



HCAT

Dignity at Work

Policy

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HCAT Dignity at Work Policy

1. Introduction

- 1.1 This Policy has been developed in consultation with Trade Unions and Professional Associations who are recognised by HCAT.
- 1.2 The purpose of this policy is to ensure that the Trust maintains a working environment for everyone where no form of bullying, harassment or discriminatory treatment is tolerated, and to help create a working environment where everyone is treated with dignity and respect.
- 1.3 This policy sets out the procedure to be followed if complaints of bullying, harassment, victimisation and discrimination are raised in the workplace and provides advice and guidance for managers, employees and Local Committee Members/trustees on how to raise or respond to such complaints fairly, effectively and promptly.
- 1.4 Throughout this document the word 'complainant' will be used to describe the individual who has raised a bullying and/or harassment complaint Body.

2. Scope

- 2.1 This policy applies to all employees of HCAT (the Trust) including those employed by Academies within the Trust.
- 2.2 This Policy covers bullying, harassment and/or discriminatory treatment in the workplace and in any work-related setting outside of the workplace, e.g. academy trips, visits and/or social events.
- 2.3 If the complainant or person allegedly causing the unacceptable treatment or behaviour is not an employee of HCAT the complaint must be referred to the relevant agency for their procedures to be followed.
- 2.4 It does not apply to:
 - Complaints not relating to bullying, harassment or discriminatory treatment, which should be dealt with under the Grievance Procedure.
 - Complaints under the Public Interest Disclosure Act, which should be dealt with under the Whistle-Blowing Procedure.
 - Complaints about pay or grading, which should be dealt with under the Pay Policy.
 - Complaints about actual or contemplated disciplinary action or dismissal, which should be dealt with under the Disciplinary Procedure.

3. Principles

- 3.1 This Policy is to support the identification of conduct which may amount to bullying or harassment.
- 3.2 All allegations will be investigated promptly, sensitively and confidentially and the appropriate and proportionate action taken.
- 3.3 Evidence from the complainant, anyone who the complaint is about, any witnesses and evidence such as emails, text messages, letters, photos, CCTV and social media posts will be gathered and referred to where relevant to the investigation.
- 3.4 All employees, will be protected from victimisation for making or being involved in a complaint in good faith under this policy.

- 3.5 No matter what an employee identifies as, they will receive the same level of support under this policy.
- 3.6 Membership of a Trade Union/Professional Association, as well as acting in the capacity of Representative is welcomed and encouraged. Colleagues will be protected from harassment or victimisation under this policy.
- 3.7 If an employee raises multiple complaints of bullying and/or harassment but it is unclear whether they should be dealt with under this Policy or another (for example grievance), they will be asked to clarify under which policy they wish the complaints to be dealt with. The same complaint cannot be heard under this policy and the grievance procedure.
- 3.8 The Trust recognises that employees may use Artificial Intelligence (AI) tools to draft complaints. While this can support clarity, AI generated submissions may include inaccuracies, overly complex language, or references that do not apply to the specific situation. Where AI use is suspected, the Trust may ask the employee to clarify, simplify, or re submit their complaint to ensure it accurately reflects their own concerns. This may include providing specific examples, relevant dates, or clear explanations of how the issue has affected them. This approach ensures any issues can be addressed fairly, accurately, and without unnecessary delay.
- 3.9 In extreme circumstances, where there is evidence to suggest a crime has been committed in the workplace, the employee will be encouraged to report the matter to the police. Where there is a risk to an employees' safety or the safety of others, the Trust/Academy must ensure the preservation of evidence and report the matter to the police, informing the employee before doing so, and confirming that contact has then taken place. In order to avoid the risk of prejudicing the criminal process, advice must be sought from the police and Trust HR before proceeding with any internal procedures.

