

Dignity at Work Policy

Homer First School and Nursery

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Dignity at Work Policy

Purpose

This Dignity at Work policy outlines the council's and the school's commitment to fostering a diverse, equitable, and inclusive workplace, free from any form of harassment, bullying and victimisation. It specifies the preventive measures in place, the procedures for handling complaints, and the support available for those affected. All employees are expected to be aware of their rights, responsibilities, and their role in maintaining this policy.

Scope

This policy applies to everyone working for the Homer First School and Nursery and is relevant to all stages of the employment relationship. The policy also applies to harassment by third parties.

Introduction

The Royal Borough of Windsor and Maidenhead (RBWM) and the School are committed to providing a working environment where all employees are treated with dignity, respect, and courtesy. Every employee has the right to work without experiencing any form of harassment, discrimination, or victimisation based on the Equality Act 2010 protected characteristics, including age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy, or maternity.

The council and the School recognise that individuals who experience harassment, discrimination, bullying, or victimisation may feel vulnerable and powerless. A toxic workplace culture that tolerates such behaviours can significantly harm employee's wellbeing and negatively impact the council and the School's work. As such, the council and the School enforce a zero-tolerance approach to instances of bullying, victimisation and harassment, including sexual harassment. Bullying and harassment by third parties will also not be tolerated.

Complaints about breaches to the Dignity at Work policy will be treated seriously and the School will use its disciplinary procedures or take other appropriate action, according to the nature of the complaint.

This policy should not be seen to be in conflict with Head Teacher's rights and responsibilities to oversee their staff and address poor or inadequate performance, while ensuring adherence to the School's established procedures, such as those for capability, performance management, and disciplinary actions, in a manner that maintains trust.

Responsibilities and Measures

- **The School** is committed to actively prevent all forms of harassment, including sexual harassment via some key measures including:
 - ensuring all new starters successfully complete the (Equality, Diversity and Inclusion or equivalent e-learning/training), as well as (Sexual Harassment Awareness e-learning/training or equivalent training), as part of their onboarding programme.
 - providing additional training for managers and Head Teachers to ensure that they understand their role in preventing and stopping bullying and harassment from occurring in the workplace in line with this policy;
 - monitoring the workplace culture through annual anonymous surveys, exit interviews and one-to-one conversations to identify and address any issues;

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- ensuring that our zero-tolerance approach to all forms of discrimination and harassment, as well as the procedure to be followed to report and address concerns are communicated to all employees.
 - encouraging employees who experience all types of harassment, including sexual harassment by a third party such as students, parents, and other visitors to report it.
 - notifying students and parents that harassment of employees is unlawful and will not be tolerated.
 - conducting seminars on bullying and harassment for students.
 - includes reference in your complaints policy and student communications notifying parents of your policy on harassment and requiring that both the parents and the students adhere to it.
 - encouraging employees who experience all types of harassment and bullying, including sexual harassment by a third party such as students, parents, and other visitors, to report it.
- **Employees** are expected to adhere to this policy and take personal responsibility for fostering an inclusive culture free from harassment, discrimination, victimization, or bullying. This includes speaking up or reporting any such behaviour, whether it is caused by colleagues or third parties such as students, parents, and other visitors. Employees should be aware that they may be held personally liable for any acts of harassment.
 - **Managers and Head Teachers** are expected to recognise their leadership role in modelling acceptable behaviour and creating an inclusive environment so that any incidents of harassment are robustly challenged and addressed. They are responsible for consistently enforcing this policy, acting promptly on unacceptable behaviour, and ensuring all complaints are taken seriously, handled fairly, and with sensitivity to the individual. Managers and Head Teachers should ensure that employees who report harassment, or support others to do so, are not treated less favourably than others because of this.

