Fourlanesend Policy

Dignity at Work

Date agreed by teachers: September 2021

Date agreed by governors:

To be reviewed: Annually

Dignity at Work Policy

1. Introduction

The purpose of this policy is to ensure a culture of working relationships in which everyone is treated with dignity and respect, where harassment is known to be unacceptable and individuals have the confidence to deal with and challenge harassment or bullying without fear of ridicule or reprisals.

This policy supports the values of the School. These values which should be demonstrated through our day to day behaviour are that we all:

Values -

Respect and Responsibility
Confidence
Kindness
Honesty
Enthusiasm for Learning

This policy aims to ensure that if inappropriate behaviour does occur in the workplace it is dealt with in a serious, sensitive and confidential manner so that the matter can be resolved as quickly as possible for all concerned.

The School will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The School will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

2. Legislation/conditions of service

Equality Act 2010

Discrimination laws have been developed over more than 40 years, The Equality Act replaces previous pieces of legislation with a single Act, which will forms the basis of the statutory requirement on the school.

The Act protects individuals on the grounds of sex, race, age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, religion or belief (including lack of belief) and sexual orientation. These are called "protected characteristics".

The following legislation is also relevant to Dignity at Work:

- Health and Safety at Work etc Act 1974
- Protection from Harassment Act 1997
- Race Relations Act 1976
- Management of Health and Safety at Work Regulations 1999
- Employment Equal Treatment Framework Directive 2000
- Equal Treatment Directive 1976 and 2002
- Code of Practice on the protection of the dignity of women and men at work

3. Scope of this policy

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the School, whether by direct contract with the School or otherwise. If the complainant or alleged harasser is not employed by the School, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the School could not dismiss the worker but would instead require the agency to remove the worker (if appropriate after investigation).

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

Employees who bully or harass parents, customers, suppliers, visitors or others will be dealt with through the disciplinary procedure.

The policy does not cover bullying or harassment by parents, customers, suppliers, vendors or visitors and, in these cases, employees should report any such behaviour to their line manager / Headteacher who will take appropriate action.

Any actions which may be illegal under the relevant discriminatory legislation or under criminal legislation may be reported to the police.

If an employee receives hate mail then they should refer to the ***Guidance Note – Anonymous Abusive Letters and Hate Mail*** which is set out as Appendix D to this Policy.

4. Definition

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end. It is usually carried out by one individual against another. However, "pair bullying" and "gang bullying" can occur. With bullying the focus is on competence, or rather the alleged lack of competence, of the bullied person. A bully will frequently use several different methods to harass or intimidate another individual. The table in Appendix B shows how bullying differs from harassment.

Harassment is unwanted conduct relating to a relevant protected characteristic which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- Is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if it is not directed at them. And the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Cyber harassment is the misuse of email systems or Internet/Intranet forums for sending aggressive, malicious, offensive and inappropriate emails or comments. This is in breach of the School's Policy on Internet & E-Mail use, which can lead to disciplinary action.

Hate mail (which may be postal, electronic, or in some other form) is a form of harassment.

Third party Harassment the Equality Act makes the school potentially liable for harassment of employees by people (third parties) who are not employees of the school. The school will be liable if an employee has complained that they are being harassed and that we have not taken reasonable steps to prevent it from happening again.

Victimisation is where a person is treated less favourably than others because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them less favourable work.

Provided that an employee acts in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the School will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised the employee.

Making a complaint which an employee knows to be untrue, or giving evidence which they know to be untrue, may lead to disciplinary action being taken against them.

Discrimination

- ***Direct and Associative discrimination*** occurs where someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

- ***Indirect discrimination*** occurs when there are rules, regulations, procedures or practices operating, which have the effect of discriminating against certain groups of people.

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

Intimidation
Intimidation is a form of discrimination, harassment or bullying. It includes deliberate exclusion of a person(s) from conversations, rejection or isolation of an employee by refusing to talk or work with them, unfair allocation of work, unjustified supervision of an employee, making threats against a person or group of people, attempts to stir up ill-feeling against an individual or group of employees.

Conduct
Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a ‘joke’ may offend another person. Different people find different things acceptable. Everyone has a right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain ‘banter’, flirting or asking someone for a private drink after work. In

these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Council's Disciplinary Policy. Bullying or harassment will often be gross misconduct which can lead to dismissal without notice.

