

DIGNITY AT WORK POLICY For All Staff

Document Control

Version Number:	3
Applicable To:	All employees, volunteers, contractors and Agency workers
Consultation JCNC commenced	September 2022
Consultation JCNC complete	October 2022
Committee:	Finance & Resources Committee
Approved By Resource and Finance Committee On:	9 th February 2026
Review Cycle:	3 Yearly
Date of Next Review:	Feb 2029
Link to other Trust policies:	Trust Equality and Diversity Policy Trust Grievance Policy Trust Disciplinary Policy Trust Whistleblowing policy

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1.0 Our commitment

Meridian Trust is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

The Trust is committed to meeting their responsibilities under the Equality Act 2010 the Public Sector Equality Act. The responsibilities are outlined in the Trust Equality and Diversity policy.

Harassment and bullying can have very serious consequences for individuals and for the Trust. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the Trust can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the Trust's reputation. Employees found guilty of harassment or bullying may face disciplinary sanctions, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The Trust will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The Trust will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

The Trust is committed to providing training to all senior managers and line managers.

1.1 The scope of the policy

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work within the Trust, whether by direct contract with the Trust or otherwise. If the complainant or alleged harasser is not employed by the Trust e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the Trust could not dismiss the worker but could instead require the agency to remove the worker, if appropriate. The Trust will work with the agency concerned to ensure that the contract worker is treated equally within the limitations of the service contract.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. school trips and work-related social events.

2.0 Publication of new EHRC technical guidance on sexual harassment and harassment

In 2020 the EHRC published new guidelines for managing sexual harassment. Whilst this policy covers all types of bullying and harassment, we believe that the recent publication on 15 January 2020, from the Equalities and Human Rights Commission ("EHRC") should be included in its own right. The EHRC published new and comprehensive technical guidance setting out the law and best practice on the prevention of workplace sexual harassment. The guidance also encompasses victimisation, in the light of the EHRC's conclusion that fear of victimisation is one of the biggest barriers to people reporting harassment at work.

The guidance includes 7 key recommendations to help employers understand how best to meet their responsibilities to prevent and respond to harassment. These can be read at appendix A

3.0 What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, marriage and civil partnership, religion or belief, maternity and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them. However, a single incident can be harassment if it is sufficiently serious.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, wife is pregnant, or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment are misconduct. In most cases, an experienced investigator will be appointed to undertake a full investigation into the allegations raised. The investigator will have no prior knowledge of the complaint. Subject to the outcome of the investigation the matter will be dealt with under the Trust disciplinary policy. In some cases, this may amount to gross misconduct leading to summary dismissal. Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, marriage and civil partnership, religion or belief, maternity and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

4.0 Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail").

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- displaying sexually graphic pictures, posters or photos;
- suggestive looks, staring or leering,
- unwarranted discussion / questions about a person's private or sex life, and discussing your own sex life;
- sexual posts or contact on social media;
- spreading sexual rumours about a person;
- sending sexually explicit emails or text messages;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black, or parent is disabled;
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic, e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;

- isolation or non-cooperation at work; and
- excluding someone from social activities.

5.0 What is victimisation?

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

All employees who believe that they are being subjected to harassment and/or bullying, should raise any concern as soon as practicably possible, and, if possible, address this informally with the individual concerned.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Trust will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, will be investigated may be dealt with under the Disciplinary Policy.

6.0 What should I do if I think I am being bullied or harassed?

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in HR, your line manager, Head Teacher/Principal, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your Line Manager or HR. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Trusts grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose to raise your grievance directly with the Core Trust HR department. The Trust will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose. The Grievance policy can be found on the following [link](#):

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. The HR department can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. The Trust will decide on a balance of probabilities, after considering all available evidence, whether harassment or bullying has occurred.

The Trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses, but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in The Trust's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, the Trust will try to ensure that you and the alleged harasser are not required to work together closely while the complaint is under investigation. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

If your complaint is upheld, and the person found to have bullied or harassed you remains in the Trust's employment, we will discuss the options with you, as to how on the ongoing relationship can be managed. If your complaint is not upheld, the HR department will support you, the alleged harasser and your manager(s) in deciding for you both to continue or resume working and to help repair working relationships.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

All staff considering this policy, are strongly encouraged to contact their Trade Union for advice and guidance.

