



The Charter Schools Educational Trust

Transforming lives through the power of inclusive education

Respect at work policy

Author (s)	W Andrews – Director of HR
Functional Area (Finance, HR, Trust Board etc.)	HR/Staff
Scope (Trust, School, Other)	Trust
Reviewer (s)	S Varcoe
Approver (s)	CEO
Version	1
Effective Date	March 2021
Next Review Date	March 2022

Respect at Work Policy

1. Introduction

- 1.1 The Respect at Work Policy is in recognition of the importance The Charter Schools Educational Trust places on maintaining a working environment where everyone is treated with respect. The responsibility for this rests with all staff in supporting a culture and climate which values diversity and individuality.
- 1.2 Under sections 35 and 36 of the Education Act 2002 provides that the regulation of conduct at The Charter Schools Educational Trust and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment, shall be under the control of the governing body.
- 1.4 The Policy includes a Statement of Intent and the procedure to follow where issues at odds with the Policy arise. The Policy aims to draw to the attention of all members of staff the many forms of harassment at work, their serious adverse effects, and to provide practical guidance to managers and staff on how to manage issues at odds with the Policy in eliminating harassment and promoting respect for all.
- 1.5 The Governing Body will annually review this Policy and produce additional or updated guidance as appropriate and in the light of changes in employment law. As well as providing general advice on the application of the Policy, The Charter Schools Educational Trust ensures that appropriate training is available for managers and supervisors to properly equip them to implement and manage the Policy.

2. The Role of the Trust's Board :

The Trust Board will be responsible for ensuring that:

- 2.1 All employees in the Trust are aware of the Respect at Work Policy and the rights and responsibilities contained therein.
- 2.2 To consider whether the underlying cause of the issue or complaint can be resolved informally outside the procedure in the first instance as part of normal good management practice.
- 2.3 To make use of mediation as an initial standard consideration in all cases where the matters cannot be resolved informally.
- 2.4 In the event of the formal procedure being instigated, to ensure that the employee is made aware of his/her rights to trade union representation and ensure that such representation, if requested, is facilitated, including compliance with the statutory requirement to consider a postponement of the hearings in certain circumstances.
- 2.5 To be aware that a complaint alleging harassment could be a potential disciplinary matter and consider whether a full investigation under the Trust's Disciplinary Procedure is required.
- 2.6 To ensure that prior to all formal interviews and hearings all relevant information is obtained, the facts established and all parties are afforded an opportunity to state their views.

- 2.7 To ensure that complete, accurate and contemporaneous records are maintained in a manner that is secure, confidential and accessible for monitoring purposes.
- 2.8 To seek additional information from third parties to enable all the pertinent facts relating to a complaint are obtained.
- 2.9 To seek advice from the Human Resources Director whenever deemed necessary.

The Trust Board will not:

- 2.8 Allow complaints to be heard under the Respect at Work Policy where they can be more appropriately dealt with under separate procedures set up for that purpose.

3. Scope:

- 3.1 The Policy will cover complaints on all forms of harassment, which may include but are not restricted to, sexual harassment, racial harassment, bullying, victimisation, harassment due to membership/non-membership of a trade union, age harassment, harassment against people with disabilities, harassment on the basis of sexual orientation and/or religious harassment.
- 3.2 This Policy applies to all permanent, temporary and fixed – term employees within the establishment of the Trust, whether full-time or part-time, in teaching or support posts, including Headteachers and Deputies. Headteachers are advised to communicate this Policy to long-term contractors and agencies so they can inform their staff about their responsibility in observing this Policy when working at the Trust.
- 3.3 Colleagues, managers and governors may perpetrate harassment. Complaints of harassment by pupils or parents will be dealt with under a separate process. The staff grievance procedure deals with staff complaints on other employment matters.