Some bullying will constitute unlawful discrimination, e.g. if it relates to a person's sex, race, religion or belief, sexual orientation, age or disability. Harassment on the grounds of age is also unlawful. Serious bullying or harassment may amount to other civil or criminal offences, e.g. civil or criminal offences under the Protection from Harassment Act 1996 and criminal offences of assault

Examples of bullying or harassment

Bullying or harassment may be physical, verbal or non-verbal, e.g. by letter or email.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advances, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's sexual orientation or age;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him or her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

5. Responsibilities

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. Employees can help to do this by:

- being aware of how their own behaviour may affect others and changing it, if necessary - they can still cause offence even if they are 'only joking';
- treating their colleagues with dignity and respect;
- ensuring that they read and understand this policy
- taking a stand if they think inappropriate jokes or comments are being made;

- making it clear to others when they find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that they find harassment and bullying unacceptable;
- reporting harassment or bullying to their manager or HR Services and supporting the Council in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Employees who either make an allegation or are subject to an allegation of bulling or harassment must actively engage in the process, for example by supporting the appropriate investigation or recommendations.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment;
- ensure that all employees are aware of the school's commitment to promote a safe, supportive and inclusive place of work, via induction and team briefings.
- ensure staff are made aware that under the Employee Code of Conduct any conduct or action that is established to be prejudicial will be regarded as a disciplinary offence;
- ensure employees are made aware of the Disciplinary Procedure and are aware of the sanctions that may be taken by the School against them should allegations of Gross Misconduct and Misconduct be upheld;
- ensure that a supportive framework is provided for employees who may have a complaint. They need to know:
  - who to complain to
  - what forms of support are available
  - that prompt action will be taken
  - that the complaint will be taken seriously; and
- report promptly to the Headteacher any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

Often those accused of bullying find it difficult to recognise themselves as behaving in a bullying or aggressive way. Conversely, some managers are concerned about tackling poor performance and being accused of bullying. When managers find themselves having to deal with poor performance, part of their role is to motivate people to perform more effectively. The table shown in Appendix F looks at the difference between management and bullying behaviour and may be a guide to dealing with such situations.

6. Allegations of bullying or harassment

If an employee is approached informally about their behaviour they should not dismiss the complaint out of hand because they were only joking or think the complainant is being too sensitive. Employees should remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An employee may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from the employee and an assurance

that they will be careful in future not to behave in a way that they know may cause offence. Provided that the employee does not repeat the behaviour which has caused offence, that may well be the end of the matter.

It is important that the school follows a fair process and that if the school receives a complaint of bullying or harassment there must be fairness to both the complainant and the person accused. In order to ensure that a full and fair investigation is completed the employee who has made the complaint will be required to support the investigation and provide the relevant information. The school recognises that some staff may feel reluctant to come forward and the school will ensure that they are provided with the relevant support and are treated fairly and sensitively, for example if an employee is absent from work they maybe asked to provide a written statement or the investigating officer may obtain their statement from a home visit.

If an employee, who has made a complaint of bullying and or harassment repeatedly fails to support the investigation or as a result of the investigation doubts are cast on the validity of the complaint or where somebody has made an unfounded allegation of bullying and or harassment for malicious reasons, such cases will also be investigated and maybe dealt with fairly and objectively under the disciplinary procedure.

7. External Providers and Partnership working

From time to time, the School engages in partnership with other organisations to provide services. If the alleged harasser is an employee from another organisation, then the line manager of the individual alleging harassment will seek to resolve it in line with this policy together with the manager of the alleged harasser, requesting that appropriate action is taken to resolve the issue.

In the same way, if there is an allegation of harassment from an individual working at the School about one of the relevant line manager / Head of Department / Headteacher (as appropriate) will seek to resolve it in line with this policy and together with a manager from the organisation, taking action as appropriate.

8. Guidance

Guidance on the implementation of this policy is provided in the ***Procedure for dealing with harassment and bullying*** and in the ***Guidance Note – Anonymous Abusive Letters and Hate Mail*** which is set out as Appendix D to this Policy.

