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## Dignity and Respect at Work Policy

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## **SECTION 1      DIGNITY AND RESPECT POLICY**

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### **1.1 Introduction**

- 1.1.1 This policy sets out how we will support and manage issues that breach the dignity and respect of employees. Such breaches are not acceptable and may constitute misconduct or gross misconduct and may potentially lead to dismissal in accordance with the provision's disciplinary procedure.
- 1.1.2 As Directors we are committed to a culture of respect and expect of all provision employees positive behaviours that are ethical and socially responsible.
- 1.1.3 All employees have rights and responsibilities for creating and upholding those standards of behaviour that support the ethos of our provision as we lead and establish in our pupils positive attitudes and relationships that will help them learn and grow.
- 1.1.4 All provision employees have a responsibility to behave in a manner that supports the ethos, vision and aims of the provision and to have professional, constructive relationships with colleagues. Employees should ensure that their behaviour is consistent with what constitutes a positive role model for pupils and families/carers.
- 1.1.5 Each employee is accountable for their actions, challenging inappropriate behaviour and ensuring a safe and non-threatening workplace. This includes accountability for individual actions and actively seeking to put things right as well as collective responsibility for creating a culture of openness and transparency within the staff to ensure that all employees are valued and treated fairly.
- 1.1.6 The head of centre has responsibility for ensuring that employees' behaviour is in line with the standards expected.

### **1.2 Purpose**

- 1.2.1 This policy aims to raise awareness of dignity and respect in the workplace and to promote a culture of openness where harassing or bullying behaviour is securely challenged and appropriately managed.
- 1.2.2 This is a proactive policy to underpin how we, as a provision community, work together in a climate of openness and commitment to agreed standards of behaviour and values that facilitate understanding and communication, engender dignity, fairness, trust, respect, equity, tolerance and learning.

### **1.3 Application**

- 1.3.1 This policy applies to all teaching and non-teaching provision employees, whether operating within the provision or outside, e.g. while on provision business or where an employee's actions could have a serious adverse impact on the business of the provision or local authority or bring into disrepute. Staff are expected to exercise their professional judgement. Employees should also make reference to the social media policy.
- 1.3.2 This procedure applies to instances of harassment, discrimination, victimisation and bullying made by employees, or by agency staff employed in the provision, against other such employees.

- 1.3.3 Complaints made by provision employees against agency staff will be investigated and referred to the agency as appropriate. The Head of centre and/or managing partner will determine the appropriateness of retaining the services on an agency employee.
- 1.3.4 Complaints made by pupils and/or parents against staff will be addressed via the provisions' complaints procedure and fully investigated. If the complaint is proven not to be malicious or subjective, it will then be addressed via the provision's Disciplinary Procedure.
- 1.3.5 Complaints made by staff against pupils will be addressed via the provision's disciplinary procedures pertaining to pupil behaviour and will be fully investigated and recorded with a final outcome.

## **1.4 Commitment**

- 1.4.1 The Directors is committed to promoting a positive working environment where employees conduct themselves in a way which contributes positively to the aims of the provision, and which respects all colleagues and the provision community.
- 1.4.2 The Directors is committed to promoting dignity and respect and seeks to provide an environment of mutual trust and respect amongst the entire workforce and to resolve any issues or difficulties at work in a mutually beneficial way.
- 1.4.3 The Directors is opposed to and will not tolerate any form of harassment, discrimination, victimisation, bullying or intimidation or any unacceptable conduct towards an individual or group, in the workplace, whether as a single incident or persistent acts.
- 1.4.4 The Directors will take any allegations made by employees seriously and, as far as possible, complaints will be managed speedily and confidentially.
- 1.4.5 Employees will have the responsibility to ensure that issues raised through this procedure are reasonable and genuine. If a complaint is found to have been made for vexatious or malicious reasons, then the complainant may be dealt with under the provision's Disciplinary Procedure.
- 1.4.6 The Directors will make every effort to resolve complaints informally. Where this is not appropriate or possible, a formal process will be followed.
- 1.4.7 The Directors acknowledges that this is a sensitive area and will ensure that employees are appropriately supported and that any complaints remain confidential, wherever possible. Any breach of confidentiality may result in disciplinary action.
- 1.4.8 The Directors will communicate with employees to raise awareness about Dignity and Respect and the implications of unacceptable behaviours will be highlighted.
- 1.4.9 The Directors recognises its legal and moral responsibilities towards provision employees.

## **1.5 Harassment, Discrimination, Victimisation and Bullying**

- 1.5.1 The Directors has taken into account the information contained within relevant EU Directives, Employment regulations, Equality legislation and the Equality Act 2010 in determining the definitions of Harassment, Discrimination, Victimisation and Bullying.

1.5.2 The Equality Act covers the same groups that were protected by previous legislation and extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law. These are now called **‘protected characteristics’** and cover Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation. NB People may also experience Harassment, Discrimination, Victimization and Bullying which may not be related to a protected characteristic.

### 1.5.3 Definitions

**Harassment is** ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

**Discrimination is** ‘where one person is treated less favourably than another person was or would have been treated on the grounds of their protected characteristic’.

**Victimization is** ‘when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act and/or Council policies or because they are suspected of doing so.

**Bullying is** ‘persistent unwelcome offensive and intimidating behaviour or misuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence’.

Bullying may take, but is not confined to, the following forms of behaviour:

- Instantaneous rages, often over trivial matters
- Personal insults and name-calling
- Persistent criticism
- Public humiliation, put downs or ridiculing
- Blocking promotion
- Hoarding information
- Changing priorities and objectives unreasonably
- Excessive and unreasonable supervision
- Removing areas of responsibility without appropriate consultation and agreement
- Inflicting menial tasks
- Talking only to a third party to isolate another
- Turning down annual leave or leave of absence for no discernible reason
- Refusal to delegate
- Including in public but ignoring in private
- Imposition of unreasonable/unachievable deadlines

#### 1.5.4 Types of discrimination

##### **Direct discrimination**

This is when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

##### **Associative Discrimination**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

##### **Perceptive Discrimination**

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

##### **Indirect Discrimination**

Indirect discrimination can occur where there is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that an action was reasonable ie that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision made in running a provision, but if there is a discriminatory effect it is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that less discriminatory alternatives to any decisions have been examined.