Principles and Procedures

1. Definition of Harassment

- Harassment includes any verbal or physical abuse, unwanted behaviour, or advances. Harassment may be behaviour an employee finds offensive and which causes them to feel humiliated, threatened, distressed or patronised. This action may also be considered harassment if it adversely affects an individual's job performance or creates an intimidating work environment.
- Harassment may be deliberate or unconscious, repeated action or an isolated incident. Such behaviour can constitute harassment even if the perpetrator does not intend it as such.
- Harassment can take place at school, during workplace events, outside of work (including site visits and meetings), outside of normal working hours, and through online communications (e.g., emails, video calls, social media).
- Harassment is unlawful under the Equality Act 2010. All types of harassment, as described in the sections below, are unethical, can constitute to unlawful discrimination, and go against the School's commitment to treating everyone with dignity and respect. Therefore, incidents of harassment will be treated seriously and may result in disciplinary action up to and including dismissal under the School's disciplinary process. Employees who experience harassment by a third party are also encouraged to promptly report it.

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1.1. Sexual Harassment

Sexual harassment involves unwelcome sexual or sex-based behaviour that undermines the dignity of individuals at work. It encompasses a wide range of behaviours, including but not limited to:

- Sexual gestures
- Intrusive questions about personal or sexual matters
- Spreading sexual rumours
- Unwelcome sexual advances or demands for sexual favours
- Unnecessary touching, patting, pinching, or hugging
- Displaying or circulating pornography
- Suggestive looks, staring, or leering
- Deterioration of working conditions following refusal of sexual advances
- Isolation, non-cooperation, or exclusion from workplace activities
- Invasion of personal space
- Verbal and written harassment, including offensive jokes, language, and sexually explicit communications
- Visual displays of sexually explicit material
- Gender-based comments about work performance

Sexual harassment is unlawful and the council and the School have a legal duty to take reasonable steps to prevent it. All reports will be taken seriously and handled in accordance with the Schools' disciplinary procedures.

Key considerations:

- i. Third party reporting: The preventative duty includes prevention of sexual harassment by third parties. While an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claims. RBWM and the Schools do not tolerate sexual harassment by any third party and encourages employees to report such incidents.
- ii. Other protected characteristics: Sexual harassment can intersect with other protected characteristics under the Equality Act 2010. An individual can be sexually harassed and also experience unlawful harassment related to one or more of the protected characteristics.
- iii. Power Imbalances: Sexual harassment can reflect power dynamics, frequently arising from imbalances in gender or status. It often takes place in unequal relationships, such as between supervisors and employees, and these power disparities will be taken into account during disciplinary actions.
- iv. False Allegations: Deliberate false or malicious accusations of sexual harassment may lead to disciplinary action. Individuals will not face disciplinary measures solely based on unsubstantiated complaints. Disciplinary action will only occur if an allegation is proven false and made in bad faith.

1.2. Racial Harassment

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Racial harassment can be defined as unwanted conduct of a discriminatory nature where a person is treated less favourably than another based on racial group, colour, ethnicity or culture which is offensive to the dignity of the recipient. This can include physical, verbal and nonverbal conduct.

Racial harassment may constitute race discrimination. The council and the School may be liable for what their employees do, whether or not the council and the School knows about those actions. Whilst much of what has been previously stated about sexual harassment applies, there is an additional offence of inducing or instructing another to discriminate. Racial Harassment can include the following:

- Racist language or abuse directed towards or in the hearing of any member of staff.
- Racist jokes including those made about any group e.g. Irish and Jewish people and those from other racial/ethnic groups
- Racial stereotyping in the workplace which results in employment opportunities not being afforded to that individual.
- An offensive manner in communication which is not used with other employees.
- Isolation, non co-operation at work, or exclusion from workplace talk or activities.
- The judging of an employee's work performance more harshly than any other employee's similar performance by a manager. This would include receiving a more negative performance assessment than his/her counterpart having achieved a similar level of performance.
- Visual display of posters, graffiti, obscene gestures and emblems.