9. Conclusion

Harassment of any kind is an upsetting and humiliating experience. When harassment occurs at work, it can seriously affect the confidence of employees and consequently how well they do their jobs. The School wishes to promote a culture where everybody feels a personal responsibility to ensure that the dignity of colleagues, clients and customers is not abused, ensuring a support mechanism is in place, when required, to advise and guide all parties involved.

Scope

- This policy applies to all employees of the School.
- Community schools will be bound by the principles of this policy.
- In educational establishments with fully delegated budgets, it is for the relevant governing body to decide whether or not it is appropriate to apply this policy. Where it is decided that it is not appropriate, the governing body is reminded of its obligation as an employer to nevertheless satisfy the requirements of the law and, where appropriate, the requirements of specific conditions of service.

Delegations

- Line Managers to conduct the investigation into the allegation/complaint
- Governing Bodies to act in accordance with delegations accorded to the disciplinary and dismissal and grievance procedures.

Procedure for dealing with harassment and bullying

1. Introduction

The purpose of this procedure is to provide guidance for employees who feel they are being bullied or harassed.

Advice and support in dealing with harassment/bullying is available for line managers/ Headteachers and staff. If staff feel unable to speak to their Line manager, Head of Department or Headteacher, they may contact their Chair of Governors or union members may contact their Trade Union.

At all stages of the procedure, line managers, Heads of Department and Headteachers must ensure that all individuals involved are advised that they may be accompanied at any stage by a union representative or work colleague.

The flowchart shown in Appendix A sets out the process that should be followed if an employee feels that they have been the subject of harassment or bullying. This process is described in detail below.

If an employee receives hate mail then they should refer to the ***Guidance Note – Anonymous Abusive Letters and Hate Mail*** which is set out as Appendix D to this Policy.

2. First steps

It may be possible for the employee to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. The employee may feel able to approach the person themselves or with the guidance of their line manager, Head of Department, Headteacher, the Chair of Governors or their Trades Union. Alternatively, an initial approach could be made on behalf of the employee by the relevant person, if appropriate using the informal procedure below. The employee should tell the person what behaviour they find offensive and unwelcome, and say that they would like the alleged harasser to stop immediately. The employee may wish to add that, if the behaviour continues, they intend to make a formal complaint to their line manager, Head of Department, Headteacher or Chair of Governors. The employee should keep a note of the date and what was said and done as this will be useful information if the unacceptable behaviour continues and the employee decides to make a formal complaint.

If this action does not produce a satisfactory outcome or is not considered appropriate the employee should discuss with their line manager, Head of Department, Headteacher or Chair of Governors whether they should follow the informal or formal procedure shown below. The flowchart in Appendix A shows how the process operates.

3. Informal procedure

If an employee thinks they may have been subjected to prejudicial behaviour but are not sure and wishes to discuss it informally in the first instance they may do so with

their line manager, Head of Department, or Headteacher. If this is not appropriate, they should raise it with the Chair of Governors.

This informal stage will allow the employee to discuss the issues, explore their own feelings and the effects of the incident(s) and understand the next stages in the process.

Many people will prefer to resolve all forms of harassment and bullying by informal means, such as by simply asking or telling the offender to stop. This option may not be appropriate if the allegation is of a serious nature or if the effects on the person(s) who has/have been harassed or bullied (the complainant) are of a serious nature, or if the reputation of the School has been called into question.

If the lead manager (i.e. the manager to whom the complaint has been made, or the manager designated by a Headteacher to lead the proceedings) and the employee agree that the nature of the harassment is minor and the consequences for the employee are minimal, the lead manager should ascertain the facts to gather relevant information and to confirm that it can be dealt with informally. In most instances the line manager will undertake this fact finding exercise. The purpose of this exercise is to determine what happened and who was involved and should be confidential. The report may take the form of a verbal briefing to the lead manager. Managers should seek advice from HR Services.

If as a result of the fact finding exercise the decision is to proceed to the formal stage this stage should be considered as the preliminary investigation.

If the fact finding exercise confirms that the incident can be dealt with informally, the lead manager may speak with the alleged harasser and discuss the incident to ensure the individual understands the transgression and agrees that it will not be repeated. One of the outcomes of such an exercise maybe a recommendation that both parties attend a “restorative meeting” to ensure all involved are able to move forward in a professional manner.

Where informal action has been taken by the lead manager the meeting with those causing offence should be followed up to ensure that the harassment has stopped. An informal and confidential note of the discussion and the outcome should be kept on the personnel files.