#### 1.5.5 Harassment, discrimination, victimisation and bullying can come in many forms. It may happen once or more than once, either way it is unacceptable. Examples could include:

**Offensive material**, including pornography, racist material, or material which ridicules or abuses religion or belief, men or women, black people, disabled people, transgendered people, lesbians or gay men, older or younger people.

**Verbal abuse**, including racist or sexist language, and language that undermines or ridicules e.g. disabled people, lesbians or gay men, older or younger people.

**Bullying**, exercising power to intimidate, ridicule or demean an individual or group of people usually through a number of small incidents over a period of time.

**Leering**, comments on dress or appearance, embarrassing remarks or jokes, demands for sexual favours.

**Physical assault**, including touching or unwanted physical advances.

**Persistent comments**, which undermine or undervalue a person's abilities, particularly on the basis of sex, race, disability, sexuality, age. This could also relate to comments on a person's physical appearance.

**Cyber-bullying** is when the internet, phones or other devices are used to send or post text or images intended to hurt or embarrass another person. It may include threats or sexual remarks or ganging up to make someone a victim of ridicule in social networking forums.

## 1.6 Hate Crime and Hate Incidents

The following definitions are as agreed by the Association of Chief Police Officers and the Crown Prosecution Service:

- 1.6.1 A Hate Incident is: “Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.”
- 1.6.2 Hate Crime is defined specifically as: “Any Hate Incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”
- 1.6.3 As an employee complaint of Hate Crime or Hate Incidents will be dealt with through one of the following procedures:

**Dignity and Respect Procedure** – this should be used if they feel they have experienced harassment, discrimination, victimisation or bullying at work by another provision employee.

**Grievance Procedure** – this should be used if an employee wants to raise significant and specific concerns about their employment or treatment at work.

**Accident, Violent Incident, and Ill Health Report Form** this should be used if a Hate Crime or Hate Incident happens to an employee, one of their colleagues or a member of the public. (*Form available on the CWLB information system.*)

**Whistleblowing Procedure** - this should be used for concerns where the interests of others or of the organisation itself are at risk.

## 1.7 Roles and Responsibilities

### **Head of centres, Managing partner and Managers**

- 1.7.1 The head of centre has a duty to implement and enforce this policy in a fair and equitable way and to ensure that all employees understand and follow it.
- 1.7.2 The head of centre is responsible for ensuring that all employees are aware that a breach of this policy could lead to consideration of formal disciplinary action or dismissal under the provision’s Disciplinary Procedure depending upon the circumstances. However, every effort should be made to resolve any issues at the lowest possible level and notes taken, agreed and retained appropriately by the investigation panel at each stage of the procedure.
- 1.7.3 The head of centre and managing partner recognise that the lodging and/or investigation of a complaint may be extremely difficult and distressing for both the complainant and the subject of the complaint. In both cases, consideration should be given to appropriate support being provided before, during and after an investigation.
- 1.7.4 The head of centre and managing partner will ensure that complaints of harassment, discrimination, victimisation and bullying are taken seriously and that investigations are, so far as is possible, managed speedily, confidentially and communicated effectively.

- 1.7.5 The head of centre and managing partner will ensure that employees, who have raised concerns or have provided evidence during an investigation, are not victimised as a result of their actions.

### **Employees**

- 1.7.6 Every employee has a responsibility to treat all colleagues and provision users with dignity and respect.
- 1.7.7 Employees need to be aware of their own conduct and behaviour and how it can impact on others in the provision and its community.
- 1.7.8 Employees are encouraged to bring to the attention of the head of centre any examples of unfair treatment, as defined within this policy, that they have witnessed or have evidence to suggest that is taking place.
- 1.7.9 Employees are required to co-operate with investigations into the allegations made under this policy and to treat such investigations confidentially.
- 1.7.10 Employees must not make false or malicious allegations and need to be aware that disciplinary action may be considered in such circumstances.

### **Trade Union Representatives**

- 1.7.11 Employees who are members of a recognised trade union have a right to be represented by their trade union representative, who will also be able to offer advice and support to those experiencing problems or who have had allegations made against them.



## **SECTION 2      DIGNITY AND RESPECT PROCEDURE**

All issues relating to dignity and respect as outlined in Sections 1.5 and 1.6 of this policy should be dealt with within this procedure. However, this does not remove the right for employees to raise other areas of concern which may not fall within the scope of this document via other means.

### **2.1 How to Make a Complaint**

2.1.1 It is the intention of this procedure for issues and complaints to be resolved informally, quickly and at an early stage in order to prevent problems becoming more serious over time. Some allegations however may be of such a serious nature that an informal resolution may not be appropriate and will have to be dealt with formally.

2.1.2 The procedure should be used where you have experienced personal harassment, discrimination, victimisation, or bullying, as defined in the procedure, particularly where this relates to a protective characteristic. Any other significant and specific issues or concerns about your employment or treatment at work should be raised through the provision's Individual Grievance Procedure.

In order to make your complaint you need to:

- (i) understand the definitions contained within the procedure
- (ii) be clear about the basis of your complaint
- (iii) submit it without unreasonable delay
- (iv) stick to the facts but provide as much information as possible (the information you provide will be used to determine whether or not your complaint has substance)
- (v) let your employer know the outcomes you are seeking
- (vi) indicate whether you would like to try to resolve the problem via informal resolution or whether you would like to request a formal resolution
- (vii) send the information to your head of centre. If your complaint is about the head of centre send the information to the Chair of Managing partner.