7.0 What can I do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary
- you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager or human resources and supporting the Trust in the investigation of complaints; and

- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.
- Be aware of this policy, attend training as required and be mindful of the Trust Whistleblowing Policy. This policy can be found on share point under the policies portal – Personnel.

Senior Leadership Team have a responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

Employees can also raise concerns vis the Trust Whistleblowing Policy which can be found here – [link](#)

8.0 What happens if I am accused of bullying or harassment?

Anyone accused of bullying and harassment will be treated appropriately and should seek trade union advice and guidance at the earliest opportunity.

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. If you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the Trust may bring disciplinary proceedings, if appropriate. The Trust will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The Trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses, but the importance of confidentiality will be emphasised to them.

Wherever possible, the Trust will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded. Suspension is not an assumption of guilt and is not considered a disciplinary sanction.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant

circumstances. If the complaint is upheld, but you are not dismissed, the Trust could decide to transfer you, if permitted within your employment contract, to another post within the Trust. If a complaint is made against you that is not upheld and the Trust has good grounds for believing that the complaint was not made in good faith, the Trust will investigate as appropriate, and the matter will be dealt with under Trust disciplinary policy. You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the Trust has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, the human resources department will support you, the complainant and your manager(s) in deciding for you both to continue or resume working and to help repair working relationships.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the Trust's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

9.0 Making this policy work

The organisation will provide training to all existing and new employees and others engaged to work at the Trust to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. We will provide additional training to Line Managers and the Senior Leadership Team to enable them to deal more effectively with complaints of bullying and harassment.

The Trust will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes. The Trust will keep equality data (where known) in respect of any complaint raised under this policy. This data will be anonymous and retained within the GDPR guidelines. Equalities monitoring data and other relevant observations will also be shared with the Trust Resources and Finance Committee and with Trade Unions that form part of the JCNC.

The Trust will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys. An Equality Impact assessment will be completed each time the policy is formally reviewed.

10.0 GDPR Statement

All complaints will be dealt with confidentially. Individual records will be kept confidential and managed in line with our GDPR statement.

Meridian Trust is the employer for all schools within the Trust. For the purposes of Data Protection legislation, the Academy Trust is the Data Controller. This means it oversees personal data about you please see our privacy notice for further details.

Unless stated elsewhere in this policy the data gathered during this management process is processed in line with our data protection policy which can be found on our website –

Any data gathered during this process will be held in line with our records retention policy which can be found on our website –

If you have any questions about the way your data has been gathered or will be retained, please contact the Trust Data Protection officer at dpo@MeridianTrust.co.uk

11.0 Employee Assistance Programme (EAP)

The Trust recognises that there may be a variety of problems or changes in an individual's life that could have a dramatic effect on them and, on occasions, impact on their attendance at work. To help employees, manage personal and work-related issues the company offers an independent, confidential and free Employee Assistance Programme.

This service is available 24 hours a day, 365 days a year. This service is available to all employees. Independent advice or support may be sought from the company's confidential employee support line on 0800 023 9324.

Appendix A

Publication of new EHRC technical guidance on sexual harassment and harassment

7 Recommendations:

- develop effective anti-harassment policies and procedures, ensuring they do not conflate different forms of harassment
- raise awareness of their anti-harassment policies and procedures. It is suggested, for example, that employers consider publishing their policies on an easily accessible part of their external-facing website
- evaluate the effectiveness of their policies, for example, by maintaining a centralised, GDPR-compliant, register to monitor trends or by the use of anonymous staff surveys
- detect harassment by proactively seeking to be aware of what is happening in the workplace beyond informal and formal complaints, being alert to “warning signs” such as comments made in exit interviews
- provide all workers with tailored training which addresses each of the three types of harassment and victimisation, ensuring also that there are individuals trained to support workers who have experienced harassment through the process of making a complaint
- conduct a risk assessment relating to harassment and victimisation, which the EHRC suggests could be based upon existing health and safety risk management frameworks
- deal promptly, efficiently and sensitively with complaints of harassment, with the guidance including recommendations for the contents of a good anti-harassment procedure, including routes for both informal and formal resolution

the Trust are committed to working to the 7 key recommendations.