4. Statement of Intent:

- 4.1 The Charter Schools Educational Trust believes that every employee should enjoy a working environment where everyone is treated with respect. The Trust supports a culture where diversity and individuality are valued as part of delivering a high quality service to the Trust pupils and general public.
- 4.2 Each employee shares a responsibility for recognising the sensitivities and feelings of others, which may be different from their own but no less valid. All employees should be committed to high standards in delivering work and dealing with colleagues, this will not only be about the tasks people do but the effect of their words, how they interact/engage with others and tackling discriminatory or inappropriate behaviour.
- 4.3 Managers and supervisors have a responsibility to model and promote appropriate behaviour, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.
- 4.4 The Trust will not tolerate any acts of staff harassment, bullying and victimisation. As far as practical such occurrences should be avoided through effective management, (including appropriate supervision), recruitment, training and employees' proper adherence to The Charter Schools Educational Trust's Staff Code of Conduct and the Equality and Diversity statement.

- 4.5 Where problems do occur the Trust aims to create a climate of trust where staff feel confident in challenging inappropriate behaviour in a responsible way, without recourse, or to raise complaints using the procedure that follows. All parties involved in the complaint resolution will be expected to cooperate fully and work responsibly towards a speedy and effective outcome.
- 4.6 All employees will understand how they may raise a complaint on harassment/ victimisation/ bullying and be clear how this complaint will be dealt with. This will be through communication of the Policy that follows and working with the Trade Unions and other groups providing support to employees and furthering the Trust's aims around respect at work.

5. Aim of the Policy:

- 5.1 The aim of this Policy is to draw to the attention of all members of staff, no matter where they are working, the many forms of harassment at work, their serious adverse effects, and to provide practical guidance to managers and staff on how to eliminate harassment.
- 5.2 The problem of workplace harassment can be resolved only by developing and implementing preventative policies and procedures that create a climate of greater confidence to challenge harassment leading to more people coming forward.
- 5.3 The aim of this policy is therefore, to tackle individual incidents quickly and effectively, and to develop a working environment in which the dignity of colleagues, clients and customers is not abused and where harassment is known to be unacceptable.

Please refer to [appendix 1](#) for more information on ways in which harassment can be demonstrated.

6. Definition of Harassment:

- 6.1 For the purposes of this policy, harassment is defined as including:

Any unwanted abuse, advances, or behaviour, which cause an individual to feel threatened, humiliated, patronised, distressed or harassed. Action can also be considered harassment if it impairs an individual's job performance, undermines their job security, or causes a threatening or intimidating environment. Harassment may be deliberate or unconscious, a repeated action or an isolated incident. In cases of harassment, the impact of the behaviour is the determining factor and not the intent behind it, e.g. was the dignity of the person affected? It is also worth noting that the conduct can be physical, verbal or non-verbal.

- 6.2 Managers should be aware that an employee's perception of whether or not they have been harassed is an important factor that must be given proper consideration when dealing with allegations of harassment.
- 6.3 The fact itself that disciplinary or capability action is taken against an employee as part of legitimate management action would not construe harassment. Where a complaint of harassment is raised as part of or connected to disciplinary or capability action, the matters of complaint will be dealt with as part of the considerations of the case and not through a separate mechanism.

7. Effects of Harassment:

- 7.1 Harassment affects people adversely at work. It is well documented that harassment damages the victim's health, causing anxiety, tension, depression, deterioration of personal relationships, hostility, inability to concentrate, sleeplessness, fatigue, headaches and other signs of stress at work.
- 7.2 Harassment is usually a display and abuse of power directed from one person to another to the extent that the victim may feel that his/her dignity and job security is threatened. A victim may not feel that s/he can complain, or may feel embarrassed if such harassment is not taken seriously by his/her manager. A victim is often made to feel that s/he is to blame.