2.1.3 If you are a member of a trade union your trade union representative will be able to give advice and help you put this information together. A proforma is attached as **Appendix B (i)** that you can complete to help you ensure that you include all the relevant information.

2.1.4 Informal issues or complaints should be made verbally or in writing to the manager/head of centre or Chair of Managing partner where the head of centre is the subject of the complaint. More than one person or third parties can also raise an issue or make a complaint.

## The Informal Resolution meeting with the Manager/Head of centre

- 2.1.5 Before the meeting read through the information you have provided and any further information/evidence you wish to present. Explain fully what your complaint is about and go through the facts and evidence you are providing. Only talk about what is directly relevant.
- 2.1.6 Remember that this is an opportunity to discuss problems/establish facts/understand the background and surrounding circumstances in order to reach a resolution if possible.
- 2.1.7 Outline what you would like to see happen to resolve the matter. Ask for an adjournment if you feel that it is necessary.
- 2.1.8 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the allegation(s) is such that informal resolution is inappropriate. Formal complaints should be in writing to the manager/head of centre or Chair of Managing partner where the head of centre is the subject of the complaint. A proforma is attached as **Appendix B (i)**.
- 2.1.9 Both the complainant and the subject of the complaint have the right to be accompanied at all stages of the procedure by their trade union representative or other provision employee or chosen representative.

## 2.2 Initial Verification

- 2.2.1 The manager/head of centre will complete an initial verification of the complaint and determine and make a decision as to whether or not the allegations have some substance. This should take place within **5 working days** of the initial complaint.
- 2.2.2 If there is substance to the allegations then a discussion will take place with the complainant about options for resolution. An invitation to this discussion will be put in writing. The complainant will be able to have a trade union representative or colleague with them if they wish. This should take place within **10 working days** of determining the substance of the complaint. An Informal Investigation will take place unless the seriousness of the incident(s) is such that the informal route is inappropriate. Formal Resolution will only be used where the Informal route is inappropriate or unsuccessful.
- 2.2.3 Where the manager/head of centre has decided there is not a case to answer, or no further investigation is required a written explanation will be given to the complainant within **5 working days** of determining the lack of substance of the complaint. The complainant may, within **10 working days** of being told of this decision appeal (see **Appendix B(ii)**) on the following grounds:
  - (i) the written explanation provided includes factually incorrect information
  - (ii) the written explanation fails to address key relevant points of fact
- 2.2.4 In the event of a counter complaint being made by the subject of the complaint and where the complaint could be material to, or affect the outcome of the originating

complaint or investigation, the counter complaint should be comprehensively included and dealt with in the originating investigation or informal resolution process, ensuring that a full response to the allegation is covered in the final report and fed back. Complainant should use proforma at **Appendix B(i)** and Head of centre to follow process from 2.2 Initial Verification.

- 2.2.5 If a complaint is found to have been made for vexatious or malicious reasons, then the complainant may be dealt with under the provision's Disciplinary Procedure.

(See **Appendix A** for further guidance for managers/head of centres/managing partner.)

## 2.3 Informal Resolution

- 2.3.1 It may be sufficient for the manager/head of centre to speak to the subject of the complaint to explain the situation, the impact of the behaviour, understand his/her position, discuss possible future action should this continue and report back to the complainant. This should take place within **10 working days** of determining the substance of the complaint. The complainant and the subject of the complaint will be able to have a trade union representative or colleague with them if they wish.
- 2.3.2 Where appropriate the manager/head of centre may bring the two parties together to discuss the complaint and agree a way forward to resolve the situation and prevent it from escalating: "round table meeting". Options, solutions and actions will be discussed. This will depend on the circumstances of the case and the wishes of the complainant. The complainant and the subject of the complaint will be able to have a trade union representative or colleague with them if they wish.
- 2.3.3 The manager/head of centre will keep records of the complaint, all actions taken in verifying the allegations, discussions with the complainant and the subject of the complaint, details of any joint meetings and agreed actions.
- 2.3.4 Where appropriate, the manager/head of centre may agree with the complainant and subject of the complaint, to hold a review meeting with the complainant and the subject of the complaint **within 4 weeks** of the meeting to discuss the way forward. It may also be necessary to hold another review meeting depending on the success of the last one and this should take place **within 2 weeks** of the last meeting. Records will be kept for up to 12 months.
- 2.3.5 If Informal Resolution is unsuccessful or inappropriate, then it may be necessary to proceed to Formal Resolution.
- 2.3.6 As this is an informal process no witnesses will be called.

## 2.4 Formal Resolution

- 2.4.1 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the incident(s) is such that the informal route is inappropriate.
- 2.4.2 If there has been an informal investigation – on receipt of a formal complaint the manager/head of centre advised by the HR provider will consult the records made in the informal investigation to ensure that appropriate approaches have been used to resolve the issues. The manager/head of centre may then consider further actions as part of an informal resolution before deciding whether or not to go ahead with a formal procedure.
- 2.4.3 If there has not been an informal investigation – on receipt of a formal complaint an appropriate governor(s) and senior manager/head of centre (Investigation Team) will

be appointed to investigate the complaint supported by the HR provider (see **Appendix A** for guidance).

