions	Pg 7
4.4 HR and OD Services	Pg 7
5. What is bullying and harassment?	
5.1 Bullying	Pg 8
5.2 Harassment	Pg 9
5.3 Third Party Harassment	Pg 11
6. What is not bullying or harassment?	Pg 12
7. What is discrimination or victimisation?	
7.1 Discrimination	Pg 13
7.2 Direct Discrimination	Pg 13
7.3 Indirect Discrimination	Pg 14
7.4 Victimisation	Pg 14
8. Employee Support	Pg 15
8. Data Protection	Pg 15
9. Further information	Pg 15

1. Introduction

We believe that a confident and dignified workforce is created by a culture where employees feel valued and listened to and where they are treated with respect. Inappropriate behaviour such as bullying, and harassment has no place in the workplace. The effects of such behaviour on a person's health and wellbeing and the cost to the organisation can be significant. Consequences can include:

- Strained relationships
- Low morale
- Poor performance
- Increased sickness absence
- Employees leaving
- Tribunal cases

The purpose of this policy is to ensure that preventative and proactive measures are established in relation to behaviours in the workplace which could be construed as harassment, discrimination, victimisation or bullying. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence and protect those affected.

The policy is supported by the Dignity at Work Procedure and FAQs document, which can be found within the Dignity at Work section of the Hub.

2. Policy Statement

We expect all employees to demonstrate a high standard of behaviour that represents our values and reflects the **Code of Conduct for Employees**. It is recognised that disagreements in the workplace may occur from time to time, however behaviour that goes beyond the boundaries of what would be considered normally acceptable will not be tolerated. This includes any form of harassment or bullying.

All complaints will be treated seriously and dealt with sensitively. Where possible, complaints will be dealt with at the informal stage of the procedure and the focus will be on re-building relationships. Where the complaint is serious, the formal stage of the procedure will be followed and may result in disciplinary action.

In addition, we will not tolerate victimisation of employees for making allegations of bullying and harassment in good faith, or for supporting someone who makes such allegations.

3. Scope

Who does this apply to?

This policy applies to everyone who is employed by the Council or Schools who adopt the policy, whether temporary or permanent.

The principles of this policy apply to partner agencies, those on a placement, external contractors, agency workers, consultants, and volunteers. Complaints involving elected members should be raised with the employee's manager without delay.

This policy extends to outside normal working hours where an employee's actions adversely affects a workplace relationship. This includes actions or comments made at work related functions or comments placed on social networking sites.

4. Responsibilities

4.1 Employees

- maintain appropriate standards of behaviour.
- be responsible for their own behaviour and change it if necessary.
- raise issues under this policy if someone is upsetting or offending them or if they feel they are being discriminated against.
- help to prevent unacceptable behaviour by challenging and reporting colleagues whose behaviour appears to be causing distress to others;
- participate in a dignity at work investigation, if required to do so; and
- be honest and not act in any way maliciously.

Further information can be found in the **Dignity at Work Procedure and FAQs document on the Hub (Wigan Council Hub or Your HR Hub for schools)**.

4.2 Managers

Managers have a particular responsibility to take all reasonable steps to prevent harassment claims and eliminate unacceptable behaviour in the workplace. They will treat employees fairly, communicate effectively and use appropriate measures to deal with issues concerning an employee's behaviour or performance. Providing the reasons for any action taken are legitimate and decisions are communicated in an appropriate manner, this does not constitute bullying, harassment or victimisation.

Managers at all levels have a responsibility to:

- ensure that employees are aware of and adhere to this policy;
- encourage an open working environment where incidents can be reported;
- encourage a positive working environment, where people treat each other with mutual dignity and respect;
- be alert to potential problems and changes in atmosphere and act promptly, without waiting for a complaint to be made;
- treat all complaints seriously and deal with them sensitively taking into account the feelings of all those involved;

- manage complaints at the appropriate stage of the procedure;
- and lead by example and demonstrate the council's behaviours.

4.3 Trade Unions

- support the council in its effort to provide an environment that is free from harassment, bullying, discrimination and victimisation;
- encourage the resolution of matters at the informal stage of the procedure, when appropriate;
- advise members of their rights and responsibilities under this policy and represent members when appropriate;
- and work with managers to seek effective resolutions for employees.

4.4 HR and OD Services

- provide advice and guidance to managers and employees on the application of this policy to ensure actions are practical, proportionate, and tailored to the circumstances of the workplace;
- advise on the appropriate stage of the procedure to be followed;
- periodically review this policy and update in line with current legislation. Ensuring all procedures are readily available to all employees (not limited to a gender or age).
- Signpost to training for employees, channels to report incidents (without fear of reprisal) and relevant policies and procedures.
- take proactive action to improve inclusivity; such as conducting reviews to ensure that measures in place are effective - reviewing our culture by conducting audits into the effectiveness of training, policies and reporting structures to identify areas for improvement.

5. What is bullying or harassment?

Bullying and harassment can be summarised as offensive, intimidating, behaviour that is unwelcome and unwanted by an individual or individuals. While the two are closely linked and may overlap, harassment is linked by law to discrimination and is unlawful under the Equality Act 2010. Bullying and harassment may be carried out by one or more individuals and may be directed at one person or a group of people. It may be verbal – face to face or by phone, or written – by email, letter, text message or social media, non-verbal – gestures, body movements, facial expressions, or physical.

Bullying or harassment can occur:

- ↓ Downwards from managers to employees;
- ↔ Sideways between colleagues;
- ↑ Upwards from employees to managers.

5.1 Bullying

There is no legal definition of bullying, however experts describe it as negative behaviour towards an individual or individuals, repeatedly and persistently over a period of time. ACAS characterises bullying as:

‘Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.’