1.3. Harassment of People with a Disability/People with Specific Health Conditions

Harassment of people with a disability can be defined as any behaviour, which discriminates and treats a person less favourably because of a person's disability/health status. The forms of harassment which people with a disability are commonly subjected to are as follows:

- Jokes about a person's disability, including jokes, not only in relation to those who have any form of physical impairment, but those whose disability takes the form of any kind of mental illness.
- Unwanted or patronising comments which draw attention to the employee's impairment.
- Unwanted or patronising comments which draw attention to any employment aids or equipment they may use.
- Stereotyped comments in relation to the capability of a person with a disability.
- Isolation, refusal to assist or non-co-operation at work, exclusion from workplace talk or activities.
- Judging a person with a disability more harshly than a person who has not got a disability where their performance is similar.
- Abuse directed at a person's disability.
- Remarks concerning the sexuality of people with disabilities.

1.4. Harassment on the Grounds of Sexual Orientation or gender re-assignment

Harassment on the grounds of an individual's sexual orientation or gender re-assignment status may result in offence being caused to the dignity of the recipient. Harassment on the grounds of sexual orientation or gender re-assignment may take the form of:

- Jokes aimed at an individual's sexual orientation or gender re-assignment status.
- Innuendoes and teasing by colleagues because of their sexual orientation or gender re-assignment status.
- Unwanted jokes and comments implying that the lesbian or gay member of staff should find a partner of the opposite sex.
- Threatening to publicise or actually publishing the fact that a colleague is lesbian or gay.
- An individual's sexual orientation or gender re-assignment status being brought to the attention of other staff.
- Exclusion from workplace talk or activities.
- Isolation or non-co-operation at work.

It needs to be recognised that because of discrimination on the grounds of sexual orientation or gender re-assignment status, incidents of harassment, especially sexual harassment for example, may be unreported by the victim because of their fear of their sexuality or gender re-assignment status being identified.

1.5. Harassment of Individuals on Religious Grounds

Harassment of individuals on the grounds of religious beliefs constitutes unacceptable behaviour and as such will not be tolerated by the council and the School. Harassment of employees on the grounds of religion may take the form of:

- References made to religious beliefs in a derogatory manner.
- Religious beliefs being brought to the attention of other staff.
- Innuendoes and teasing by colleagues on the basis of religious beliefs.

1.6. Bullying

Bullying is generally seen as behaviour that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power. It is typically repetitive and has the impact of undermining, humiliating, or harming the individual on the receiving end. It includes actions, comments, physical contact or behaviour, which is found to be objectionable by the recipient. Bullying may take the form of consistent, continual or persistent:

- Personal abuse either in public or private.
- Use of abusive language.
- Unjustified criticism.
- Ignoring or excluding an individual.
- Setting of targets with impossible to meet deadlines.

Bullying is complex and often difficult to describe by those affected and it is under-reported because of the perception that it is trivial or because of embarrassment, which the recipients of bullying may feel.

If the bullying relates to a person's protected characteristic, it may constitute harassment and, therefore, will be unlawful.

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It is recognised that there may be one off incidents of poor behaviour, e.g. a loss of temper, which may not constitute bullying, but which may not be regarded as acceptable behaviour in a work environment. Such cases will be dealt with as appropriate including the use of the disciplinary procedure. In addition, bullying by third parties will not be tolerated and employees are encouraged to promptly report such cases.

1.7. Age Harassment

Age Harassment is based on unjustified assumptions about a person's value and abilities because of their age. Harassment can include:

- Ageist jokes or comments.
- Physical threats or abuse.
- Stereotyping about commitment to a job i.e. he won't be interested in a training course, s/he has only got two years to go until they retire.
- Suggestions that older employees have outdated ideas and do not cope well with change.

1.8. Pregnancy and Maternity

Harassment in this context can be defined as any behaviour, which discriminates and treats a person less favourably as a result of their pregnancy or maternity leave. Harassment can include:

- Unwanted or patronising comments
- Stereotyped comments in relation to ability or commitment
- Judging an employee's work performance more harshly than other employees whose performance is similar

1.9. Marriage and civil partnership

Harassment in this context can be defined as any behaviour, which discriminates and treats a person less favourably as a result of their marriage or civil partnership status.