- 2.4.4 Within **10 working days** the Investigation Team will inform both parties of the specific complaint being investigated, the parameters of the investigation and the timetable for carrying this out.
- 2.4.5 The Investigation Team will only interview those witnesses relevant to the complaint under investigation.
- 2.4.6 Witnesses must be informed that the statements taken during the investigation may be included in the management statement of case and, therefore, shared with both parties and their representatives and referred to in future proceedings. Where possible, efforts should be made to support and protect witnesses during the process.
- 2.4.7 On completion of the investigation, the Investigating Team will produce a short written report that will outline the nature of the complaint, the process of investigation, a summary of the findings of the team and recommendations for action. This report will be provided to both the complainant and subject of the complaint within **10 working days** of the end of the investigation.
- 2.4.8 Where an outcome of the investigation is to recommend that disciplinary action be taken, this will be in accordance with the provision's Disciplinary Procedure.
- 2.4.9 The complainant needs to know that their complaint has been taken seriously and that issues relating to the complaint will be dealt with. They do not have a right to know the outcome of any disciplinary hearing. If the complainant feels the complaint has not been dealt with appropriately at this stage, they may discuss their concerns with the manager/head of centre/chair of managing partner.

## **2.5 Right of Appeal About the Dignity and Respect Investigation**

2.5.1 Any appeals in respect of a dignity and respect investigation should be contained within the scope of the provision's dignity and respect procedure and not via any other process. However, this does not remove the right for employees to raise other areas of concern which may not fall within the scope of this document via other means.

### **2.5.2 Subject of the complaint**

If disciplinary action is to be taken, the disciplinary procedure will apply and any concerns about the investigation process may be raised as part of his/her statement of case.

### **2.5.3 The Complainant**

The person making the complaint has the right of appeal against the outcome of the investigation on the following grounds:

- (iii) the investigation was conducted in an unfair manner or was in some way inadequate
- (iv) the conclusion (recommended actions) was unfair based on the evidence

- 2.5.4 Appeals should be submitted in writing within **10 working** days of receipt of the Investigation Report. Appeals should be addressed to the head of centre/chair of managing partner, setting out the grounds of the appeal (see section 2.5.2 and the reasons for the appeal). Proforma attached as **Appendix B(iii)**.
- 2.5.5 A separate panel of managing partner will hear the appeal within **10 working days** of request being received, consider the facts, and make one of three decisions:
- (i) to uphold the original conclusion
  - (ii) to substitute a different conclusion
  - (iii) to instigate further investigation, either in whole or part, as necessary
- The decision of the appeal will be notified in writing within **3 working days** and will be final.

## 2.6 Suspension or Transfer

- 2.6.1 Where the head of centre seeks to suspend the subject of the complaint, they will do so in accordance with the provision's Disciplinary Procedure. Suspension is not a disciplinary sanction and shall be used only in circumstances where:
- Alleged behaviour is so serious and is of such a nature that an individual may face the possibility of dismissal with or without notice and/or
  - It would be dangerous/impractical to continue to allow the individual to remain at work, and/or
  - There is a danger that the individual's continuing presence at work would jeopardise investigations into the alleged misconduct(s)
- 2.6.2 Where there is the potential for gross misconduct to have occurred, temporary transfer of the subject of the complaint must not be used as an alternative to suspension.
- 2.6.3 The head of centre should not normally transfer the subject of the complaint and/or the complainant to a different worksite within the provision unless either party specifically requests transfer for themselves. Any transfer requested will only be considered where it can be easily facilitated by the provision.
- 2.6.4 In the event that a transfer is agreed, the transferring employee must be informed in writing that the transfer agreement will normally continue for the duration of the investigation and any formal proceedings which may follow it; including any individual grievance and/or appeals against any disciplinary action.
- 2.6.5 The subject of a complaint may initially be transferred in accordance with 2.6.3, 2.6.4 above but during the investigation it becomes clear from the evidence being obtained that suspension from duty would be appropriate. Reasons for actioning suspension during investigation rather than at the outset will be given to the subject of the complaint both verbally and in writing.
- 2.6.6 On conclusion of the process, including any grievance and/or appeal hearing, the transferee will be expected to return to their substantive work position unless a longer-term transfer is agreed by head of centre/managing partner as appropriate and by the transferee.

## **2.7 Timescales**

- 2.7.1 Timescales have been set so that complaints, problems and issues are dealt with and resolved as quickly as possible. This is important in terms of reducing the impact of stress and possible long term sickness that may be caused to individuals involved in the resolution process.
- 2.7.2 It is accepted that timescales may not always be easy to adhere to and this will need to be discussed throughout the process between managers, HR provider and trade union representatives.

## **2.8 Monitoring the Use of the Procedure**

- 2.8.1 Within the provision there should be a record of all dignity and respect complaints, including dates, substantive issues, findings and outcomes is retained by the Chair of Managing partner. The recording process should not identify individuals.

## Appendix A

# Manager/Head of centre Guidance - How to Manage the Dignity and Respect at Work Process

## Introduction

Whilst the Head of centre has a statutory responsibility for the internal organisation, management and control of the provision, when conducting an investigation, it is recommended that the following steps are adopted as best practice:

- At any stage of the process the investigation/appeal panel consists of 3 (it is acknowledged that in some smaller provisions this may not be possible) people at the appropriate level to ensure that any potential escalation to a further stage can be addressed by alternative managers/managing partner
- One person is designated as chair of the panel and will be responsible for gathering information and evidence, arranging for an independent note-taker to be present, compiling the outcome report, ensuring that notes have been signed and agreed by relevant parties as a true record
- Ensuring that any records are kept on file appropriately and include: nature of the complaint, what was decided and actions taken, reason for actions, whether an appeal was lodged, outcome of that appeal, subsequent developments.

These steps have been developed with reference to ACAS guides and Staffing Regulations.

Where a complaint is against a Head of centre, the Managing partner will manage the process.

In the case of complaints against other senior members of staff the Head of centre will manage the process.

In cases of complaints against any other member of staff the process will be managed by the Head of centre and/or other member of staff nominated by the Head of centre (eg Deputy Head of centre)

In all cases the manager/head of centre investigating the complaint will be at a more senior level to the person against whom the complaint has been made.

