Fairness and Dignity Policy

worcestershire county council

WORCESTERSHIRE CHILDREN FIRST

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1. Introduction

1.1 <School> is committed to promoting a fair and dignified working environment and culture which is free from any form of bullying, harassment or victimisation. This will enable all employees to contribute and perform more effectively. A positive working environment will enhance working relationships, encourage good attendance levels and ultimately improve the quality of education delivered to our pupils.

1.2 The purpose of this Policy is to promote a positive and inclusive working environment and to ensure tha
t employees are aware that unacceptable behaviours such as bullying, harassment, victimisation and intimidation will not be tolerated. The Policy also provides a mechanism for handling allegations of unacceptable behaviour.

1.3 The aim is to encourage employees to resolve issues informally; it is in the interests of all to resolve problems at an early stage before they escalate. Where that has not been possible, there will be scope for employees to raise matters formally. The school is committed to ensuring that concerns are resolved quickly, fairly, and consistently.

1.4 This Policy should be read in conjunction with the Fairness and Dignity Procedure.

2. Scope

2.1 This Policy applies to all school employees. Employees who have a complaint about another employee, including bullying or harassment are encouraged to raise such concerns using this Policy and Procedure.

2.2 If a complaint is directed at an individual Governor, including the Chair, (rather than the whole Governing Body as the employer) it may be appropriate to use this Policy and Procedure.

2.3 Nothing in this procedure should preclude any pragmatic means of resolving issues and/or improving working relationships.

2.4 This Policy cannot be used in addition to a grievance raised under the Grievance Policy regarding the same matter; whichever is the preferred or most appropriate Policy/Procedure should be used.

2.5 Other concerns falling outside the remit of this Policy should be addressed using the relevant procedure, e.g. Grievance or Whistleblowing.

3. Definitions and Examples

3.1 **Bullying**

This may include a single incident or persistent criticism, personal abuse and/or ridicule, ignoring, excluding or other behaviour, either in public or private, which humiliates and demeans the individual involved, gradually eroding their self-confidence and the

performance of their duties. It may involve the abuse of authority and the exercise of unfair disciplinary measures, unreasonable changes in an employee's responsibilities or exclusion of the individual from normal social, consultative and decision-making processes.

3.2 **Harassment**

Unwanted, offensive and humiliating conduct affecting the dignity of those at work. It includes unwelcome verbal, non-verbal and physical conduct that could amount to unlawful discrimination. A person or group of people may do it deliberately or unknowingly. It is the harassed individual's perception of the behaviour, which is important. This behaviour may be an isolated incident or a series of events.

3.3 **Victimisation**

Treating a person less favourably than others would be in the same circumstances because that person has made a complaint or allegations of discrimination, harassment, victimisation or bullying or has acted as a witness or informant in these proceedings or has in any other way been involved in the matter. Victimisation may also occur as a result of participation, or non-participation in trade union activities/membership.

3.4 **Inappropriate or Unacceptable Behaviour**

Any unwelcome behaviour, which may arise through:

- **Physical Conduct** - ranging from touching another employee to serious assault including the threat of such actions;
- **Verbal Conduct** - includes sarcastic comments, unwelcome advances, propositions, lewd comments or abusive language, innuendoes and jokes of an offensive nature, or linked to a disability;
- **Non-verbal Conduct** - threatening or intimidating behaviour (including aggressive body language), the display or circulation of offensive or suggestive pictures, objects or written material, graffiti, or conduct which degrades a person;
- **Other unacceptable conduct** - isolation or non co-operation at work, exclusion from social activities, coercion, intrusion by pestering, spying or abuse of powers.

4. Equality and Diversity

4.1 Equality and diversity underpin all school employment policies, procedures and practices. The school actively promotes equality of opportunity and values diversity among its employees. The potential equality impact of this Policy has been assessed.

5. Roles and Responsibilities

All parties are expected to co-operate and have a responsibility to contribute to the effective implementation of this Policy.

5.1 **Employees**

5.1.1 Employees have a duty to build appropriate working relationships within the school and are encouraged to resolve difficulties at an early stage.

