

Kent County Council

Dignity and Respect at Work

Policy Statement & Guidance

**Adopted by Governing Body
of Great Chart Primary School
June 2008**

Updated May 2014

Please also refer to:

- **Prevention and Management of Violence to Staff policy**
- **Equal Opportunities Policy**



Dignity & Respect at Work Policy Statement

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

This policy statement describes KCC's and Great Chart Primary School's commitment to providing a safe workplace for its employees. It describes the standard of behaviour the organisation expects of those who come into contact with its staff and provides guidance on how the organisation will respond should any member of staff be affected by discrimination, harassment or violence from other workers, pupils or members of the public. It aims to ensure that incidents are reported and are handled promptly, sensitively and effectively.

Our Responsibility

Protecting employees from discrimination, harassment and violence is an employer responsibility contained within both health and safety and discrimination law. Responding to and monitoring incidents of this kind is an important employer responsibility.

Our Commitment

- We are committed to promoting equality, valuing diversity, combating unfair treatment and providing a safe working environment in which all employees can expect to be treated with dignity and respect. The principles of tolerance, understanding and respect for others are at the centre of our organisational ethos.
- We are committed to ensuring our pupils, our employees and partners are not discriminated against on the grounds of social circumstances or background, gender, race, colour, ethnic origin, disability, sexuality, age, religion or belief by creating a culture in which discrimination, real or perceived, is challenged and eliminated.
- We expect all employees to take action to challenge discriminatory, harassing or violent behaviour, language and attitudes, whatever their origins. This guidance compliments KCC's Equality & Diversity Policy and the Harassment and Bullying Procedure. As an employer, the school must collect and monitor information relating to reported discrimination and harassment incidents and other violent incidents by law so that we can respond to problems that arise.

Scope

This document provides guidance to employees, contractors and visitors. It applies to incidents involving employees where the perpetrator or victim is a staff member, pupil, contractor, visitor or parent/ guardian. The guidance is aimed at anyone (victim or witness) who wishes to report incidents that take place either on KCC premises or during the delivery of KCC services.

Employees wishing to register a complaint against another employee should use the **School's Harassment Procedure**. Serious complaints against KCC employees may also require the Disciplinary Procedure and other procedures to be used.

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

This document is not intended to replace other policies and procedures.

Definitions

Violence

Great Chart Primary School uses the Health & Safety Executive's definition of violence to identify those incidents that represent unacceptable behaviour by staff, service users or members of the public. The definition is 'any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work.' This includes:

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

Harassment

There are a number of legal definitions relating to harassment

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

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

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

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

Racial Harassment

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

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

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

Sexual Harassment

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

Disability Harassment

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

Homophobic Harassment

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

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

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

Other Harassment

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

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

Examples

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

- Physical attacks on people as well as damage to property;
- Verbal abuse and threats
- Abusive language, 'jokes' or banter (even if no one in the relevant group is present)
- Physical threats, assaults and insulting behaviour or gestures
- Unfair allocation of resources
- Putting up posters or writing offensive graffiti
- Making abusive phone calls
- Sending offensive material through the post/via email/text
- Unwanted verbal or physical abuse/advances of a sexual nature
- Sexually explicit derogatory statements or references made to a person's sexuality or behaviour
- Continually complaining about cultural differences and needs
- Social prejudice towards asylum seekers and refugees

Specific Responsibilities

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

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

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

- Monitoring incidents and following up to establish preventative or supportive measures
- Access to/attendance at training

Reporting

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

Harassment is considered to be within the scope of 'violence' in the context of Health & Safety recording of incidents. Therefore, staff and their managers, workers or visitors who have experienced or witnessed harassment should complete the accident /incident reporting forms HS157 and HS160 (see Appendix 1 and 2) when incidents of verbal, written and physical harassment or other kinds of discriminatory treatment take place. Employees may also wish to seek advice from their Personnel Team about KCC's Harassment and Grievance Procedures when initiating a complaint about another member of staff.

Management Action & Support

The level of support and action needed depends on the circumstances and, to a large extent, on the wishes of the individual. It is the responsibility of the Headteacher/ Deputy, through discussion with the person to determine the best course of action, the kind of support required and the level of risk involved. In any event the Headteacher/ Deputy should arrange to meet the individual within sufficient and reasonable time, in any case within 3 days.