4. Responsibilities and Duties under the Policy

- 4.1 **Executive Leaders/Principals/Heads of School/Line Managers (*referred to throughout as Line Manager*).**
- Ensure that all employees and Local Committee Members/trustees are made aware of the policy (together with their rights and responsibilities under the policy). The policy should be widely available and easily accessible to employees and Local Committee Members/trustees.
 - Ensure that all employees know how to access the policy if they feel they have been subject to bullying or harassment or wish to support a colleague with the process.
 - Do all that they reasonably can to ensure that HCAT is free from discriminatory or intimidating behaviour and ensure that they lead by example in promoting a culture where everybody is treated with dignity and respect.
 - Take appropriate action to eliminate bullying and harassment if this is witnessed in the work-place, regardless of whether or not a complaint has been made (including taking prompt advice from HR).
 - To be proactive in ensuring awareness of trends and patterns of behaviour that may indicate that unwanted behaviour is taking place, even if a formal complaint has not been made, for example through HR wellbeing drop-in sessions and absence management practices.
 - Take allegations of bullying, harassment or other unwanted behaviour seriously and deal with them promptly, sympathetically and confidentially.
- 4.2 **All employees should:**
- Ensure that they are familiar with and act in accordance with the terms of the policy.
 - Treat one another with dignity, respect and courtesy when carrying out their day-to-day duties.
 - Avoid participating in or condoning acts of bullying, harassment, victimisation or discriminatory behaviour in the workplace.

- Encourage individuals who are the subject of this behaviour to seek support and assistance through the informal and/or formal stages of this policy, and if witnessed directly by them, consider offering assistance to the complainant by providing truthful evidence in support of such complaints.

4.3 **HR should:**

- Ensure that training is offered to Executive Leaders/Principals/Heads of School, employees, trustees/Local Committee Members, and other appropriate managers on the implementation of this policy. Please refer to the HR Development Programme.
- Provide clear advice on the application of this policy to specific cases.

4.4 **The Board of Trustees should:**

- Ensure that allegations of bullying, harassment, victimisation and/or other discriminatory treatment against or from all employees are dealt with promptly, sympathetically and confidentially (seeking advice from HR as appropriate).
- Ensure that all reasonable steps are taken to implement the policy fairly, reasonably and consistently.
- Promote a culture whereby employees treat each other with dignity and respect and where everybody has a voice.

5. What is Bullying?

- 5.1 Bullying is behaviour from a person or group that is unwanted and makes someone feel uncomfortable, including feeling frightened, less respected or put down, made fun of and upset.
- 5.2 Bullying does not always take place face to face. It may also occur in other forms of communications such as email, telephone or social media.
- 5.3 The examples below illustrate conduct which may be regarded as bullying (some of these are similar to the examples of harassment above and, again, the list is not exhaustive):
- Verbal or physical threats and intimidation.
 - Humiliation in front of others.
 - Unjustified, persistent criticism or negative comments.
 - Offensive or abusive personal remarks.
 - Setting unobtainable targets or constantly changing work targets in order to cause a person to fail
 - Spreading a false rumour about someone.
 - Not allowing someone to go on training courses but allowing everyone else to.
 - Excluding someone from team events.
 - Claiming credit for another person's work.
 - Belittling a person's opinion.
- 5.4 Line managers often have to make decisions which may not be universally popular, particularly in a climate where budgets and performance are under close scrutiny. As part of their roles and responsibilities line managers have to highlight poor performance and/or conduct and make clear what the consequences could be if satisfactory improvement is not made. Whilst this may make an individual or group of employees feel uncomfortable, constructive and fair criticism of performance based on evidence or behaviour at work will not in itself constitute bullying or harassment. In addition, an occasional raised voice or disagreement amongst employees, or a one-off instance of some of the above examples (e.g. not giving credit where it is due), is unlikely to constitute bullying or harassment.