8. Preventing Harassment:

- 8.1 A contract of employment places a duty of care on the Trust to provide a suitable environment in which to work. To a great extent this refers to the physical environment, but it also includes freedom from stress and other obstacles to a reasonable working environment. Whilst such a duty on the Trust is generally proactive, there is also a responsibility on the Trust to react to concerns raised by employees.
- 8.2 The Trust is vicariously liable for discriminatory acts, including harassment, carried out by employees unless the Trust can show that they took all reasonable practical steps to stop the occurrence of the act.
- 8.3 A Trust can no longer necessarily rely on the defence that an employee was acting outside the course of their employment when carrying out an act of discrimination. Similarly, a Trust can be held liable even when it did not employ the harasser but where it had control over the situation or event where the harassment took place.
- 8.4 The Charter Schools Educational Trust has a responsibility to discourage harassment and prevent it from taking place by:
- Being aware of the problems which harassment can cause, and ensuring that our behaviour does not cause others to feel harassed.
 - Making our colleagues aware that certain conduct or behaviour is causing concern or offence to others.
- 8.5 The Trust Board has a particular responsibility to prevent harassment-taking place by:
- Being alert to the possibility that harassment may be happening in the Trust.
 - Using their judgement to correct behaviour that could be considered as offensive and reminding employees of the Policy on this matter.
 - Taking prompt action to stop harassment as soon as it is identified
 - Dealing with all incidents quickly, seriously, sensitively, and in confidence.

9. Identifying Harassment:

- 9.1 When the Headteacher receives a complaint or becomes aware of an issue, s/he must first decide whether it falls within the scope of this Policy, refer to [appendix 1](#), ensuring that it is not a complaint against the Trust's policy or procedure, or that no other formal mechanism exists to resolve it. The Trust's HR Director should be consulted for advice on the appropriate use of this procedure.

9.2 Complaints of harassment may be reported from a number of sources, for example:

- A colleague may raise the complaint if the person feels uncomfortable at doing so themselves.
- A trade union representative may raise a complaint on behalf of one of their members.
- An employee may lodge a grievance under the Employee Grievance Procedure that should instead be addressed and resolved using this Policy only.
- An employee may pursue a separate matter under the Employee Grievance Procedure, which upon investigation amounts to a case of harassment. If so, the grievance should be addressed and resolved using this Policy alone.
- A staff member may be harassed or victimised as a result of raising a concern under the Trust's Whistle blowing Procedure. In these instances, a member of the Trust's Management Team who received the complaint in the first instance should refer the matter to the appropriate manager to investigate.
- Nevertheless, regardless of how a complaint has been reported, all allegations of harassment must be dealt with using this Policy only.

10. Taking Action:

- 10.1 Where harassment may exist, staff must feel confident that their complaint will be treated seriously and dealt with sympathetically, sensitively and quickly. Staff must be encouraged to bring the matter to the attention of a manager.
- 10.2 On receipt of a complaint or when issues are raised an evaluation is required as to whether the matter is most appropriately managed either via the informal or formal route in conjunction with the advice sought from the Trust's HR Manager.

11. Informal Process:

- 11.1 Wherever possible it is better for issues to be resolved informally, as most people who complain simply want the behaviour to stop. In some cases, it may be sufficient for the manager to explain to the person causing the offence, that their behaviour is unwelcome, unacceptable and embarrassing. The manager may wish to consider training and/or other corrective measures to ensure that harassment ceases and should remind the employee of the Trust's Policy on this matter.
- 11.2 It is recommended that a note be made of the date and content of an approach requesting that the alleged harasser stop. This note should be kept securely and confidentially and it may be necessary to refer to this later if the harassment continues.
- 11.2 Use of the informal stage will however depend on: -
- The nature and seriousness of the complaint itself
 - The wishes of the person
 - Any previous history of either the harasser or the incident itself

Thus, it is important that the person being harassed is comfortable with this type of approach, and the manager will need to evaluate the appropriateness of trying to resolve the issue this way.

12. Mediation:

- 12.1 As an employer we are looking to focus on the future and on rebuilding relationships where disagreements and conflict occurs at work. Mediation should be seen as a safe, confidential and non-confrontational approach to dealing with workplace difficulties. The use of mediation should be a standard consideration in all matters that cannot be resolved informally or there is an issue that should properly be addressed through the disciplinary process. Further information about mediation can be found in appendix 2.

13. Formal Stage – Disciplinary Procedure:

- 13.1 If the informal approach and/or mediation was pursued and did not result in resolution or was deemed inappropriate, the manager must then treat the matter as a potential disciplinary matter. An investigation must then be undertaken in accordance with the Trust's Disciplinary Procedure.
- 13.2 It is particularly important in such cases for appropriate standards of confidentiality to be observed and for the profile of the Investigating Manager to be sensitive to the nature of the complaint. The investigation must be completed within a reasonable timescale and feedback on the outcome of complaint given as speedily as possible. All cases of harassment will also be subject to formal monitoring.