5.1.2 All employees are obliged to comply with this Policy and to treat all colleagues fairly and with dignity and respect. If an employee becomes aware that a colleague is either the recipient or perpetrator of unacceptable behaviour, they should report it to the Headteacher, or a Governor, or their line manager.

5.1.3 All employees have a personal responsibility for their own behaviour and for ensuring their conduct at work is appropriate and assists in creating an environment where individuals can be confident enough to bring complaints without fear of ridicule or reprisal.

5.1.4 Employees are expected to engage with support provided and co-operate with procedures and attempts to resolve matters.

5.2 **Line Manager**

5.2.1 Responsible for considering the nature of the complaint and whether this policy/procedure is most appropriate. They will need to be clear about the resolution being sought and whether further investigation will be necessary.

5.3 **Headteacher/SLT/Governing Body**

5.3.1 Promote culture of open communication and mutual respect, encouraging employees to raise concerns at an early stage and ensure the procedure is applied fairly and consistently.

5.3.2 To support all employees in their working life and aim to provide a positive and fulfilling environment in which to work.

5.3.3 To protect all employees from bullying and harassment at work and not tolerate any forms of unacceptable behaviour. Allegations of unacceptable behaviour will be dealt with in a responsive, supportive and sensitive manner, maintaining appropriate confidentiality.

5.4 Advice can be sought from HR at any point.

6. Key Principles

6.1 Allegations of bullying, harassment or victimisation will be taken seriously by managers/Governors and dealt with promptly and sensitively and no one need fear victimisation for making or being involved in a complaint.

6.2 Employees may want to seek help, advice or support from a work friend, work colleague, trade union representative, manager, HR Consultant or <insert any other sources of support>.

6.3 At either the informal or formal stages of the procedure an employee may be referred to Occupational Health or for counselling.

6.4 Where appropriate, reasonable adjustments and appropriate support will be provided to employees in order to ensure all employees are treated equitably in accordance with this Policy and Procedure.

6.5 Every effort should be made by all parties to resolve matters **informally**. Employees are encouraged to seek resolution of any concerns promptly and informally. There is no right for the employee to be accompanied at informal meetings.

6.6 Concerns raised should be addressed without unreasonable delay. Timescales within the procedure may be varied subject to the agreement of all parties.

6.7 Where there has been a genuine and reasonable attempt (by both parties) to resolve informally, which does not resolve an employee's issue or where it is serious, employees can raise their grievance following the formal procedure.

6.8 Other employees involved with the complaint will be informed and given an opportunity to respond.

6.9 Mediation or other conflict management strategies may be considered as a possible, neutral, means of resolving parties in dispute to reach agreement.

6.10 Employees have the right to request they be accompanied by a work colleague or trade union representative at a formal meeting and/or appeal hearing, although a formal meeting and/or appeal should not be unreasonably delayed because their chosen companion is unavailable.

6.11 Formal meetings and hearings are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend.

6.12 The Fairness and Dignity Procedure cannot be used as an additional route of appeal against a decision made under another policy.

6.13 Complaints regarding any disciplinary action taken should be dealt with as an appeal under the Disciplinary Procedure. Where an employee raises a Fairness and Dignity complaint during a disciplinary/performance/attendance process, the process will either be temporarily suspended whilst the complaint is addressed, or where they are related matters, they are likely to be dealt with concurrently.

6.14 Any complaint raised under this Policy should be made in good faith; if found to be knowingly false, malicious or vexatious it may result in disciplinary action.

6.15 Appropriate written records of grievance cases will be kept on the employee's personal file and in accordance with General Data Protection Regulations.

6.16 The employee may withdraw their complaint at any time by advising, in writing, to the person dealing with the matter.

6.17 **Right of Appeal** – where the employee who raised the complaint believes that their issue has not been satisfactorily resolved, they have a right to appeal. The grounds of appeal must be clear and in writing.

6.18 Once a final outcome has been made and appeal process exhausted, the complaint will be considered closed. The same complaint cannot be raised again under the procedure unless there is a significant change of circumstances or evidence.

7. Collective Complaints

7.1 When a complaint or concern is shared by two or more employees in relation to the same matter and the employees wish the matter to be resolved in the same process, it can be raised collectively at either an informal or formal stage.