6. What is Harassment?

- 6.1 Sometimes bullying can be classed as harassment which is against the law. The Equality Act 2010 defines harassment as unwanted conduct related to a relevant protected characteristic - sex, gender reassignment, race (including colour, nationality, and ethnic or national origins), disability, sexual orientation, religion or belief or age, that:
- has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual; or
 - is reasonably considered by that individual to have the effect at a) above (even if this effect was not intended by the person(s) alleged to be responsible for the conduct).
- 6.2 Conduct becomes harassment if it persists once it has been made clear that it is regarded as unwelcome by the recipient. However, a single act can amount to harassment if it is sufficiently serious. Furthermore, some actions may be so obviously offensive, that the recipient will not necessarily need to make it clear that it is unwelcome.
- 6.3 Individuals can also be subjected to harassment on the following grounds:
- Membership (or non-membership) of a trade union including participating in union activities and being a union representative.
 - Employment status (e.g. part-time, temporary/fixed-term).
 - Criminal record.
 - Health (e.g. people suffering from, or believed to be suffering from aids/HIV).
 - Physical characteristics (e.g. being overweight, having a specific hair colour etc.).
- 6.4 Conduct may be bullying and/or harassment whether or not the individual behaving in that way intends to offend. Something intended as a "joke" may offend another individual as different individuals find different things acceptable.
- 6.5 Bullying and harassment can take a variety of forms, including physical (e.g. unnecessary touching or assault), verbal (e.g. jokes, offensive language, gossip, slander or offensive songs) and/or non-verbal (e.g. offensive or threatening letters, emails, text messages and/or social media postings). This list of examples is not exhaustive.
- 6.6 Behaviour constituting harassment can range from extreme forms, such as violence or physical intimidation, to less obvious actions, like practical jokes and ridiculing or undermining colleagues. It is not possible to set out all types of behaviour which will constitute harassment, but a non-exhaustive list may include:
- Spreading malicious rumours.
 - Insulting an individual through words or conduct.
 - Demeaning comments about an individual's appearance.
 - Derogatory or demeaning jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation, or religion.
 - Offensive written remarks or comments.
 - Verbal or physical threats and intimidation.
 - Ridiculing or demeaning someone in front of others e.g., picking on them or setting them up to fail.
 - Unjustified, persistent criticism or negative comments.
 - Overbearing supervision or other misuse of power or position.
 - Preventing an individual from progressing by intentionally blocking promotion or training opportunities.
 - Deliberately undermining an individual by overloading and/or constant criticism.
 - Deliberately excluding people (e.g. from meetings) either because they have or are perceived to have a protected characteristic when they do not in fact have one (e.g. an employee is thought to be Jewish or is perceived to be a transsexual).

- 6.7 Some of the examples set out in the section on bullying (which are not listed above) could also amount to harassment, provided that the behaviour is motivated by one of the types of discrimination/protected characteristics listed above. The examples listed above must be viewed in terms of the distress that they cause to the individual. It is the impact on the recipient that will determine whether or not there is a case to answer for harassment.
- 6.8 Post-employment harassment arises when harassment, victimisation or discrimination occurs following the end of the working relationship. This could cover issues such as references, either written or verbal that are not factual or accurate. Harassment can be both a civil and criminal offence under the Equality Act 2010. Furthermore, employees can be held vicariously or jointly liable for incidents of harassment by an employee to another.

7. Sexual Harassment

- 7.1 **With effect from October 2024, the Worker Protection (Amendment of Equality Act 2010) Bill has placed a duty on employers to not only deal robustly with reports of sexual harassment but also to take “reasonable steps” to prevent it from happening in the workplace in the first place.**
- 7.2 The Trust takes very seriously this duty and is proactive in providing information and training around this and sexual harassment will not be tolerated.
- 7.3 Please refer to the Trusts **Sexual Harassment Policy**.

8. Fair Management or Bullying and Harassment?

- 8.1 Whilst it may be perfectly legitimate to raise concerns with employees about their performance, it is unacceptable for employees to be humiliated or intimidated. The Department for Work and Pensions’ Equality Team has developed a framework to make clear distinctions between the two management styles (see table below).

Firm / Fair Manager	Bullying or Harassment
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results, but reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their own ideas, but willing to consult with colleagues and employees before drawing up proposals	Believes that they are always right, has fixed opinions, believes they know best and not prepared to value other people’s opinions
Insists upon high standards of performance and behaviour	Insists upon high standards of performance and behaviour but blames others if things go wrong
Will discuss in private any perceived deterioration in an employee’s conduct or behaviour <u>before forming views</u> or taking action and does not look to blame others when things go wrong	Loses temper, regularly degrades people in front of others, threatens formal sanctions without listening to any explanation from employee
Asks for people’s views, listens and assimilates feedback	Tells people what is happening, does not listen to others

- 8.2 The chart below illustrates some of the possible consequences for HCAT and employees of not dealing with bullying, harassment and/or discriminatory behaviour fairly, promptly and effectively.

