



## Dignity and Respect at Work Policy

September 2016

**Supporting staff who may experience discriminatory treatment, harassment or violence at work, addressing prejudice and discrimination in the workplace.**

This policy statement describes the commitment of The Governing Body of The Foreland School to providing a safe workplace for its employees. It describes the standard of behaviour we expect of those who come into contact with our staff and provides guidance on how we will respond should any member of staff be affected by discrimination, harassment or violence from other workers, pupils/students or members of the public. We aim to ensure that incidents are reported and are handled promptly, sensitively and effectively.

The Single Equality Act (2010) requires all public organisations, including schools, to comply with the Public Sector Equality Duty. This is a duty placed on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. This policy is written in line with the Public Sector Duty.

### **Our Responsibility**

Protecting employees from discrimination, harassment and violence is an employer responsibility contained within both health and safety and discrimination law. Responding to and monitoring incidents of this kind is an important employer responsibility. We would be held legally liable if we failed to meet this responsibility.

There may also be instances when action is taken in partnership with external agencies.

This guidance is primarily about employment, although there are some links to service delivery issues.

### **Our Commitment**

- We are committed to promoting equality, valuing diversity, combating unfair treatment and providing a safe work environment in which all employees can expect to be treated with dignity and respect. The principles of tolerance, understanding and respect for others are at the centre of our organisational ethos.
- We are committed to ensuring our employees and partners are not discriminated against on the grounds of social circumstances or background, gender, race, colour, ethnic origin, disability, sexuality, age, religion or belief by creating a culture in which discrimination, real or perceived, is challenged and eliminated.
- We expect all employees to take action to challenge discriminatory, harassing or violent behaviour, language and attitudes, whatever their origins.

**This guidance should be read in conjunction with the following school documents and policies:**

- Equality & Diversity Policy
- Anti-Bullying Policy
- Complaints Procedures
- Staff/Pupil Computing Acceptable Use Policy
- Working with Parents Policy
- Behaviour Policy
- Behaviour Principles
- Discipline and Conduct Policy
- Safeguarding Policy
- Whistle Blowing Policy

**Scope** - This document provides guidance to The Foreland School employees, parents/carers, partner organisations and contractors. It applies to incidents involving school employees where the perpetrator or victim is a Foreland School staff member, parent/carer and those who are contracted to work for the school or work in partnership with the school. The guidance is aimed at anyone (victim or witness) who wishes to report incidents that take place either on school premises or during the delivery of school services.

Employees wishing to register a complaint against another employee should inform the Headteacher. Complaints against the Headteacher should be addressed to the Full Governing Body. Serious complaints against employees may lead to disciplinary procedures being invoked.

Employees who work for, or are contracted to work for the school, have a responsibility under this policy, when carrying out their duties, to record and report and challenge harassment in all its forms.

## **Definitions**

**Violence** - We use the Health & Safety Executive's definition of violence to identify those incidents that represent unacceptable behaviour by staff, pupils/students or members of the public. The definition is 'any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work.' This includes:

- Physical assault
- Harassment, verbal aggression or abuse, face to face, by telephone or through social media
- Threats of violence to employees or their families
- Attacks by animals incited by their owners or keepers

**Harassment** - There are a number of legal definitions relating to harassment:

**Discrimination law** - has a common description of harassment. It is 'unwanted conduct' that has the 'purpose or effect of':

1. Violating the dignity of a person, and of
2. Creating an intimidating, hostile, degrading, humiliating, or offensive environment

The **Criminal Justice and Public Order Act 1994** describes harassment as 'entailing threatening, abusive or insulting words or behaviour, or disorderly behaviour' or the display of 'any writing, sign or other visible representation which is threatening, abusive or insulting'.

**Protection from Harassment Act 1997** also describes harassment as unwanted conduct or behaviour.

**Racial Harassment** - Racial harassment is an incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality. It includes any unwanted verbal or physical abuse and / or behaviour, which is racially motivated.

A racist incident is any incident, which is perceived to be racist by the victim, or any other person. (Definition adopted from the Stephen Lawrence Inquiry Report, recommendation 12).