4. Formal procedure

Where it is decided that unreasonable or unfair behaviour has occurred or if informal action (see above) has not resolved the matter a formal complaint may be lodged. This may be verbally or in writing. However it must be made clear that this is a formal complaint and that the individual(s) wish the formal process to begin. It is therefore advised that the form shown in Appendix C is completed to ensure that the relevant information is provided. If the complaint is against the employee’s line manager, the form should be submitted to the Headteacher; if it is against the Headteacher, the form should be submitted to the Chair of Governors. They will ensure that an independent investigation is undertaken. In order to ensure that a full and fair investigation is completed the employee who has made the complaint will be required to support the investigation and provide the relevant information.

If the lead manager, as a result of the fact finding exercise, has decided that the matter is of a serious nature that warrants formal action they can decide to take the matter forward even if the complainant does not wish to proceed to formal action by making a

formal complaint. The complainant in this instance becomes a witness and the lead manager becomes the presenting officer. In this instance the lead manager must be sensitive to the needs of the complainant during this time and ensure that appropriate support is in place.

Once a complaint has been made it must **not** be ignored. An impartial investigation must be conducted. The investigation is now formal. The lead manager must ensure that the investigation is objective and fair. In extreme cases it may be necessary for an external specialised investigation team to be used. Further advice is available from HR Services. Individuals may elect to report Hate Crimes to the police in addition to making a formal complaint to the School. Hate Crime is defined as any incident, which constitutes a criminal offence, which is perceived by the complainant or any other person as being motivated by prejudice or hate. In these instances advice should be sought from HR Services.

There may be circumstances where it is considered appropriate for more than one investigator to be appointed to ensure a balanced approach. For example, where there are allegations of sexual harassment, one male and one female investigator should be appointed if possible.

All meetings should take place in an atmosphere of total confidentiality and without the pressure to take the matter further.

Once the investigation is completed the lead manager will meet the complainant and alleged harasser(s) and investigator to determine whether prejudicial behaviour has taken place. The findings of the investigation will be used by the lead manager to assess the events leading to the complaint. This will be considered alongside the effects of the incident(s) on the complainant, and the wishes of the complainant and alleged harasser in terms of resolving the matter to the complainant's satisfaction.

Example *- if all parties confirm that an incident did take place, the effects on the complainant are minimal and the alleged harasser realises the error of their ways and wishes to apologise – the lead manager may recommend an informal resolution or an admission of fault.*

In many cases it may be sufficient for the Lead Manager to explain to the person or persons causing offence that the behaviour complained of is unwelcome, embarrassing and that it is interfering with work.

In cases where formal action is to be taken it maybe appropriate that the school's disciplinary or capability procedure is used. Further information and advice may be obtained from HR Services.

The lead manager will convey their decision on the complaint (within 5 working days of the meeting) in writing and this will be copied to the alleged harasser, complainant and Headteacher or Chair of Governors as appropriate.

The Lead Manager must ensure that there is no victimisation of either party. If there is reason to suspect victimisation the Lead Manager must immediately take action as set out in above. If the investigation finds in support of the allegation of victimisation the Lead Manager must progress using the Disciplinary Procedure. **Victimisation is serious misconduct and cannot be resolved informally.** Managers should seek advice from HR Services.

If the complaint cannot be upheld yet the employee remains aggrieved or concerned, then they may exercise a right of appeal to the Chair of Governors within 10 days of receipt of written notification.

5. Appeals procedure

The Appeal will be considered by a panel of Governors and their decision will be final. The employee will not be able to evoke other procedures to pursue their complaint, for example the Grievance procedure.

The purpose of an appeal is to re-hear the original formal complaint and, therefore, no new documents or witnesses shall be allowed, unless relevant and in the interests of natural justice.

The employee shall receive not less than 15 working days written notice of the date of the appeal hearing. Not later than 10 working days before the date of the appeal hearing, both sides will provide HR Services or the Clerk to Governors with a copy of any documents they wish to present at the appeal hearing and the name and status of any witnesses.

Not later than 5 working days before the date of the hearing HR Services or the Clerk to Governors will provide the interested parties with a full set of documents.

The procedure for the hearing of appeals is set out in Appendix E.