Bullying can often be subtle and devious and take place away from witnesses.

5.2 Harassment

The Equality Act 2010 defines harassment as: ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.’

The relevant protected characteristics are:

- Age;
- Sex;
- Disability;
- Gender (and gender reassignment);
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race - including colour, nationality, ethnic or national origin;
- Religion or belief;
- Sexual orientation.

Wigan Council also recognise the below groups as additional protected characteristics:

- Care Leavers and looked after children and young people
- Armed Forces Personnel
- Carers and
- Socio-economic disadvantaged

The complainant does not need to possess the relevant characteristic themselves. They may be associated with a person who has one, wrongly perceived to have one or are treated as if they do. Bullying may amount to harassment if it relates to a protected characteristic. Although pregnancy, maternity, marriage and civil partnerships are protected characteristics under the Equality Act, any unfavourable treatment in respect of these characteristics would be considered as discrimination, as opposed to harassment, as outlined in the act.

Examples of bullying or harassment may include:

- Shouting or swearing at people in public and private;
- Sarcastic comments deliberately aimed at an individual;
- Persecution through threats and instilling fear;
- Verbal abuse including threats, name calling, insults or ridicule;
- Offensive jokes, banter, gossip;
- Spreading malicious rumours;
- Displaying or circulating of offensive or abusive materials;
- Intrusion by pestering, spying or stalking;
- Coercion, such as pressurising someone to take a particular course of action;
- Overbearing supervision;
- Threatening to, or attempting to take disciplinary action which is totally unjustified;
- Treating someone with a protected characteristic less favourably than others;
- Unwanted physical contact, sexual advances or innuendo.

Less obvious behaviour may include:

- Constant 'nitpicking';
- Ignoring or excluding people;
- Removing areas of responsibility and imposing menial tasks without justification;
- Setting people up to fail by imposing unrealistic deadlines or targets, or constantly changing them;
- Purposely withholding information or supplying incorrect information;
- Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.

5.3 Third Party Harassment

We do not tolerate harassment of employees by third parties, and we take all reasonable steps to eliminate this. Where employees feel that they have experienced harassment they are required to notify their manager and follow the protocol outlined in the Violence and Challenging behaviour procedure.

Managers and staff members should seek the advice and support of their Service Manager/Assistant Director/Headteacher and legal services where appropriate.

In addition to this, when we are working with third parties, we will encourage them to ensure they have appropriate protocols in place for their employees to raise issues or concerns with them too. Our Procurement processes support this by including specific equality related considerations when purchasing goods and services such as copies and assurances around equality policies before awarding contracts as well as contract management processes.

6. What is not bullying or harassment?

Managers have a right and a duty to manage and may need to make unpopular decisions from time to time that may not be welcomed by employees.

Managers will treat employees fairly, communicate effectively and use appropriate measures to discuss issues concerning an employee's behaviour or performance.

Providing the reasons for any action taken are legitimate and reasonable and decisions are communicated in an appropriate manner, this does not constitute bullying or harassment.

Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines;
- rostering or allocating working hours where the requirements are reasonable;
- transferring employees for operational reasons;
- undertaking action in line with the Performance Capability Procedure;
- undertaking appropriate action to address inappropriate behaviour; or
- implementing organisational changes or restructuring.

7. What is discrimination or Victimisation?

7.1 Discrimination

Discrimination can be based on any one of the following protected characteristics. Managers can avoid a successful claim of unlawful discrimination by showing that they took reasonable steps to prevent the offence being committed.

The relevant protected characteristics are:

- Age;
- Sex;
- Disability;
- Gender (and gender reassignment);
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race - including colour, nationality, ethnic or national origin;
- Religion or belief;
- Sexual orientation.

Wigan Council also recognise the below groups as additional protected characteristics:

- Care Leavers and looked after children and young people
- Armed Forces Personnel
- Carers and
- Socio-economic disadvantaged

7.2 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have.

Direct discrimination may also be based on the following:

- Perception 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; and

- Discrimination by association. This is direct discrimination against someone because they associate with a person who possesses a protected characteristic.

7.3 Indirect Discrimination

Indirect discrimination can occur when a condition, rule, policy or even a practice that applies to everyone, particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that the employer acted reasonably in managing the business and that it is a proportionate means of achieving a legitimate aim.

7.4 Victimisation

This is defined as treating people less favourably because of action they have taken, or are proposing to take, in connection with legislation, such as giving evidence in a tribunal case or making a formal complaint of discrimination. It can also occur when an employee has rejected the advances of another person, or it could arise if someone is adversely treated prior to a complaint being discussed with them, for example by being moved to a different workplace.

No employee will be victimised for making a complaint, even if the allegations are unfounded following the investigation, however, should the investigating officer conclude that the complaint was malicious, disciplinary action may be taken.

8. Employee Support

Dignity at work issues can be very distressing for all employees involved and they will be offered support throughout the process. In addition, to the support offered by their trade union representatives employees have access to the **Wellbeing Hub and Helpline** (Schools should check with their Business Manager if they have access to this service). This is a dedicated, confidential information and support service. For more information visit The Hub.

9. Data Protection

The council holds staff personal information in accordance with the General Data Protection Regulation (GDPR).

We hold your personal data as set out in the Data Privacy Primary Notice and Recruitment and Employment Privacy Notice. For Wigan Council employees further guidance is available from [**GDPRQueries@wigan.gov.uk**](mailto:GDPRQueries@wigan.gov.uk)

10. Further Information

Further advice and support is available from your HR team. Wigan Council HR can be contacted on 01942 404030 or by emailing [**Hrcaseworkdandadvice@wigan.gov.uk**](mailto:Hrcaseworkdandadvice@wigan.gov.uk)