The purpose of this definition is not to prejudge the question of whether or not a perpetrator's motive was racist. It is to ensure that investigations take full account of the possibility of a racist dimension to the incident.

**Sexual Harassment** - Sexual harassment is any unwanted verbal or physical advance or behaviour, of a sexual nature, sexually explicit statement or remark that is offensive, derogatory, threatening, discriminatory, abusive or insulting.

**Disability Harassment** - Disability harassment includes any unwanted verbal or physical abuse and or behaviour related to a person's disability, which is offensive, derogatory, discriminatory, threatening, abusive or insulting.

**Homophobic Harassment** - A homophobic incident is any incident that is perceived to be homophobic by the victim, or any other person. This includes any incident intended to have an impact on those perceived to be lesbians, gay men, bi-sexual or transgendered people.

Victims of homophobic crime do not have to be lesbian, gay or bi-sexual; they just have to be perceived as gay or lesbian and/or the incident to be perceived as containing or being influenced by homophobia.

The definition of homophobic crime includes motivation based on transgender or those perceived to be so, therefore recognising the term 'trans-phobic incidents'.

**Other Harassment** - Harassment on the grounds of religion or belief, and age are also covered in employment law.

It must also be stressed that other forms of discrimination against asylum seekers, refugees, gypsies and traveller communities, on the grounds of social or cultural status are also covered by this guidance.

**Examples** - Discrimination, harassment and violent incidents can take a variety of forms. Examples include:

- Physical attacks on people as well as damage to property;
- Verbal abuse and threats
- Abusive language, 'jokes' or banter (even if no one in the relevant group is present)
- Physical threats, assaults and insulting behaviour or gestures
- Unfair allocation of resources

- Putting up posters or writing offensive graffiti
- Making abusive phone calls
- Sending offensive material through the post/via email/text
- Unwanted verbal or physical abuse/advances of a sexual nature
- Sexually explicit derogatory statements or references made to a person's sexuality or behaviour
- Continually complaining about cultural differences and needs
- Social prejudice towards asylum seekers and refugees

### **Specific Responsibilities**

**Employees & Contractors** – The Foreland School employees or contractors have a responsibility to observe the school's Equality and Diversity Policy when carrying out their duties to record and report and/or challenge incidents of harassment or other prejudicial treatment that they witness or that are reported to them.

**The Governing Body** – As an employer, school governors have a dual responsibility through school managers to protect and support employees and contractors from violence, harassment and other forms of discriminatory or prejudicial treatment.

Employers can be held legally liable for failing to take reasonable steps to prevent or stop an employee inflicting or experiencing harassment or discriminatory treatment at work. Managers, therefore, have a particular responsibility for protecting the health, safety and welfare of staff in the course of their duties.

There are a number of ways in which managers can minimise and respond to incidents of violence, harassment and prejudicial treatment that occur whilst staff are working. Examples include:

- Ensure that the risk of violence/harassment is assessed and all practical control measures are in place.
- Ensure all members of staff are aware of the standards of behaviour expected of service users, appropriate complaints and reporting procedures (e.g. Grievance and Complaints Procedures) and support services (e.g. Support Line, Staff Groups).
- Ensure pupils/students are aware of the standards expected of them in terms of their behaviour towards staff.
- Advise and support employees who experience discriminatory treatment.
- Ensure proper recording and reporting of incidents takes place.
- Ensure incidents of violence and complaints of harassment or other prejudicial treatment are investigated quickly and sensitively.
- Monitoring incidents and following up to establish preventative or supportive measures
- Access to/attendance at training

**Reporting** – The Foreland School has legal and other obligations to report on the occurrence of harassment and other violent incidents. In addition, reporting provides important intelligence for KCC to be able to detect potential problems in particular areas of service delivery and with respect to the safety of employees.

Harassment is considered to be within the scope of 'violence' in the context of Health & Safety recording of incidents. Therefore, staff and their managers, workers or visitors who have experienced or witnessed harassment should complete the accident /incident reporting forms HS157 and HS160 when incidents of verbal, written and physical harassment or other kinds of discriminatory treatment take place. Employees may also wish to seek advice from the Headteacher / Deputy Headteacher(s) when initiating a complaint about another member of staff.