7.2 For a collective complaint, the same principles apply as above. Please note:

7.2.1 There will be only one process and one outcome which will apply to all employees involved and only one right of appeal. Where individuals would like different concerns addressed, it will be more appropriate to raise individually.

7.2.2 The matter cannot be considered collectively if it has been raised already individually and vice versa.

7.2.3 Usually, a spokesperson will be nominated from within the group to speak collectively on their behalf. A trade union representative can raise a collective complaint on behalf of employees.

8. Options to Consider in Resolving Fairness and Dignity Cases

8.1 Mediation
Where appropriate, mediation will be considered at an early stage for both parties to meet with an impartial mediator in order to achieve an agreed resolution. Solutions are driven by the parties. It is voluntary and future-focused and aims to achieve win-win.

8.2 Facilitated Conversation
A facilitated conversation tends to be less formal than mediation and can be useful to bring parties together at any early stage of the dispute. The conversation is a confidential discussion between parties, drawing on the same principles as mediation, but with more direction; it may be led by a manager/Headteacher or HR professional.

8.3 Conflict Coaching
This is a solution-focused process to help managers deal with conflict and change, promoting empowerment, reflection and enabling a culture of dialogue and collaboration.

8.4 Change in Structure/Reporting Lines
A minor alteration to team structure or reporting lines may alleviate the issue, and following any necessary consultation, the Headteacher may alter a team structure or reporting line in order to resolve matters.

8.5 Change in Role/Responsibilities

Changing certain aspects of one or both employee's responsibilities may assist in alleviating the issue. With appropriate consultation, the Headteacher may decide to alter the role/s as necessary.

8.6 Team Building

Improving team relationships and team communication may help to address issues within and rebuild working relationships.

8.7 Redeployment

In particularly complex cases, and usually following attempts at mediation and matters having proceeded to the formal stage, the Headteacher may decide to consider any redeployment options following HR advice.

8.8 Disciplinary Action

Acts of harassment and victimisation are misconduct and may be classed as gross misconduct which can lead to dismissal without notice. This will also include acts of physical violence between colleagues. Advice should be sought from HR Consultancy in cases where disciplinary action may be a consideration.

9. Policy Review

This Policy will be reviewed and adopted by Governors <annually>; next review due <date>.

10.Further Advice

For further advice, please contact the School's HR Consultancy Team.

11.Policy History

Issued	April 2021
Review	March 2024
Updated	

1. Key Procedural Principles

1.1 Wherever possible, all stages of this procedure (apart from any Appeal) should be managed by the aggrieved employee's line manager/Headteacher, in the interests of continuity, maintaining good relationships and early resolution. The <Headteacher/Chair of Governors>* will usually consider any appeal. Where the Headteacher is the subject of the complaint, it will be appropriate for the <Chair of Governors>* to manage the complaint and <a separate Governor/Panel of Governors>* will consider any appeal.

1.2 If the complaint is raised by two or more employees the complaint can be raised collectively if they wish and they should nominate a spokesperson.

1.3 The respondent to the complaint should be made aware of the complaint as soon as possible and be given opportunity to provide their evidence/response; they will have opportunity to make written submissions if they wish and respond in person at meetings held under the procedure. If they are the subject of a formal complaint under this procedure, they should be informed in writing of the concerns raised and of a formal investigation if that is necessary.

1.4 Mediation or other conflict management strategies may be considered as a possible alternative to raising or pursuing a grievance at any stage. Mediation is a voluntary process supporting two or more parties to explore the reasons and issues with the aim of them achieving agreed solutions. Information and advice about mediation services is available from HR.

1.5 If during the procedure it appears that a possible disciplinary or capability issue has arisen, it may be appropriate to switch to the relevant disciplinary or capability procedure and agree to address through that route.

1.6 Where a complaint arises in connection with a disciplinary matter, it may be appropriate to deal with both issues concurrently.

1.7 Advice can be sought at any stage from HR.

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* *insert appropriate details for your school – check Scheme of Delegation and depending who manages the process in the first instance; Appeal Manager should be different person to the original manager*

2. Investigation

2.1 An investigation is a fact-finding exercise based on the information provided by the employee. The findings may substantiate or refute statements made by an employee. Investigation may be conducted at any time either as part of the formal or informal procedure.