14. Possible Outcome:

- 14.1 If a complaint is upheld, managers must ensure that the complainant is not adversely affected by actions taken. Any disciplinary action taken against the alleged harasser will depend upon the nature and extent of the offence.
- 14.2 In minor cases of unintended offence/harassment, this is likely to include a guidance interview, and/or counselling and training with standards of behaviour and the policy reiterated.
- 14.3 In cases of a more serious nature, or a repeated offence, this is likely to include a formal warning, relocation, and/or training and could also result in dismissal, with or without notice. The manager should also remind the employee of the Trust Policy on this matter.
- 14.4 Where a complaint is not upheld, consideration should be given as to how the relationship between the two (or more) parties is to be managed.
- 14.5 Disciplinary action may be taken against any member of staff, including managers, who fail to take the responsibilities of this Policy seriously or to take appropriate corrective action. Except when it can be established that an employee complaint is either deliberately false or malicious, there can be no retaliatory action taken against any employee for raising a complaint under this procedure.
- 14.6 This policy should be followed for any counter allegations of harassment arising from a complaint.

15. Police Involvement:

- 15.1 In very serious instances of harassment, for example stalking or violent behaviour, it may be appropriate to involve the police. Where the police are called in they should not be asked to conduct any investigation on behalf of the employer, nor should they be present at any hearing or disciplinary hearing.

16. Victimisation

- 16.1 Victimisation is a form of harassment that occurs when a person is treated less favourably than another person for asserting their statutory rights, including those under Equalities Act 2010.
- 16.2 Managers must check that the harassment has stopped and that there has been no intimidation, victimisation, discrimination or retaliation against the employee who made the complaint, or anyone who assisted in the investigation. Anyone who victimises a complainant for making a charge of harassment will render themselves liable to disciplinary action.

17. Appeals:

- 17.1 Where the investigation does not result in disciplinary action being taken, and the employee who made the original complaint is not satisfied with this outcome, s/he will have access to the Trust's grievance procedure.

18. Support and Counselling:

- 18.1 Incidents involving harassment and the subsequent investigation can be very stressful for both the complainant and the alleged harasser. The manager could consider arranging for support and/or counselling via the Trust's Occupational Health Service. Requests for appropriate time off should be treated sympathetically.

APPENDIX 1

Examples of Harassment

The following examples are not exhaustive, but are intended to illustrate ways in which harassment can be demonstrated.

Sexual Harassment

Sexually orientated jibes or abuse, unwelcome comments about dress or appearance, the display of pin-ups or pornographic pictures or sexually suggestive objects, unwanted physical contact or demands for sexual favours.

Racial Harassment

Racially derogatory remarks or racist 'jokes', the display of racially offensive written or visual material, physical threats, assault and insulting or abusive behaviour or gestures based on someone's ethnicity or colour.

Bullying

Bullying relates to offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Age Harassment

Ridiculing or demeaning behaviour focused at people because of their age and experiences.

Harassment against People with Disabilities

Undignified treatment or ridicule or exclusion of people because of their disability, vulnerability, or actual or perceived reduced independence.

Harassment on the Basis of Sexual Orientation

Behaviour that condemns or ridicules people because of their sexual preferences.

Religious Harassment

Unacceptable behaviour that fails to tolerate or acknowledge the rights or needs of people with different religious beliefs and practices.

Appendix 2

Mediation at The Charter Schools Educational Trust

a). Introduction

Mediation is not a remedy for every situation where there is conflict between individuals but it can be introduced at almost any stage of conflict although most effective in the early stages of a dispute it can be effective at any stage. It can also be helpful after formal action to help repair relationships and encourage teamwork.