1.10. Victimisation

Victimisation occurs when an employee is treated badly because they have engaged or are going to engage in a protected act, such as reporting a claim of harassment, including sexual harassment. Protected acts include:

- Making a claim or complaint under the Equality Act 2010 (e.g., for discrimination or harassment)
- Assisting someone else in making a claim by providing evidence or information
- Alleging a breach of the Act
- Taking any other action related to the Act

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The protection applies to anyone making a claim, or assisting others, regardless of whether a breach occurred, as long as they genuinely believe their information is true and is not made in bad faith.

Treating an individual badly includes, but is not limited to adverse employer actions, such as demotion, dismissal, or unfavourable changes in job duties or working conditions.

Under the Equality Act 2010 victimisation is unlawful and any such incidents will be treated with the utmost seriousness and addressed promptly through the School's disciplinary process.

2. Reporting Procedures

The council and the School wish to create a culture in which harassment, including sexual harassment, bullying and victimisation at work is not acceptable. The purpose of this procedure is to stop such incidents, which may be happening and to implement solutions which are speedy, efficient, minimise embarrassment and avoid the risk of breaching confidentiality. The rights of the alleged harasser and the complainant must be protected during any investigation.

The procedure for dealing with the complaints is divided into two stages – informal and formal.

2.1. Informal Procedure

If an employee perceives any type of harassment, bullying or victimisation, the employee should try to resolve it informally without making a formal complaint (dependant on the circumstances). Even if formal action is not taken at this time, employees are advised to keep a written record of the incident. If, for example, there is subsequent repetition, this record will be helpful if the employee decides to raise their complaint formally. During the informal stages, employees are strongly encouraged to involve their line manager, who can provide advice, support, and monitor the situation.

Particularly for sexual harassment, the employer has a legal duty to take reasonable steps to prevent it and adopts a zero-tolerance approach. All employees are encouraged to report any instances of employee and/or third-party harassment that occur.

However, it is recognised that there may be circumstances where employees may feel uncomfortable or unable to discuss a complaint with their line manager. If this is the case, the employee should speak to their manager's manager or Headteacher.

The council and the School operates a confidential counselling and advice service, which staff can access by calling (Lifestyle Support 0808 168 2143). Staff may also wish to discuss their case, where they are a Trade Union member, with their Trade Union representative.

2.2. Formal Procedure

If the informal approach has not resolved the situation, an employee has the right to raise the matter formally with their manager. However, if an employee feels unable to raise the matter with their line manager, they are able to raise it directly with their manager's manager or Headteacher. In the event that the employee is unhappy about the way that that matter

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has been dealt with by their manager or their manager's manager or Headteacher the employee can pursue the matter through the grievance procedure.

Any issue, which may be a potential breach of Equalities Legislation, should be raised with the line manager in the first instance and reported by them to the (Human Resources or School's Human Resources provider) at (hr.operations@rbwm.gov.uk). This will allow for an informed discussion to take place and agreement reached between the line manager and the (Human Resources or School's Human Resources provider) as to who is the most appropriate person to consider the matter. There may be circumstances where the nature of the complaint needs to be considered by someone other than the line manager.

Where management have reason to believe that there may have been an unacceptable breach of the policy by an individual, they may instigate an investigation under the School's disciplinary procedure or other alternative appropriate action without the need for a complaint to be raised by the recipient of the behaviour. The cases of proven harassment will be taken very seriously.

3. Data Protection

The council and the School take their obligation regarding compliance with the UK Data Protection Act 2018 (DPA 2018) very seriously. Employees should report any unauthorised access or disclosure of personal data immediately, as this may be considered a data protection breach and will need to be investigated by the data protection officer (DPO). Where a complaint is made, any processing of personal data must be done in accordance with council and the School's data protection policy and in compliance with the UK data protection legislation.

The council and the School reserves the right to revise this policy or any of its components. Employees should review these terms periodically for any updates or changes.

Affiliated Document

- Disciplinary Policy & Procedure
- Equality Policy
- Grievance Policy
- Data Protection Policy
- Recruitment and selection code of practice

Document History

Version	Date	Contributor	Approver	Descriptions
V1.0.0	October 2024			First establishment