2.2 Ordinarily, the manager considering the complaint will also undertake any investigation deemed necessary. Exceptionally, it may be appropriate to use an independent Investigating Officer.

2.3 Any Investigation will be conducted in accordance with ACAS principles in relation to conducting investigations.

3. Informal Procedure

3.1 The aim in all cases will be to resolve issues as promptly and informally as possible. It is in the interests of all parties, and the school, that issues raised are resolved at the earliest opportunity. Advice can be sought from HR Consultancy at any stage.

3.2 An employee who believes they are being subjected to unacceptable behaviour(s) is encouraged to try to resolve the matter, in the first instance, with the person against whom they have a complaint. Sometimes individuals are not aware that their behaviour is unwelcome, and an informal discussion can often lead to greater understanding and an agreement that the behaviour will cease. It may be appropriate at this stage to seek advice from their line manager, colleague, or trade union representative.

3.3 If the employee feels unable to approach the individual or believes they have exhausted that approach, they may seek an intermediary to try to resolve matters early for them, on their behalf. An intermediary person may be a line manager, colleague, trade union representative or any other appropriate person.

3.4 The aim of informal resolution is for the person against whom a complaint has been made to be made aware that certain behaviours and/or actions are unacceptable and that these behaviours and actions should stop. In order to reach this resolution, it may be necessary to have an informal meeting(s) or a 'facilitated conversation', which may involve only the individuals concerned or the individuals concerned plus any other nominated individuals in order to achieve a resolution.

3.5 Every measure should be taken, by all parties, to try to resolve matters informally and all parties should endeavour to contribute to the prompt resolution of matters, without recourse to the formal procedure.

3.6 If matters are not able to be resolved informally or the unacceptable behaviour is serious, the employee may invoke the formal procedure.

4. Formal Procedure

4.1 If it is not possible for issues to be resolved informally, the employee concerned should write to the Headteacher (or the Chair of Governors if the Headteacher is the subject of the complaint) advising them of the complaint and what resolution they are seeking. This should be done as soon as possible after the incident(s) or exhaustion of informal action.

4.2 All formal complaints must be made in writing describing the incident(s) leading to the complaint. On receipt of the complaint, the Headteacher or Chair of Governors will arrange separate meetings with the employee concerned and the employee against whom the complaint has been made. Either party may be accompanied to the meeting by a trade union representative or other colleague. A HR Consultant can attend also.

4.3 Wherever possible, following the separate meetings, the Headteacher/Chair of Governors will convene a joint meeting.

4.4 At the meeting the Headteacher/Chair of Governors will try to resolve matters between both parties and identify any necessary next steps in managing the issue(s).

4.5 In the event that the Headteacher/Chair of Governors deems there to be a case of misconduct, the issue will be dealt with in accordance with the school's Disciplinary Procedure. The Headteacher/Chair of Governors can decide to undertake an investigation into proceedings at any stage during the procedure.

4.6 Following the meeting the Headteacher/Chair of Governors may draw upon any of the options outlined in in the Policy and attach as an Appendix here in order to resolve matters between both parties.

4.7 In all cases the Headteacher/Chair of Governors will draw up a detailed action plan, to be shared and confirmed in writing with both parties, identifying the proposed resolution to the issue(s) with appropriate timescales.

4.8 The Headteacher/Chair of Governors will make arrangements to review matters, in accordance with the action plan, within an appropriate timescale following the meeting.

5. Formal Procedure - Appeal

5.1 If the employee who made the initial complaint is dissatisfied with the resolution following the formal meeting, they must appeal, in writing, to the Chair of the Governing Body stating the grounds of their appeal and why they are dissatisfied with attempts at resolution to date.

5.2 The Appeal Manager[**] will arrange to meet with the employee concerned and the Headteacher[***] in order to ascertain the point that the case has reached and to discuss any further options. The employee against whom the complaint has been made may also be invited to attend. Either party may be accompanied to the meeting by a trade union representative or colleague.

5.3 A HR Consultant can attend and will support the school as far as reasonably practicable in order to achieve a suitable resolution.

6. Record-keeping

The school will keep appropriate, secure written records of any grievances cases it deals with in accordance with General Data Protection Regulations.