Informal resolution and mediation need to be first base considerations for discussion with managers, employees and their representatives. Where mediation is pursued as an outcome or instead of formal action the formal process will be deemed to be in abeyance. Where mediation does not lead to resolution formal processes can be reinstated (it is stressed that mediation detail remains confidential and will not be available or considered in any later formal process unless all parties to the mediation agree.)

b). What is mediation?

It is a confidential, voluntary, informal disputes / conflict resolution process in which an impartial third party, the mediator, helps disputing parties reach an agreement. The mediator does not decide the rights and wrongs of the situation but is there to facilitate a process settle the issues through compromise.

The mediator works with the parties to discuss and explore their differences seeking a constructive resolution by encouraging them to identify and explore their own solutions that will satisfy some or all of the underlying goals and interests. It is a key part of mediation that responsibility for resolution lies with the parties and not the mediator. This means that in mediation there are no 'winners' and 'losers'.

c). Key Aspects:

- i. Agreement to the process by all parties is voluntary.
- ii. The parties must abide by the principals of confidentiality unless agreeing otherwise.
- iii. The mediation outcome is not legally binding but the parties will have agreed to abide by the outcomes
- iv. The mediation is undertaken by a third party.
- v. Mediation is about the parties directly involved finding their own solutions and therefore representation is not appropriate.

d). Suitability:

When?

There are no hard and fast rules for when you can and cannot use mediation. ACAS recommends that mediation is particularly appropriate.

- When conflict has caused “absence”
- Behaviour labelling e.g. Bullying, Harassment, Discrimination, Disrespect
- Complaints about management style
- Dealing with emotional impact, feelings, needs
- Peer to peer conflicts
- Individual to first line manager conflicts
- More about relationships and behaviour rather than “rights”

Specific areas where mediation has proved particularly useful are: -

- Relationship Breakdown
Such as interpersonal conflict where people don't communicate, the gap gets wider and things get more difficult. Tensions at work over issues such as personal space, or the use and misinterpretation of language and behaviours.
- Bullying and harassment
ACAS and CIPD report mediation as being particularly suited to these issues and those of perceived discrimination. Mediation should be the first consideration in all cases although each situation needs to be judged on a case by case basis as serious cases of bullying and harassment and discrimination may have to be dealt with by more formal procedures. Mediation can be a good way to help the 'victim' see the other person's side - and for that person to see how their behaviour is affecting their colleagues.
- When managers are not well placed to deal with an issue
Mediation can provide a useful tool for individuals to turn to when for one reason or another the manager is not well placed to deal with the matter e.g. intervention being perceived as biased or favouring one side over another- or the manager has insufficient people skills to handle emotional anger or conflict.
- Grievances
These most possibly best lend themselves to Mediation - though every case must be considered on its merits.
- Discipline/ Misconduct
It is less likely mediation will occur where there is prima facie gross misconduct - but should not be ruled out. The 'victim' must be consulted about how management would like to see the behaviour dealt with.

Where bullying has been found proven following an investigation and assessment of the facts - there may still be an option to resolve via mediation. The Management judgement will need to assess the level of - if any formal disciplinary action to take against the perpetrator.

If it becomes clear to the mediator during the mediation that there is clear cut serious misconduct going on and it is not resolvable between the parties, they would advise the parties accordingly. The Trust might then expect formal procedures to be used.

Who?

Mediation can be used for colleagues of similar grade/job or line manager and staff. Usually to settle one to one conflicts or team disputes, but, can also be used to resolve staff and management disputes.

Mediation may not be suitable: -

- i. If decision about right or wrong is needed by the individuals.
- ii. As a first resort - because people should be encouraged to talk to each other and talk to their manager before they seek a solution via mediation.
- iii. If it is used by a manager to avoid their management responsibilities.
- iv. If the individual brings a discrimination or harassment case that warrants investigation under the disciplinary procedure and as part of this perpetrator suspension from duty is needed.
- v. The parties do not have the power to settle the issue.
- vi. One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.
- vii. A perpetrator who resists mediation when the victim is keen to resolve informally will need careful consideration & you will have no option but to formalise.
- viii. Where the issue is potentially unlawful or there is evidence of a serious risk to health and safety.
- ix. Where there is legal action.
- x. Where formal disciplinary/capability investigations are being undertaken. Issues of harassment raised as part of, or in connection with disciplinary or capability action will be dealt with as part of that process.
- xi. Where a Guidance Interview has been arranged.
- xii. Where there is a risk issue for the Trust that is assessed as requiring formal intervention.
- xiii. If someone has learning difficulties or mental health problems.