An employee may make an informal or formal complaint of harassment, discrimination, victimisation or bullying. Informal complaints should be treated with the same importance and urgency as formal complaints and every effort should be made to bring about an early resolution.

## Informal Resolution

The manager/head of centre will be aware of the sensitivity of complaints of this kind and seek to resolve the matter as quickly and carefully as possible. The manager/head of centre should acknowledge receipt of the complaint form in writing and make an assessment as to whether the complaint has substance in terms of meeting the terms of this procedure (ie does it constitute a breach of expected

standards based on the definitions) and if so the manager/head of centre/ governor should undertake an initial verification to check:

- 1 whether the incidents complained of could actually have taken place
- 2 that the complaint contains equalities or bullying issues and so should be managed under Dignity and Respect at Work Procedure.

The most important questions to ask the complainant are “what do you want to happen now?” and “How can I or others help you achieve that?”

After listening to the complainant and taking advice from the HR provider, manager/head of centre will need to consider a way forward.

If the manager/head of centre finds that the complaint has no substance/cannot be verified he/she should write to the Complainant given a written explanation. If the Complainant appeals against this written explanation and provides evidence to substantiate his/her allegations, you may wish to investigate further or you may decide that the facts provided by the Complainant are not substantiated and your written explanation stands.

If a manager/head of centre feels a certain approach would be more suitable to the situation, this should be discussed with the HR provider before going ahead. The HR officer will help to assess the implications for any action taken. Remember, any action taken at this point may be scrutinised at a later stage.

The manager/head of centre should arrange for the meeting to take place without unreasonable delay and notify the employee accordingly. Ideally this would be within **15 working days** of receipt of the complaint form. The meeting should take place in private, with no interruptions, and a suitable note taker arranged. This meeting should be to gather full details and discuss a suitable course of action. Present at the meeting should be the employee and the manager/ head of centre supported by their trade union representative/work colleague and HR Officer as appropriate. If the employee is feeling hurt or vulnerable it may be that you would wish to consider holding the meeting away from provision.

All parties are reminded that this is a confidential process, and all are expected to behave respectfully.

At the meeting, following introductions, the employee should be invited to talk through the complaint and how he/she would like it to be resolved. It may be that through discussion and dialogue a suitable way forward may be determined. It is helpful to sum up the main points of the discussion.

An outcome of the meeting may be that the manager/head of centre speaks to the subject of the complaint and arranges for both parties to meet to discuss the issues and restore appropriate working relationships: “round table meeting”. Options, solutions and actions will be discussed at this meeting, the manager/ head teacher may seek support in managing this meeting or may wish to hold individual meetings in the first instance to explain differing perspectives. Where appropriate, the manager/head of centre/ governor may agree with the complainant and subject of



the complaint, to hold a review meeting with the complainant and the subject of the complaint within **4 weeks** of the meeting to discuss the way forward.

The manager/head of centre should ensure that all relevant documentation is collated and kept for **12 months**. This will be helpful in case of further or unforeseen issues regarding this matter, to support the planning of an investigation or may be presented at a hearing.

### Undertaking an Investigation

An investigation is undertaken to ascertain facts. Confidentiality must be preserved, wherever possible. The extent of the investigation will depend on the complaint being made. It is better to undertake a complete and thorough investigation initially rather than discover later on that there are areas that the manager/head of centre/governor has not checked. In planning an investigation, it is helpful for the manager/head of centre to consider the following:

- (i) establish the scope of the investigation – what are the appropriate boundaries; what is clearly pertinent and directly relevant to the issue in question.
- (ii) make a list of the people the manager/head of centre may need to interview in a logical order so that you minimise any possible need to re-interview witnesses. Statements taken should be signed by witnesses. Witnesses should be advised of the confidentiality of the process and that their statements may be available to particular individuals in certain circumstances.
- (iii) draw up a timeline for the investigation.
- (iv) ensure that a suitable note taker is available so that a record may be kept of all information gathered.
- (v) keep a record of the actions the manager/head of centre takes, and any information gathered, including photocopies where appropriate.
- (vi) try to anticipate the employee's response to the information the manager/head of centre will present to ensure that everything is adequately covered.
- (vii) be prepared to revisit the investigation if the employee presents further information in response to the manager/head of centre's findings.

### Written Report

This should be completed as speedily as possible with the aim of circulating the report **within 10 working days** of the end of the investigation. It should be supplied to the Complainant and the subject of the complaint.

The written report should include:

- (i) an outline of the nature of the complaint
- (ii) the process of the investigation
- (iii) a summary of the findings of the investigation
- (iv) the recommendations for actions (if disciplinary action is to be taken this should not be specified but mention should be made of appropriate provision procedures being used to address issues)

Where there are several subjects of the complaint or several complainants, each person may only receive a report relevant to their own involvement in the complaint if the information relevant to others is confidential.

The report will be shared with the manager/head of centre (if not involved in the investigation). The report will be held on the personal files of all parties involved, subject to confidentiality (as above).

### **Appeal Hearing**

It is helpful to have suitable governor/s on standby for an appeal if this is requested, so that dates can be offered at an early stage and the process completed as quickly as possible.

The Complainant will have included in their appeal request the grounds on which he/she is appealing and the reasons for this appeal. The Complainant or his/her trade union representative will present this information at the appeal. The Head of centre or governor (if the complaint is about the Head of centre) will present the written report produced and offer any further explanations required.

On the evidence provided the governor/s will reach a decision and this will be communicated in writing within **3 working days**.

### **Complex cases**

There may be a case where there are multiple complainants, complex equalities issues or the whole team may fall out. In these more complex cases, whilst an informal resolution may be possible and desirable, the management approach and the supported meeting may not be the best option. Managers/head of centres/ managing partner may need to seek help and advice from other colleagues or services.

Managers/head of centres/managing partner should consult their HR provider about options for facilitated team meetings, advice on handling more complex equalities issues or to access professional mediation support.