For HCAT:	For the individual:
• rising levels of absenteeism • premature ill-health and/or retirement • high levels of employee turnover • reduced productivity for victims and colleagues • cost of potential litigation • damage to reputation	• sleeplessness • lethargy or de-motivation • loss of appetite • migraines/severe headaches • mood swings or reduced confidence • skin problems • stress, anxiety and/or other mental health issues • withdrawal from colleagues and/or pupils • deterioration in attendance levels, performance and/or conduct • deterioration in mental health

8. What is Victimisation?

- 8.1 Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about bullying, harassment or other discriminatory behaviour. This could include an employee who has or who intends to give evidence relating to a complaint made by another employee.
- 8.2 Victimization may also be as a result of unfavourable treatment on the grounds of an individuals gender/; sexual orientation; race; disability; religious or political convictions; ethnic origin; nationality or colour; age; status as an ex-offender; membership or non membership of a trade union; their real or suspected infection with AIDS/HIV. It is not possible to set out all types of behaviour which will constitute victimisation, but a non-exhaustive list may include:
- A line manager treating an employee unfairly after they have given evidence in support of a colleague against their line manager in a sexual harassment case.
 - Treating an employee unfairly when they have told their employer they are considering taking action through an employment tribunal.
 - An employee making a complaint to HR about their manager harassing them, and the manager then starts to side-line and exclude them, for example, denying them promotional opportunities.

9. What is Discrimination?

9.1 There are two forms of discrimination – direct and indirect.

9.2 **Direct Discrimination** occurs when a person is treated less favourably because of:

- A protected characteristic they possess. This is ordinary direct discrimination. It is the only type of discrimination which may be lawful, but only if it is “objectively justifiable”.
- A protected characteristic possessed by someone who they are associated with (such as a member of their family or a colleague). This is direct discrimination by association.
- A protected characteristic they are thought to possess, regardless of whether the perception is correct or not. This is discrimination by perception

9.3 Although there is normally a deliberate act or exclusion, direct discrimination does not have to be intentional. This means that even if discrimination occurred unintentionally, a claim can still succeed.

9.4 **Indirect discrimination** is usually less obvious than direct discrimination and is normally unintended. Generally speaking it occurs when a rule or a plan of some sort is put into place which applies to everyone; and is not in itself discriminatory, but it could put those with a certain protected characteristic at a disadvantage.

9.5 **Examples of Discrimination:**

- Job refusal.
- Being dismissed or having shifts cut down.
- Denial of training opportunities, transfers and promotions.
- Not being paid the same as someone doing the same job with the same experience and qualifications.
- Exclusion or isolation by co-workers.
- Having information you need to do your job deliberately withheld.
- Being given impossible tasks.
- Being subjected to taunts or abuse that references the protected attribute.

10. Informal Early Resolution

10.1 Early informal attempts to informally diffuse the situation may bring more lasting and beneficial results than using the formal steps below therefore employees who consider that the behaviour of someone else in the workplace is unacceptable to them are encouraged from the outset to try and resolve complaints in an informal manner, particularly where the recipient may be unaware that they have caused offence in the first place.

10.2 The complainant should be asked what they would like to happen as there are several informal approaches that can be taken, for example:

- Agreeing to keep an eye on the situation.
- Giving the employee advice on how to handle the situation themselves.
- Someone having a quiet word with the person the complaint is about.
- face-to-face discussion, if appropriate, with the person allegedly causing the unacceptable treatment or behaviour and/or
- mediation; and/or
- counselling

10.3 What the complainant prefers should be taken into account, however, there may be some instances where what they would like to happen is not appropriate i.e. where the complaint is very serious and needs to be dealt with formally. Where this is the case, this should be discussed with the complainant and attempts to

agree a mutually agreeable approach should be made. If there is any doubt, the complaint should be dealt with formally.