**Management Action & Support** - The level of support and action needed depends on the circumstances and, to a large extent, on the wishes of the individual. It is the responsibility of the immediate manager, through discussion with the person to determine the best course of action, the kind of support required and the level of risk involved. In any event the line manager should arrange to meet the individual within sufficient and reasonable time, in any case within 3 days.

**Risk Assessment/Personal Safety** - Risk assessment of all activities needs to take account of all situations where violence may occur. The assessment is based on a recognised likelihood (previous history, case notes) of risk of a particular experience or potential conflict/sensitivity of ethnic, disability or gender issues.

Controls identified would need to include support and procedures in place, pre and post incident information and available training.

Risk assessments and supporting material should be regularly reviewed to ensure it adequately fits current working practices and intelligence.

**Assault or threats of violence** - If there has been physical contact, significant/serious threat or abuse violence or threats of violence the manager should meet with the individual within 24 hours to determine the level of risk and any immediate action required to prevent any further exposure to the perpetrator.

**Support** - Whatever the circumstances managers must respond promptly and sensitively to enable their staff to deal with negative experiences at work. Specifically, when meeting or discussing an incident, managers should:

- Allow the individual to describe the incident/event and express their feelings
- Take into account what action the individual wishes to take and agree next steps
- Offer advice about practical steps, such as providing guidance and information on:
  - Reporting/recording the incident
  - Working arrangements including temporary adjustments
  - Ways to handle the perpetrator
  - Risk assessment
  - Legal Assistance
  - Support services, e.g. Support Line
  - Compassionate Leave
  - Training opportunities
- Consider contact with other agencies where appropriate (e.g. Partner agencies, Police)
- Review working arrangements and personal safety

**Withdrawing Services** - In cases of serious harassment, where for example, there has been a threat of violence or assault or a campaign of unacceptable behaviour from another worker, service user, a group or a member of the public, the manager must consider taking immediate action to prevent the employee from experiencing any further abuse. This may involve using the disciplinary procedure for internal issues, the withdrawal of services, where this is possible, or other actions short of the withdrawal of services e.g. (reallocation of work or relocation with the individual's agreement).

**Legal Assistance** – The Governing Body, Headteacher/ Deputy Headteacher(s) can assist employees to take positive action to afford protection from abusive behaviour. Examples of the options available to staff include:

- A stern letter to an alleged perpetrator(s) requiring them to desist from further abusive behaviour
- Imposing a ban on contact between the perpetrator and the affected employee(s)
- Applications for anti-social behaviour orders or support to any police applications for such orders
- Applications for an injunction to prevent specific acts.

**Criminal Injuries Compensation** - In the most serious of cases, staff or their dependants may be able to make a claim to the Criminal Injuries Compensation Authority. To be eligible for compensation applicants must have sustained personal injury attributable to a violent crime. For further information and guidance contact [www.cica.gov.uk](http://www.cica.gov.uk) or ring the helpline on 0300 0033601

## September 2016

### Governing Body Approval


Scrutinised by the Strategy Team on 11<sup>th</sup> October 2016

Ratified by the Full Governing Body on 9<sup>th</sup> November 2016

To be scrutinised by the Learning & Development Team after 3 years or as changes in legislation/policy dictates.

To be ratified by the Full Governing Body thereafter.

To be displayed on main School Web Site? Yes/~~No~~

 09.11.16  
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### Useful Contacts

Victim Support Kent	<a href="http://www.victimsupport.org.uk">www.victimsupport.org.uk</a>	0845 30 30 900
UNISON	<a href="http://www.unison.org.uk">www.unison.org.uk</a>	(01622) 694052
GMB	<a href="http://www.gmb.org.uk">www.gmb.org.uk</a>	020 8303 3407
UNITE (the union)	<a href="http://www.unitetheunion.org">www.unitetheunion.org</a>	0118 907 0715

### Other Relevant Documents

Single Equality Act (2010)