Risk Assessment/Personal Safety

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

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

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

Detailed guidance on SafetyNet. [Risk assessment guidance SafetyNet](#)

Assault or threats of violence

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

Support

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

- Allow the individual to describe the incident/event and express their feelings
- Take into account what action the individual wishes to take and agree next steps
- Offer advice about practical steps, such as providing guidance and information on:
 - Reporting/recording the incident (HS157)
 - Working arrangements including temporary adjustments
 - Ways to handle the perpetrator
 - Risk assessment
 - Legal Assistance
 - Support services, e.g. Support Line
 - Compassionate Leave
 - Training opportunities
- Consider contact with other agencies where appropriate (e.g. Partner agencies, Police)
- Review working arrangements and personal safety

Withdrawing Services

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

Legal Assistance

KCC can assist employees to take positive action to afford protection from abusive behaviour. Examples of the options available to staff include:

- A stern letter to an alleged perpetrators sent from KCC's Legal Services requiring them to desist from further abusive behaviour
- Imposing a ban on contact between the perpetrator and the affected employee(s)
- Applications for anti-social behaviour orders or support to any police applications for such orders
- Applications for an injunction to prevent specific acts
- Provide advice about court processes

Where KCC accesses legal advice for individual staff, there may arise occasions when individual interests and wishes of staff conflicts with those of the authority. In these situations, KCC may decide to arrange for separate representation for staff.

Criminal Injuries Compensation

In the most serious of cases, KCC staff or their dependants may be able to make a claim to the Criminal Injuries Compensation Authority. To be eligible for compensation applicants must have sustained personal injury attributable to a violent crime. For further information and guidance contact www.cica.gov.uk or ring the helpline on (0800) 358 3601

Further general advice and information can be obtained from the Risk Management Team (01 622) 694632. For advice about pursuing a claim for compensation contact (01 622 694554. Trade Unions can also provide advice and support.

Useful Contacts

KCC Contact Centre – Dedicated line	08458 247 703 OR
Email first.call@kent.gov.uk	OR
TEXBOX	08458 247 905
Support Line (Confidential Counselling Service)	(01622 605539)
Victim Support Kent	www.victimsupport.org.uk (0845 30 30 900)
UNISON	www.unison.org.uk (01622) 694052)
GMB	www.gmb.org.uk
T&G	www.tgwu.org.uk

Other Relevant Documents

- KCC General Statement of Policy on Health, Safety and Welfare at Work.
- KCC Equality & Diversity Policy
- KCC Harassment Procedure and Schools Model Policy
- Violence in the Workplace – Youth & Community
- Managing Racial Incidents in Schools
- Domestic Violence Guidance
- Lone Working Guidance
- Personal Safety Guidance

Kent County Council – Accident/Incident Report Form

HS157 (October 2005)

Report No:

Part A – to be completed by (or on behalf of) each person affected by an accident, incident, occupational disease, violence (actual or threat)
Please tick all appropriate boxes, leave blank boxes that don't apply, use a continuation sheet if necessary: tick here if continuation sheet has been used

1. Person injured/affected:

name gender: male female

home address

status:
 employee pupil/student visitor client/service user contractor

4. Witnesses name and contact details: Statement(s) attached: Yes No

This section must be completed for KCC employees. OAN No

job title directorate

department tel. no.

normal place of work

5. Accident/Incident Type (please tick one box only)

<input type="checkbox"/> moving/ handling of object(s)	<input type="checkbox"/> slip/trip/fall on same level	<input type="checkbox"/> violence
<input type="checkbox"/> moving /handling of person(s)	<input type="checkbox"/> fall from height	<input type="checkbox"/> road traffic collision
<input type="checkbox"/> struck against	<input type="checkbox"/> machinery/equipment	<input type="checkbox"/> animal contact
<input type="checkbox"/> struck by	<input type="checkbox"/> electrical injury	<input type="checkbox"/> near miss
<input type="checkbox"/> sharp object	<input type="checkbox"/> awkward movement	<input type="checkbox"/> other (please specify below)
<input type="checkbox"/> hot/ cold contact	<input type="checkbox"/> hazardous substance	<input style="width: 100px;" type="text"/>

2. Accident/Incident details:

date of incident time of accident/incident am pm

please tick if off duty

premises/site

exact location: (eg. room no., kitchen)

3. About the accident/incident: what happened? (who was doing what at the time of the incident).

6. Complete for violent incidents only

Incident details (please tick one box)

If you are unsure of which box to tick please refer to guidance on SafetyNet, Clusterweb, in your accident book or procedures manual (Social Services).

Nature of Incident

physical assault* threat/verbal abuse (includes, telephone and written) property damaged

please tick **if** person was not necessarily responsible for their actions

Nature of Activity

teaching/assisting personal care other (please specify below)

transporting pupil/client client interview

Other Factors

was employee alone? were police involved? was a weapon used?

physical intervention/restraint challenging behaviour some form of prejudice

Details of third party/aggressor involved

Name and address:

7. If injured:

what part(s) of the body were affected e.g. head, arm (please indicate left or right)

If injured

detail injury: cut/ abrasion bruise burn/scald twist/strain

fracture* foreign object other (please specify)

consequences: continued work first aid received sent to hospital *

sent home

any other details: (details of first aid should be included here and records kept locally)

first aider's name (print)

people informed: e.g. next of kin, parents

if sent to hospital* duration of hospital stay (hours)

(* for explanation see section 10)

8. signature date

If signing on behalf of the affected person please state your:

name position

work address

Thank you Now part B this form must be completed by your Manager, Headteacher or Officer- in -Charge of premises.