11. Face to Face Discussion

- 11.1 Sometimes employees are unsure as to whether or not the way they are being treated is acceptable. In this situation employees should consider talking over their concerns with their immediate line manager. If an employee feels they are unable to discuss their concerns with their line manager or if their line manager is the cause of the complaint, then the employee may wish to raise the issue at a higher level, and/or seek advice from Trust HR, or their Trade Union/Professional Association Representative. An employee can also email HR in confidence on HRWellbeing@hcademytrust.education
- 11.2 If they feel able to do so, the complainant should meet with the person allegedly causing the unacceptable treatment or behaviour (with support from Trust HR, their trade union representative or work-place colleague) to bring the unwanted behaviour to their attention and to ask for it to stop. This gives the person allegedly causing the unacceptable treatment or behaviour an opportunity to change their behaviour. The conversation should be polite but direct and unambiguous and a record of the conversation should be kept (including date, time, concerns, who was present and any actions agreed as a result of the meeting) and this is shared with all parties involved

12. Mediation

- 12.1 Mediation may also be appropriate at this stage provided that the complainant and the person allegedly causing the unacceptable treatment or behaviour express a mutual desire to attempt it and the mediator believes that the situation lends itself to this process. Employees wishing to attempt this must discuss suitable mediators with Trust HR.
- 12.2 Mediation may be attempted at any stage of this process subject to agreement between the parties. However, if it is attempted, the formal process will be suspended pending the outcome of the mediation process. If the mediation process is unsuccessful, this policy will continue at the appropriate point.
- 12.3 The mediator is not empowered to make a decision about the conflict, their role is to facilitate the process and enable a dialogue to take place between the disputants. The aim of mediation is for the disputants to find a mutually acceptable agreement.
- 12.4 Mediation focuses on agreeing what will happen now, and in the future, rather than what has happened in the past with an emphasis on the disputants agreeing how they will behave towards each other in the future. This can be summarised for both parties in writing.

13. Counselling

- 13.1 A complaint of harassment, bullying, victimisation or discrimination can cause fear, stress and anxiety for all those involved.
- 13.2 All employees are therefore encouraged to access the confidential and free counselling services that are on offer through the Trusts' providers of Wellbeing Services. A referral for wellbeing support can be done confidentially through Trust HR.
- 13.3 If an informal solution is found, then the manager should do all that they reasonably can to manage the situation to ensure that the working relationships are back on track and do not deteriorate.
- 13.4 It is recognised that the informal suggestions above may not be appropriate for more serious complaints of bullying or harassment; that some employees may not be comfortable having a direct conversation with the

person(s) concerned or that the concerns continue despite an informal approach and/or mediation being attempted. In these circumstances, employees should use the formal steps below.

14. Formal Resolution

- 14.1 Employees who wish to raise complaints formally, or who are not satisfied with the outcomes of early informal resolution, should set them out in writing and should ensure that they are as detailed as possible. This should include:
- the name of the person(s) whose behaviour they believe to be unacceptable.
 - the type of behaviour that is causing offence, with specific examples (including dates, times and location(s) as appropriate) and details of how this made them feel.
 - the names of any employees who witnessed the incidents.
 - any action that the complainant has already taken to deal with the concern (s) they are raising.
 - any supporting evidence (e.g. statements from witnesses, photos, extracts from social media pages).
 - if the complaint is the first action taken by the employee, they should also explain briefly why they did not attempt to resolve it informally.
 - What resolution is being sought.
- 14.2 Employees should do all that they reasonably can to lodge a formal complaint within three months of the incident taking place. However, it is recognised that complaints of this nature may relate to cumulative actions taking place over a period of time. If this is the case, whilst these may be detailed in the complaint, the formal process may only be entered into if employees do all they reasonably can to lodge a formal complaint within three months of the **latest** incident or informal meeting from which the employee remained dissatisfied.
- 14.3 It is recognised that, due to extreme circumstances, an employee may not be able to lodge a formal complaint within 3 months of the incident taking place. These circumstances will be taken into consideration on a case-by-case basis.
- 14.4 The formal complaint should be sent to the relevant line manager. If the complaint is about the (Executive) Principal/Headteacher/Head of School it should be passed to the Chief Executive Officer. If the complaint is against the CEO, it should be passed to the Chair of Trustees. Please refer to HCAT's website for all up to date contact details.
- 14.5 Complaints made by the CEO or (Executive) Principal/Headteacher/Head of School (for example against director(s)/governor(s) or against the CEO should be passed to the Chair of Trustees.
- 14.6 In some circumstances it may be necessary to separate the employees involved whilst a full investigation takes place. Any temporary move should be done fairly and explained to both parties.
- 14.7 In extreme cases, it may be determined on the balance of evidence initially available regarding the person allegedly causing the unacceptable treatment or behaviour, that the issue needs to be dealt with immediately in accordance with the disciplinary procedure without recourse to this procedure. This may lead to formal disciplinary action being taken up to and including dismissal. Advice should be sought from Trust HR.
- 14.8 The person in receipt of the formal complaint above should:
- Acknowledge the complaint in writing within five working days (and refer to the date of receipt), unless there are exceptional circumstances in which case the response will be made as soon as reasonably practicable.
 - Arrange for the complaint to be investigated promptly. Subject to advice from HR, the investigating officer may be an independent investigator external to HCAT or a suitably trained member of the senior leadership team from across HCAT.
 - Liaise with Trust HR who will support the investigator throughout this formal process.