7. Further Advice

For further advice, please contact the School's HR Consultancy Team.

** either *the Chair of Governors/other Governor or Panel of Governors*

*** or *whoever managed the original process*

Appendix 1 – Statement of Grievance Form

FAIRNESS AND DIGNITY - STATEMENT OF COMPLAINT

This form is intended to help you to make a clear statement of your complaint. You should send the completed form to the Headteacher/Line Manager. If your complaint is against your line manager, you should send the completed form to the Headteacher. If your complaint is against the Headteacher you should send the form to the Chair of Governors.

Employee Details	
Name:	
Job role:	
Contact details (telephone and email):	

Details of the complaint
Who is the complaint against?
Please provide details of your complaint. You should include all relevant details information, e.g. dates, times, locations and the names of other people present (witnesses). Please continue on a separate sheet and attach if necessary.
Have you raised your complaint informally with your colleague, Headteacher/line manager? If so, what action was taken? (Please give detailed information and provide dates.)

How do you think your complaint should be resolved? Please say how you would like the school to deal with your complaint. You should set out why and how you believe this could resolve your complaint. Please continue on a separate sheet and attach if necessary.
Name, address and contact number of trade union representative or colleague who will accompany you:
DECLARATION By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the school may take disciplinary action against me if I make false, malicious or untrue allegations. Employee's signature: _____ Date: _____

Appendix 2 – Statement of Complaint Appeal Form

FAIRNESS AND DIGNITY COMPLAINT - APPEAL FORM

If you feel your complaint has not been resolved, you have the right of appeal. Appeals will be heard by the Appeal Manager/Panel. To appeal, you should complete this form and send it to the Chair of Governors within 5 working days of the receipt of your complaint outcome decision.

Employee Details	
Name:	
Job role:	
Contact details (telephone and email):	

Summary of your appeal	
Date the outcome of your complaint was confirmed:	
Please set out the grounds for your appeal (there was a procedural error, new evidence has emerged which was not available at the meeting or the conclusion reached by the Headteacher/Chair was unreasonable). Please continue on a separate sheet and attach if necessary.	
What outcome do you want from your appeal? You should set out why and how this will resolve your complaint. Please continue on a separate sheet and attach if necessary.	

DECLARATION

By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the school may take disciplinary action against me if I make false, malicious or untrue allegations.

Employee's signature: _____

Date: _____

Appendix 3 – Agenda for Formal Meeting

Present: Headteacher*
Employee – complainant
Employee's representative (TU representative or colleague)
Employee – respondent
Employee's representative (TU representative or colleague)
HR Consultant
Note-taker

1. Introductions (Headteacher* will chair the meeting and may be advised by HR**).
2. Employee 1/representative explain their complaint and resolution sought.
3. Employee 2 response.
4. Questions by Headteacher* and/or HR Consultant.
5. Summary and review of information – Headteacher*.
6. Open discussion aiming to achieve resolution.
7. Interested parties withdraw.
8. Consideration of complaint and outcome by the Headteacher*.
9. Interested parties return.
10. Announcement of decision and comment by the Headteacher*.

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* or Line manager, or Chair of Governors if complaint is against Headteacher – whoever is managing the meeting/process

** a HR Consultant can attend and may ask questions

Appendix 4 – Agenda for Formal Appeal Meeting

Present: Appeal Manager*
Employee 1
Employee's representative (TU representative or colleague)
Headteacher***
HR Consultant
Note-taker

1. Introductions (Appeal Manager* will chair the meeting and may be advised by HR**).

2. Review Statement of Appeal and reasons for appeal.

3. Questions by Appeal Manager*/or HR Consultant.

4. Review of evidence - Appeal Manager* (usually only review of specific points raised in appeal).

5. Open discussion aiming to achieve resolution.

6. Interested parties withdraw.

7. Consideration of Appeal by the Appeal Manager*.

8. Interested parties return.

9. Announcement of decision and comment by the Appeal Manager*.

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* Appeal Manager – usually Chair/other Governor or can be Headteacher if Headteacher was not the original manager
** a HR Consultant can attend and may ask questions
*** whoever managed the complaint originally