Part B – To be completed by the Manager, Headteacher or Officer-in-Charge of the premises.

9. What action has been/could be taken to prevent a re-occurrence?

10. Investigation/follow-up

Does this incident need further investigation? Yes No

Investigation form (HS160) to follow? Yes No
(if yes, please complete and send to your Directorate Health & Safety Adviser)

Is a referral to Occupational Health required? Yes No

If required have you notified the HSE? Yes No

If boxes marked *are ticked (in part A or B), notification to the Health and Safety Executive (HSE) of a RIDDOR accident/incident may be required by you. Check guidance notes on SafetyNet, Clusterweb or in your accident book and contact your Directorate Health and Safety Adviser for advice prior to reporting.

F2508 (accident/incident) reported to the HSE Yes No

F2508a (occupational diseases) reported to the HSE Yes No

Attach a copy of F2508/F2508A to this form.

11. Status of Accident/Incident (to be completed for KCC employees only)

Please tick ONE box in section 1 and section 2 if applicable. If you are unsure of which boxes to tick see guidance notes on SafetyNet, Clusterweb or in your accident book.

Section 1

- no lost time
- less than 1 day lost
- 1-3 days lost
- over 3 days lost*

Section 2 (If applicable)

- major *
- fatality *
- disease *
- dangerous occurrence *

A Notice of Sickness Absence Form should also be completed for lost time accidents.

If boxes marked * are ticked you may need to report it to the HSE. See guidance notes.

12. Manager completing this form

name (please print) signed

job title

unit/section/form

work/school address and area

tel. no. date

Kent County Council Accident/Incident Investigation Form

Use this form if:

- ▶ the incident could happen again
- ▶ the accident/incident reported on form HS157 requires further investigation
- ▶ you need to record more detail than is possible on incident from HS157
- ▶ you have sent either form F2508 or F2508a to the HSE (Health and Safety Executive)

If you need any help in completing this form, please refer to guidance on SafetyNet / Clusterweb / your accident book or contact your directorate or Area Health and Safety Adviser.

Name of injured person:

Date of accident/incident:

Report Number: (from box in top right corner of HS157)

a) Summary of the accident/incident

(Provide a short summary of what the immediate events were leading up to the accident/incident, who was involved, where did it happen, what happened?)

b) Background information to the accident/incident

(Has a similar occurrence happened before, have people previously reported concerns?)

c) Do you feel responses to the accident/incident were adequate?

(Such as first aid given, emergency response, immediate remedial action taken)

d) What further improvements might be considered by management to prevent a reoccurrence?

(Such as review of risk assessments, control measures, new equipment, information and communication to staff, additional refresher training, further advice from a Health & Safety Adviser)

e) What further improvements could be made by the individual(s) concerned to prevent a reoccurrence?

f) Please tick relevant boxes that best describe factors which could have contributed to the accident/incident.

- Defective premises
- Defective plant/equipment/tools/materials (*indicate which*)
- Incorrect/defective protective equipment (*indicate which*)
- Poor layout of premises
- Poor housekeeping e.g. storage etc.
- Poor environment: heating/noise/lighting/ventilation (*indicate which*)
- Poor behavioural management
- Lack of suitable supervision
- Lack of training/knowledge/skill (*indicate which*)
- Failure to plan
- Failure to appreciate risks
- Lack of care
- Incorrect use of protective equipment/protective equipment not being worn (*indicate which*)
- Lack of client information
- Horseplay/fighting (*indicate which*)
- Alcohol/medication (*indicate which*)
- Workload – fatigue/pressure (*indicate which*)

- g)**
- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | a) Has a risk assessment been carried out for this activity? |
| <input type="checkbox"/> | <input type="checkbox"/> | b) Had the hazard(s) been identified? |
| <input type="checkbox"/> | <input type="checkbox"/> | c) Had any action been taken to eliminate or minimise the risk(s)?
(if yes please specify) |

- h)**
- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | a) Were there documented procedures in place? |
| <input type="checkbox"/> | <input type="checkbox"/> | b) Were the procedures being followed? |
| <input type="checkbox"/> | <input type="checkbox"/> | c) Do the current procedures require review? |

Investigation carried out by:

Signature: **Date:**

Manager/Line Manager/Headteacher name:

Telephone Number

Copies to:

(For distribution within directorates see guidance on SafetyNet, Clusterweb or in your accident book).

NB original investigation to be kept with accident/investigation form HS157

Other documentation (attached)

e.g. witness statement, drawing of location where accident occurred, copy of F2508 if required.