- Send a letter to the employees concerned (including witnesses) to confirm that they will be contacted by the named investigator and invited to an investigation meeting where they can be accompanied by a Trade Union representative or workplace colleague who is not already involved in the case.

15. Possible Outcomes

- 15.1 Whatever the outcome of the investigation, the Investigator should meet with the person allegedly causing the unacceptable treatment or behaviour and the complainant individually to discuss the findings.
- 15.2 The complainant will be entitled to see a full copy of the investigation report and supporting evidence.
- 15.3 The outcome and the next steps are entirely the decision of the Investigator and will be based on the facts presented in the report and advice from HR. The following are the next steps that the investigator can determine to be appropriate:
- **Informal conversation** – to be carried out as per section 11.
 - **Mediation** – to be carried out as per section 12.
 - **Redeployment** - If the working relationship is deemed untenable between employees who have been involved in a complaint of harassment, bullying, discrimination or victimisation, and all steps have been exhausted, then redeployment of either employee, irrespective of their status/seniority may be considered.
 - **Disciplinary Action** – if, after a full and thorough investigation, the evidence collated by the investigator indicates that there is a case to answer for disciplinary action against the person allegedly causing the unacceptable treatment or behaviour, these findings should be discussed with Trust HR and next steps agreed (including setting up a disciplinary hearing). It is good practice for the Investigating Officer to keep the complainant and the person allegedly causing the unacceptable treatment or behaviour updated so as to avoid any surprises.

16. Appeals

- 16.1 If the complainant is dissatisfied with the outcome of the investigation into their formal complaint, they have the right of appeal against that decision. However, this will usually only be exercised if the complainant has been informed that there is no case to answer, that the complaint was only partially upheld or that the investigation process under the Disciplinary Procedure has been mismanaged.
- 16.2 The appeal should be made in writing to the Chief Executive Officer (or Chair of Trustees where applicable) within 10 working days of receiving formal written notification of the outcome.
- 16.3 The appeal must be heard by an impartial panel of three Local Committee Members/Trustees who have had no involvement in the matter to date.
- 16.4 The appeal letter must clearly set out the complainant's specific concerns and the basis for those concerns. The letter should be accompanied by any additional evidence to be presented in support of the appeal. If the complainant does not wish to provide any supporting evidence, they must confirm this in their letter of appeal and they may not be able to use at any appeal hearing, any evidence not previously provided. The complainant should also name any witnesses they wish to call and indicate whether they will be accompanied by a union representative or fellow-employee and the name of that person.
- 16.5 The Investigating Officer will arrange the appeal as quickly as possible. The Investigating Officer should make every effort to agree a date with the employee's representative if they are already involved in the case, before sending out the formal invite letter and supporting paperwork to the relevant parties.
- 16.6 The employee may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The appeal panel, giving reasons, may reject the suggestion if it is unreasonable and may proceed to hear the case in the absence of the employee or the employee's

representative. The appeal panel may also defer the date of the hearing to reach mutual agreement on a particular date.