### **Counter allegations**

It can be the case that, in response to the initial accusation, or during a formal investigation in this or another HR Procedure, a counter allegation or complaint will be made.

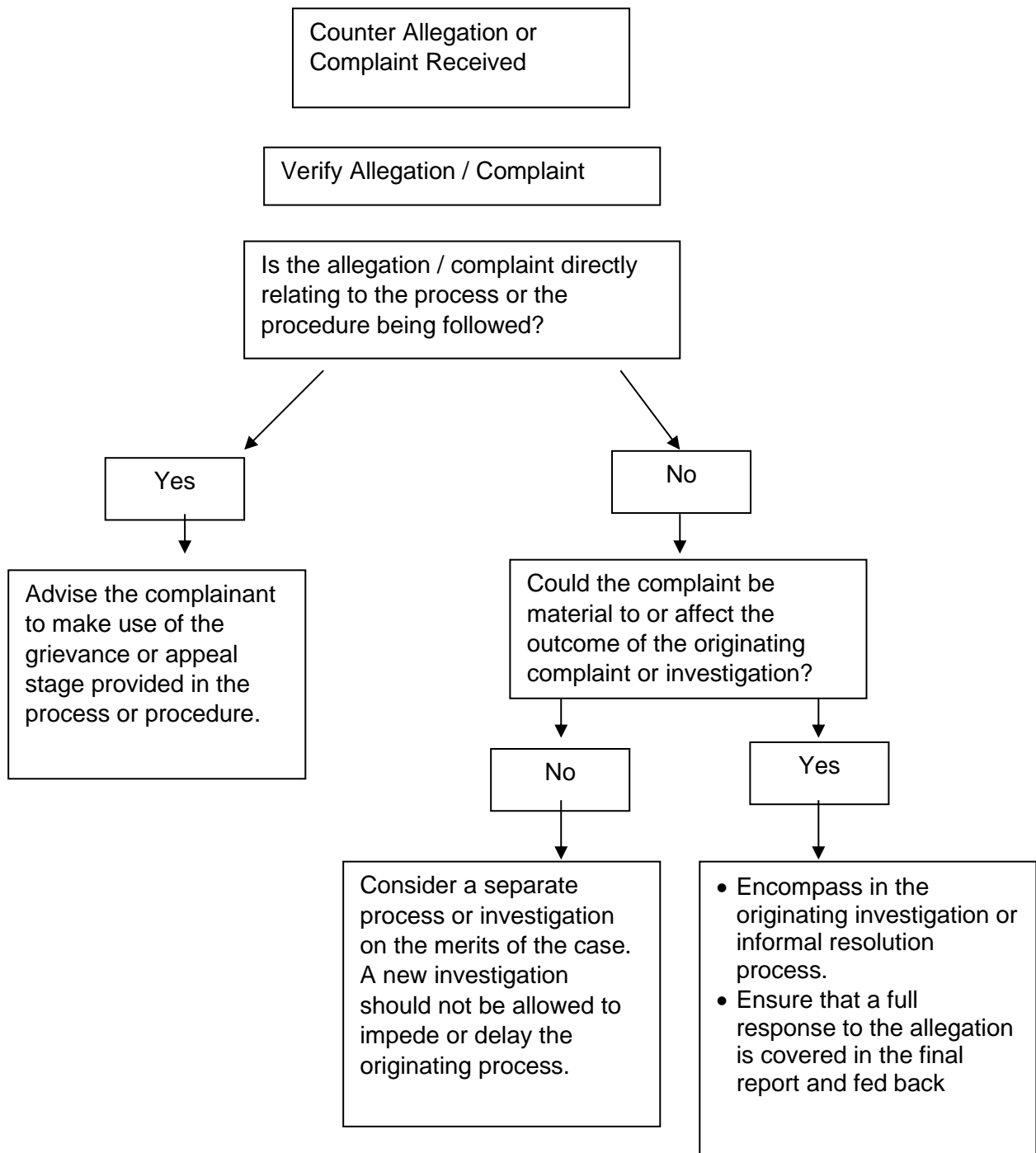
In terms of Employment Law and natural justice, it is vital that all parties have the opportunity to raise any concerns and complaints about unfair or less favourable treatment or unacceptable behaviour at work, and managers/head of centres/ managing partner should always consider such complaints seriously.

This does not mean that a separate process needs to be established each time. In most cases it is advised to stay with the procedure or process in hand, making sure proper consideration of the issues have been allowed for.

There are a number of considerations; the core principle should be that a fair and equitable process is followed.

A flow chart is provided as a general guide but will not cover all possible circumstances.

**Counter Allegations and Complaints, and Complaints made in the course of other procedures.**



## Appendix B(i)

# **DIGNITY AND RESPECT AT WORK COMPLAINT FORM (Also to be used for Counter Complaints) Informal/Formal\*\* Resolution Request (\*\*delete as appropriate)**

Date

Dear

I wish to make a complaint in accordance with the provision's Dignity and Respect at Work Procedure.

My complaint is:  
(Harassment; Discrimination; Victimisation; Bullying)

My complaint relates to the protected characteristic:  
(Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex and Sexual Orientation)

The details of my complaint are:  
(include details of actions taken, who took those actions, the date the actions occurred)

The outcome I am seeking is:

I would like to be accompanied by my trade union representative/Sheffield City Council colleague who is:

Yours sincerely

Signed

## Appendix B(ii)

# DIGNITY AND RESPECT AT WORK APPEAL FORM FOLLOWING INITIAL VERIFICATION OUTCOME

Date

Dear

I wish to request an Appeal Hearing in accordance with the provision's Dignity and Respect at Work Procedure.

I am appealing on the grounds that the written explanation I received is factually incorrect or has not taken account of all the facts.