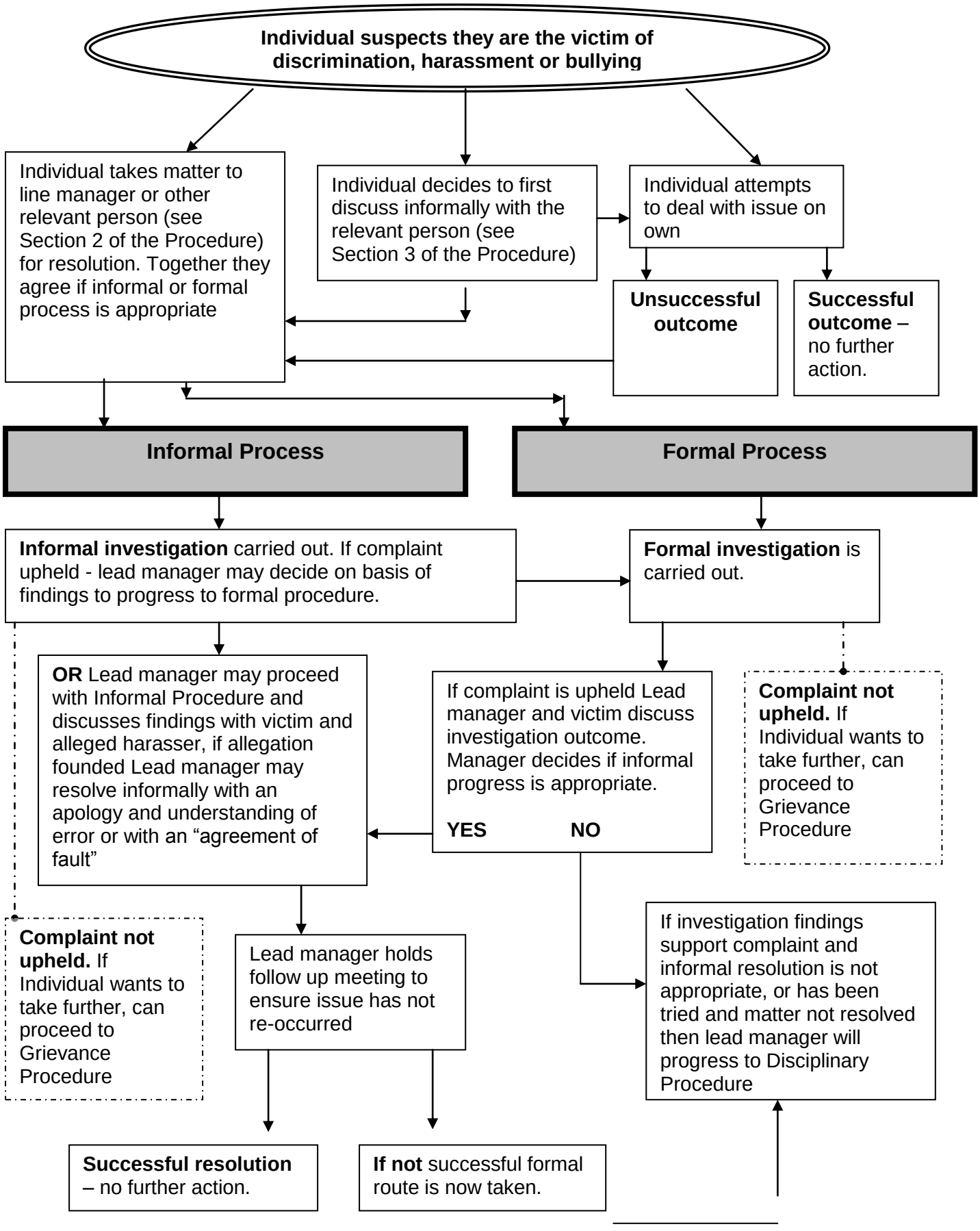
6. Postponement of the Hearing

Either side may request the postponement of the hearing. The Governor panel will decide upon such requests in consultation with HR Services.

Such requests will be considered in the context of the school's desire to investigate such matters in accordance with the principles of natural justice and the desirability for all parties to deal with such matters in the shortest practicable time. Where a request for a postponement is refused, the hearing will take place on the specified date, in the absence of the employee although he/she may be represented or submit written documentation for consideration by the Governor panel.