- 16.7 10-working days' notice of the appeal hearing will be given in writing to all participants and the complainant will receive a full copy of the investigation report and appendices.
- 16.8 Present at the appeal hearing will be the appeal panel advised by an internal or external HR colleague not previously involved in the case, the complainant, the Investigating Officer and the complainant's representative.
- 16.9 The process to be followed at the appeal can be found in **Appendix 1**
- 16.10 The appeal panel may:
- dismiss/reject the employee's appeal (so that the original outcome stands); or
 - uphold/accept the employee's appeal and determine what further action should be taken. This may include requesting the Investigating Officer to re-open the investigation on the basis that it has been mismanaged. In these circumstances, it will usually be appropriate for a new and impartial Investigating Officer to be commissioned.
- 16.11 The appeal committee may announce the decision orally to the parties or may notify the employee of the decision within 5 working days of the hearing. There is no further stage of internal appeal.

17. Malicious Allegations

- 17.1 The fact that an allegation has not been substantiated following a formal investigation does not mean that it should be considered as malicious. No action will be taken against any employee who makes an allegation in good faith, reasonably believing it to be true, even if the outcome is that there is no case to answer.
- 17.2 There may be exceptional cases which lead the Investigating Officer to believe that the complainant has acted maliciously. In these circumstances, a new investigation will be conducted under the Disciplinary Procedure against the original complainant by a new Investigating Officer who has not had any involvement in the case who will be given sight of all evidence collated under this procedure to support their process.
- 17.3 Following this process, the investigator may conclude that there is no case to answer or that the matter should continue to be dealt with as a disciplinary matter in accordance with the Trust's Disciplinary Procedure.

18. Third Party Harassment

- 18.1 The Board of Trustees will continue to maintain a zero-tolerance policy towards harassment of HCAT employees by third parties (e.g. suppliers, parents or Local Committee Members).
- 18.2 Employees wishing to lodge complaints about third parties i.e. those who are external to HCAT, should report their concerns to the Deputy Chief Executive Officer. Please refer to HCAT's website for all up to date contact details.

19. Monitoring and Review

- 19.1 The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the following:
- to eliminate discrimination and other conduct that is prohibited by the Act
 - to advance equality of opportunity between people who share a protected characteristic and people who do not share it

- to foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

19.2 In the development of this policy due regard has been given to achieving these objectives.

19.3 This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years, in conjunction with the Trust's recognised trade unions.

20. Appendix 1 – Process to be Followed at a Formal Dignity at Work Appeal Hearing

- i) The person(s) appointed to hear the appeal will perform introductions, clarify roles, and outline the procedure that will be followed.
- ii) The employee/ or representative will present their case making reference to any supporting evidence and calling witnesses should this be required.
- iii) Management may question the employee and/or their representative and any witnesses.
- iv) The person(s) hearing the case (including the HR Advisor to the panel) may question the employee and/or their representative and any witnesses.
- v) Management shall respond to the employee's case making reference to any supporting evidence and calling witnesses.
- vi) The employee and/or representative may question management and any witnesses.
- vii) The person(s) hearing the case (including the Advisor) may question management and any witnesses.
- viii) Prior to the summing up either side shall have a right to request an adjournment of the proceedings.
- ix) The employee/or representative will summarise their case.
- x) Management will summarise their case.
- xi) Once the appeal hearing is complete, both parties will then withdraw. If further information is required on the evidence presented, both sides must be recalled to allow clarification to be sought. A decision shall then be reached by the person(s) hearing the appeal (and not the Advisor), based on an unbiased consideration of the evidence as to whether there is reasonable belief the appeal is proven.
- xii) Both parties shall be recalled and the outcome of the appeal hearing conveyed and recorded. This will be confirmed in writing, normally within 5 working days. In exceptional circumstances it may be necessary for the outcome to be communicated after the appeal. All parties will be advised of any changes to the method of communication and extension to timescales at the closure of the appeal.