The facts are:

(Please give details and provide evidence to support your facts)

Yours sincerely

Signed

## Appendix B(iii)

# DIGNITY AND RESPECT AT WORK APPEAL FORM FOLLOWING FORMAL RESOLUTION

Date

Dear

I wish to request an Appeal Hearing in accordance with the provision's Dignity and Respect at Work Procedure.

I am appealing on the grounds that:

Either

- (i) the investigation was conducted in an unfair manner or was in some way inadequate

Or

- (ii) the conclusion (recommended actions) was unfair based on the evidence

(Please specify)

My reason for requesting an Appeal Hearing is:

(Please give details as to why you think that this has been unfair)

I would like to be accompanied by my trade union representative/Sheffield City Council colleague who is:

Yours sincerely

Signed

## Appendix C

# PROCEDURE FOR CONDUCT AT AN APPEAL HEARING

## 1 INTRODUCTION

- 1.1 In advance of the appeal hearing the governor/s will have access to the appeal made by the employee giving details of the grounds and reasons for appeal and the written report produced by the head of centre in accordance with the formal resolution procedure.
- 1.2 The governor/s will seek to hear the appeal **within 10 working days** of the request being received.

## 2 THE PARTIES

- 2.1 The governor chairing the meeting will be advised by the HR provider. The other parties will be the employee (and representative) and the head of centre.
- 2.2 A witness or witnesses may be called if they have a relevant contribution to make to the consideration of the case.

## 3 CONDUCT OF THE MEETING

- 3.1 The employee (or representative) will outline the reason for and details of the appeal.
- 3.2 If a witness is to be used he/she will be called by the employee's side at the appropriate time to give evidence. He/she may be questioned by those present and will then withdraw.
- 3.3 The head of centre will have the opportunity of asking other questions of the employee followed by the governor/s and HR provider hearing the Appeal.
- 3.4 The head of centre will respond and present appropriate information/evidence.
- 3.5 If a witness is to be used he/she will be called by the head of centre at the appropriate time to give evidence. He/she may be questioned also by those present and will then withdraw.

- 3.6 The employee (or representative) will have the opportunity of asking other questions followed by the governor panel and HR Officer hearing the Appeal.
- 3.7 The parties will have the opportunity of summing up: the head of centre first, followed by the employee (or representative) and the parties will then withdraw while the governor panel considers the information presented.
- 3.8 The parties will be called back into the meeting either to hear the decision or be informed of how they will be notified of the decision. The decision will be confirmed in writing to the parties within **3 working days** of the meeting.

#### **4 DECISION MAKING**

- 4.1 The governor panel will seek to resolve the matter.
- 4.2 If points of uncertainty are identified during these deliberations or clarification is required from the parties, both sides will be recalled.
- 4.3 The governor panel may determine:
  - (i) to uphold the original conclusion
  - (ii) to substitute a different conclusion
  - (iii) to instigate further investigation, either in whole or part as necessary
- 4.4 The decision of the appeal panel will be notified to both parties and will be final.



**Appendix D**

**PROCESS FLOWCHART AND RECOMMENDED TIMELINES**

**Dignity & Respect Complaint Flowchart**

**Informal Resolution Flowchart**

**Step 1** – Complaint received by manager/head of centre/chair of managing partner and acknowledged in writing to the Complainant.

**Step 2** – The manager/head of centre, will undertake initial verification to determine whether the complaint has some substance **within 5 working days** of initial complaint.

**Step 3** – If there is substance then an invitation to a discussion will be put in writing. This discussion will be had with the manager/head of centre and complainant about the course of action which will begin with the Informal Resolution Procedure **within a further 10 working days**.

**Step 3a** – If no substance, the manager/head of centre will give a written explanation to the complainant **within 5 working days** of determining lack of substance.

**Step 4** –

1. The manager/head of centre will discuss with the subject of the complaint the impact and future action and report back to the Complainant **within 5 working days of determining substance of complaint**.
2. Following on from point 1 a second meeting may be held with the manager/head of centre, complainant and the subject of the complaint to agree a way forward.
- 3a. The manager/head of centre may hold a review meeting **within 4 weeks of the first meeting** as agreed with the complainant and the subject of the complaint to review the way forward.
- 3b. If applicable another review will take place **within 2 weeks of the previous one**.
4. If informal resolution is unsuccessful it may be necessary to proceed to formal resolution.

**Step 4a** – The complainant may, **within 10 working days** of being told of this decision, raise any objections through the appeal stage of this procedure.

## Formal Resolution Flowchart

**Step 1** – Complaint received by the manager/head of centre/chair of managing partner and acknowledged in writing to the Complainant.

**Step 2** – The manager/head of centre, advised by HR, will determine whether the complaint has some substance **within 5 working days** of initial complaint.

**Step 3** – Records from the informal resolution process, if this has been undertaken, will be reviewed and it will be determined whether to proceed to a formal resolution process. If a formal resolution process is to be followed an Investigation Team will be established.

**Step 4** – **Within 10 working days** the Investigating Team will inform both parties of the specific complaint being investigated, the parameters of the investigation and the timetable for carrying this out.

**Step 5** – The investigating manager\governor will only interview witnesses relevant to the complaint under the investigation

**Step 6** – When the investigation is completed the Investigating Team will produce a short report outlining the nature of the complaint, process of the Investigation and summary of the findings of the team and recommendations for action. This report will be provided to the complainant and the subject of the complaint **within 10 working days of investigation**.

**Step 7** – Where a decision to convene a disciplinary hearing has been made, a hearing will be established in accordance with the Provision's Disciplinary Procedure.