Appendix A

Dignity at work - Process



Appendix B

Example definitions of discrimination, harassment and workplace bullying

Discrimination and Harassment	Workplace bullying
Has a strong physical component, e.g. contact and touch in all its forms, intrusion into personal space and possessions, damage to possessions including a person's work, etc.	Almost exclusively psychological (e.g. criticism), may become physical later, especially with male bullies, but almost never with female bullies.
Tends to focus on the individual because of what they are (e.g. female, black, gay, disabled, etc)	Anyone will do, especially if they are competent, popular and vulnerable.
Harassment is usually linked to sex, race, prejudice, discrimination, etc.	Although bullies are deeply prejudiced, sex, race and gender play little part; it is usually discrimination on the basis of competence. It may, however, sometimes be based upon, or develop from, prejudice, e.g. against women or gay people.
Harassment may consist of a single incident, a few incidents or many incidents.	Bullying is rarely a single incident and tends to be an accumulation of many small incidents, each of which, when taken in isolation and out of context, seems trivial.
The person who is being harassed knows almost straight away that they are being harassed.	The person being bullied may not realise they are being bullied for weeks or months – until there's a moment of enlightenment.
Everyone can recognise harassment, especially if there's an assault, indecent assault or sexual assault.	Few people recognise bullying.
Harassment often reveals itself through use of recognised offensive vocabulary, e.g. ("bitch", "coon" etc).	Workplace bullying tends to fixate on trivial criticisms and false allegations of under-performance; offensive words rarely appear, although swear words may be used when there are no witnesses.
There is often an element of possession, e.g. as in stalking.	Phase one of bullying is control and subjugation; when this fails, phase two is elimination of the target.
The harassment almost always has a strong clear focus (e.g. sex, race, disability).	The focus is on competence (envy) and popularity (jealousy).
Often the harassment is for peer approval, bravado, macho image etc.	Tends to be secret behind closed doors with no witnesses.
Harassment takes place both in and out of work.	The bullying takes place mostly at work.
The harasser often perceives their target as easy, albeit sometimes a challenge.	The target is seen as a threat that must first be controlled and subjugated, and if that doesn't work, eliminated.
Harassment is often domination for superiority.	Bullying is for control of threat (of exposure of the bully's own inadequacy).
The harasser often lacks self-discipline.	The bully is driven by envy (of abilities) and jealousy (of relationships).
The harasser often has specific inadequacies.	The bully is inadequate in all areas of interpersonal and behavioural skills.

Appendix C

Harassment and bullying reporting procedure Pro-Forma

Strictly Private and Confidential

This form has been designed to enable you to submit a formal complaint under the School's Dignity at Work Policy. Before completing it please read the Dignity at Work Policy and Procedure for dealing with harassment and bullying. The policy is available on the School's Portal or from your line manager / Headteacher.

Personal Details

Name: _____ Post: _____

Place of work: _____ Address:_____

Telephone: _____ _____

Department: _____ _____

Team: _____ _____

Line Manager: _____

Representative [if any]: _____

Details of Complaint

Please state the details of your complaint. Please specify the name, designation and contact number of the person your complaint is about. You may wish to attach other pages or evidence in support of your complaint.

Remedy

Please indicate, if appropriate, what remedy you are seeking to your complaint. Please note that the remedy may depend on the result of the investigation. (Please tick appropriate box).

Verbal request to stop ☐

Written request to stop ☐

Formal proceedings to begin ☐

Other ☐

I consider that the behaviour described above constitutes harassment/discrimination/bullying/victimisation (please delete as appropriate).

Signed _____ Date _____

Please keep a copy of the completed form for your information.

Appendix D

Guidance Note – Anonymous Abusive Letters and Hate Mail

The School's Dignity at Work Policy sets out the expectation that all staff will ensure a culture of working relationships in which everyone is treated with dignity and respect. There may be occasions, however, where these expectations are not met and a member of staff is subject to unacceptable behaviour, such as receiving anonymous abusive letters or hate mail.

Hate mail (which may be postal, electronic, or in some other form) is a form of harassment, usually consisting of abusive and potentially intimidating or threatening comments towards the recipient. It may mock the recipient's appearance or behaviour. Hate mail often contains exceptionally abusive, foul or otherwise hurtful language. The recipient may receive disparaging remarks concerning their ethnicity, sexual orientation, religion or belief, gender identity, disability, or any other perceived difference.