Frequently Asked Questions (FAQs)

What is mediation?

Mediation is a process where an impartial third party enables two or more people to work through conflict or disagreement based on an acceptable and appropriate resolution to the issue with a view to improving their working relationship

When can it help?

Mediation can bring people together in a range of circumstances which includes: repairing working relationships, between colleagues, between managers and staff and communication difficulties within teams.

When can it be used?

Where a formal complaint is made or concerns are raised in relation to harassment, consideration will be given to the use of mediation as part of the informal stage. The Trust's HR Manager will assist the Trust in reviewing the

circumstances and where appropriate seeks agreement of the parties involved to progress the matter through mediation. Prior to submitting a formal complaint, staff can discuss with the designated Officer of the Trust Management Team concerning the use of mediation as an alternative avenue.

Do I have to take part in mediation?

No. Mediation is voluntary but we ask that anyone it be recommended to consider it very seriously as an option. Participants must come to mediation of their own free will. No one will be forced to attend or stay, as mediation is most successful when both parties attend willingly and want to resolve the disagreement

If I use the mediation will I give up my right to use other more formal processes?

No. If agreement cannot be reached then you do not lose your right to access more formal procedures such as the grievance procedure. You will not be able to bring up what has been said previously during the confidential mediation process- nor should the Mediator be called upon in Legal action such as at the Employment Tribunal

How confidential is the mediation service?

The mediator will not divulge any information unless you give permission for them to do so. However, in the event where significant issues come to light which must be reported to the Trust Management Team, the mediation service will encourage you to raise your concerns via the appropriate procedure such as the Whistleblowing Policy.

Does my manager or head of service need to know I am using mediation?

Yes, but only the fact of the mediation and this is only because your manager's unit budget will be paying for the independent service.

Can I be represented by my Trade Union?

No, this is not a formal meeting of the kind you would be represented at. Mediation is designed for the parties involved in the dispute to get together to talk. It is successful because parties speak for themselves and listen to each other's perspective. The process may seem daunting but don't worry, the skilled mediators will talk you through the process.

I want to try mediation but feel at risk, being in an unprotected situation facing the person who has been harassing me?

It is highly unlikely that the Trust will recommend mediation as being suitable in cases where there is a prima facie case of gross misconduct or staff are genuinely fearful of reprisals or experiencing this level of intensity of feeling against the perpetrator. The likelihood is these cases will be investigated under the disciplinary procedure. Of course some anxiety about using the mediation approach in less extreme circumstances is understandable and that is where the skills and training of the Mediator come into play. (It is a service used to great effect already within the Council and case studies are available)

What if the one of the parties is delaying the process?

Every effort will be made to progress the case however mediation is voluntary and where in the experience of the mediator a party is not co-operating with the process the case will be referred back to HR for review.

What if the person I am in conflict with does not wish continue to participate?

The mediators will seek to establish why and try and overcome the issue but if they really do not want to continue they cannot be forced to do so.

Do you or I have to tell my manager what happened in mediation?

No. Not unless you have agreed this with your colleague and the mediators.

What happens if the HR Manager or union ask the mediation service about my mediation session?

As the service is confidential, no details will be divulged about the content of your discussions or your agreement. As public monies have been spent and the Trust want to monitor the effectiveness of mediation as a way of resolving disputes, the Mediation Service will report whether the mediation was successful or not.

Is there anything else I need to know about mediation?

A guiding principle is respect- conversations must take place in a civilised manner with participants willing to listen to the other person's point of view.

Where can I find out more about mediation?

ACAS has long promoted the benefits. Mediation Explained is a helpful booklet for all staff, whereas 'Mediation: An Employers Guide' produced in partnership with Chartered Institute of Personnel and Development (CIPD) offers a unique insight into an employers' experience of mediation.