**Step 8** – The complainant has the right to appeal against the outcome of the investigation where:

- a) the investigation was unfair or inadequate
- b) the recommended outcome was unfair based on the evidence

## Appendix E

### MODEL LETTERS

- (i) acknowledging receipt of complaint
- (ii) initial verification – no substance
- (iii) invitation to discussion meeting
- (iv) outcome of discussion meeting
- (v) invitation to ‘round table’ meeting
- (vi) outcome of the ‘round table’ meeting
- (vii) review meeting
- (viii) letter accompanying written report
- (ix) invitation to appeal hearing
- (x) outcome of appeal hearing

**(i) acknowledging receipt of complaint**

Date #

Dear #

**Dignity and Respect at Work Complaint**

I wish to acknowledge receipt of your complaint in accordance with the above procedure and to inform you that I will be in touch with you in the near future regarding possible further action.

#I would also like to advise you of the Employee Assistance Programme, telephone 0800 282 193, a confidential support service available to all Sheffield City Council employees, should you find this helpful. (*#delete paragraph for teachers*)

#I would also like to inform you that if you feel it appropriate, advice on health and wellbeing is available from the Occupational Health Nurse, telephone 0114 2736473. (*#delete paragraph for support staff*)

Yours sincerely

**(ii) initial verification – no substance**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Further to my letter of # I have now had the opportunity to check the information you provided in your Dignity and Respect at Work Complaint.

My findings are #

In conclusion there is no substance/insufficient substance\* to the complaint you have submitted to indicate that further action is required. Therefore I do not feel that it is appropriate to take this matter any further.

Yours sincerely

**(iii) invitation to discussion meeting**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Further to your recent Dignity and Respect at Work Complaint I would like to arrange to meet with you to discuss your complaint in more detail.

I would like to arrange to meet with you, and your trade union representative, on # (date) at # (time) at # (venue). A HR Officer will also be invited to this meeting.

It would be very helpful if you could bring with you to this meeting any evidence you have in connection with your complaint.

Please let me know if you are unable to attend this meeting or if you wish to rearrange.

Yours sincerely

**(iv) outcome of discussion meeting**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Further to our recent meeting held on # to discuss your complaint, present at which where #, I am now writing to confirm the outcomes arising out of the meeting.

The key points raised and discussed were:

#

The outcomes of the meeting were:

#

Following the actions outlined above we agreed to meet again to review progress in resolving your complaint on #, at #, at #.

Yours sincerely

**(v) invitation to ‘round table’ meeting**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Further to our recent discussions and agreements I would like to invite you to attend a meeting with # and their trade union representative, #.

I will chair this meeting supported by # HR Officer. The agenda for the meeting will be # (may be round table from the start or if this is likely to be difficult start in separate rooms working between rooms to allow exploration and discussion in a low stimulus environment before bringing all parties together. There needs to be some acknowledgement of the perception, impact and interpretation of behaviour of the other employee and a willingness to understand and change any inappropriate behaviour). The agenda should include some ground rules agreement of all parties particularly re listening and non interruptions and respect).

I would like to thank everyone for agreeing to take part in this meeting and hope that we can find a positive way forward.

Yours sincerely



**(vi) outcome of the ‘round table’ meeting**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Thank you for taking part in the meeting held on # seeking to informally resolve your complaint. Following that meeting I am writing to confirm the agreements reached: #

We also agreed to hold a review meeting on # ,at # ,at # to monitor how things are progressing.

Yours sincerely

**(vii) review meeting**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Further to our review meeting held on # I am pleased to note that you now feel that your complaint is fully resolved/ we agreed to hold a further review meeting to be held on #, at #, at #.

Yours sincerely

**(viii) letter accompanying written report**

Date #

Dear #

**Dignity and Respect at Work Complaint**

Following your complaint in accordance with the above procedure I have now completed my investigation into the issues you raised. I enclose a written report giving details of my investigation and findings.

Throughout my investigation I have been concerned with ascertaining the facts of the issues you raised, understanding possible perceptions, and seeking to provide a fair and balanced approach to determine what is appropriate in the context.

You will note that my report makes the following recommendations for action:

#

Should you wish to appeal against my findings you may do so on the following grounds:

- (i) the investigation was conducted in an unfair manner or was in some way inadequate
- (ii) the conclusion (recommendations for action) was unfair based on the evidence

If you wish to appeal you should write to #, Chair of Managing partner within 10 working days of receipt of this report stating your reasons for appealing and the grounds of your appeal (ie the investigation or the conclusion was unfair).

Yours sincerely

## **(ix) invitation to appeal hearing**

Date #

Dear #

### **Dignity and Respect at Work Complaint**

Further to your letter dated (insert date) raising an Appeal in accordance with the provision's Dignity and Respect at Work Procedure, I am writing to confirm the arrangements made.

This appeal will be held on (date) at (time) in (venue).

You are entitled to be represented at the Appeal Hearing by either your trade union representative or colleague. At the Appeal Hearing the following people will be present: (list names).

You are appealing on the grounds that #

The reasons for your appeal are:

1???

2??? (Insert reasons. Of course there may be more than 3)

3???

If you wish to submit further written information please ensure that this is received 5 working days in advance of the Appeal Hearing. If you wish to call witnesses to the Appeal Hearing please make your request in writing 5 working days in advance of the Appeal Hearing stating why you wish to call each witness.

You will be informed in writing of the outcome of your Appeal within three working days after the hearing.

If you or your trade union/employee representative is unable to attend this meeting, please inform me immediately and I will attempt to rearrange the meeting within 10 working days. If you have any queries please do not hesitate to contact me.

Yours sincerely

**(x) outcome of appeal hearing**

Date #

Dear #

**Dignity and Respect at Work Complaint**

I write to confirm the outcome of your Appeal Hearing held on #.

The Appeal Hearing was heard by #. You were represented by #, your Trade Union Representative.

Careful note was taken of the points made in support of your complaint by you and your Trade Union Representative, #. The points made by #, your Head of centre regarding the investigation undertaken were also considered. After giving your complaint very serious consideration, I have decided #.

Yours sincerely