This Guidance Note sets out advice for staff who receive such mail.

1. If you receive such mail in the post you should, as soon as you realise what it is, not handle it or allow others to handle it or the envelope it was sent in. This is because it is possible for the police to take fingerprints from letters.

2. Whether you find the content of the letter or note to be deeply offensive or mildly annoying, you should not destroy it but you should keep it safe and report it to your line manager/ Headteacher immediately. Do not delete abusive emails. The School takes all such abusive letters or hate mail seriously and expects to investigate them. We have a zero tolerance approach to hate crime.

3. You may wish to speak to your line manager, Head of Department or Headteacher in confidence or, if you feel unable to do this, to contact your Chair of Governors or your Trade Union representative. Anonymous abusive letters or hate mail will be considered as bullying or harassment under the Dignity at Work Policy.

4. We recognise how deeply offensive such letters or hate mail may be and how much they may affect a member of staff. Your manager will work closely with HR Services to see how they may best support you. They will take matters seriously, report them to the police, check that the member of staff feels safe and offer practical support.

5. Although members of staff may be distressed in these circumstances, we do ask that they assist the School and/or police investigation as much as they can. If such a letter is sent then we want to stop this happening again (whether it is to the same member of staff or to others) and to take action against any member of staff whose behaviour is unacceptable. If the person responsible is not an employee, we will seek to prosecute them or take any other action we reasonably can.

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. Any member of staff who has knowledge about someone sending an abusive letter or hate mail has a clear duty to report this and must inform their manager. Failure to do so would, in itself, be a serious matter which would be considered as gross misconduct. If a member of staff feels unable to speak to their own manager then they may speak, in confidence, to another member of the management team, Headteacher, Union representative or member of their Governing Body.

Appendix E

Procedure at Appeal Hearings

The procedure to be followed at appeal hearings is set out below:-

- Case and evidence presented by the employee or his/her nominated representative and/or the presentation of any written documents.
- Employee can call witnesses and they can be questioned by Hearing Officer and Investigating Officer.
- Investigating Officer to present their case.
- Employee or his/her nominated representative may question the investigating Officer and witnesses (where appropriate).
- Hearing Officer may question investigating officer and any witnesses.
- Employee or his/her nominated representative sums up.
- Investigating officer sums up
- Hearing Officer considers case in private (with any Advisers as appropriate) only recalling either party to clear points of uncertainty (in which case both parties will return).
- Decision of Hearing Officer is made as soon as possible and then confirmed in writing.

Appendix F

The difference between strong management and bullying

Often those accused of bullying find it difficult to recognise themselves as behaving in a bullying or aggressive way. Conversely, some managers are concerned about tackling poor performance and being accused of bullying.

When managers find themselves having to deal with poor performance, part of their role is to motivate people to perform more effectively. The table below looks at the difference between management and bullying behaviour.

Addressing poor performance	**Strong management**	**Bullying**
Identifying the performance issue	Looks at all potential reasons for poor performance, e.g. people, training, systems, equipment	Makes no attempt to identify the nature or the source of the poor performance
Seeking the views of individuals to identify the cause of the unacceptable level of performance	Individual takes part in looking at the source of the problem in performance and helps the manager identify solutions	No discussion of the cause of the poor performance or opportunities for individuals to discuss any difficulties
Agreeing new standards of performance with individuals	Involves setting and agreeing standards of performance and behaviours for individuals and the manager	Imposes new standards without discussion
Agreeing the method and timing of monitoring/evaluation of performance	Wherever possible, individuals take part in the monitoring process and the outcomes are discussed	Monitoring can occur at any time and can involve unexpected areas
Failure to achieve performance standards is dealt with as a performance issue	Opportunities are taken to identify individuals who are struggling and support is provided. If individuals are unwilling to comply with the agreed performance improvement process, disciplinary action may be taken	Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, personal criticism, shouting, teasing, sarcasm, withholding of benefits or demotion
Recognising positive contributions	Recognises and rewards improvements in performance, attitudes and behaviour	Without proper monitoring, it is impossible to recognise where there have been positive contributions. Rewards and recognition are often arbitrary and open to acts of favouritism