



WHOLE HUMAN EDUCATION

Dignity policy

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1. Purpose of the policy

At Whole Human Education (WHE) we value our team members highly and are committed to supporting you as a person as wholly as possible. This policy sets out the ways that WHE seeks to ensure the dignity of all our team members whilst maintaining our high standards in education, student wellbeing and as a business.

This policy is divided into these main areas:

- Grievance procedure
- Capability support procedure
- Disciplinary procedure
- Bullying and harassment at work policy
- Equality and diversity at work policy

This procedure will not discriminate, either directly or indirectly, on the grounds of age, disability, gender reassignment, marriage/civil partnership, relationship/family structure, pregnancy/maternity, race, religion or belief, sex, sexual orientation, trade union membership, or any other personal characteristics.

Throughout this policy the organisation "Whole Human Education" will be referred to as WHE.

The policy and procedure will be reviewed periodically giving due consideration to any legislative changes.

2. Grievance procedure

If problems arise at work, we want to work with you to resolve them. The aim of our grievance procedure is, wherever possible, to make improvements at WHE and resolve issues where things have gone wrong. Our grievance procedure applies if you have a difficulty or complaint regarding your employment that you want to raise with us.

2.1 Informal discussion

We hope that you will feel able to discuss any problems you are experiencing informally with us, and if you raise a problem we will do our best to resolve it with you. We will always adopt a blame-free approach to problems, looking at how best to manage and resolve any issues and discussing it openly, honestly and clearly with you. If you want to invoke our formal grievance procedure in the first instance, or our informal discussion does not resolve matters to your satisfaction, you should follow the procedure below.

2.2 Formal procedure

If you want to raise a formal grievance, do so without unreasonable delay by writing to a Director who is not the subject of the grievance, where possible. This letter should set out the nature of the grievance as clearly and wholly as possible.

A Director (as is deemed appropriate in the circumstances) will meet you to discuss the grievance, and this will be within seven working days of receiving your complaint. It is important that you attend the meeting so that you can explain your grievance and how you think it should be resolved. You may be accompanied to this meeting by a colleague or a trade union representative if you want.

The Director may choose to adjourn the meeting after hearing your case if they feel that further investigation into the matter is necessary. The meeting will then be re-convened without unreasonable delay and certainly within 5 working days of the original meeting. A written record of the content of the meeting including any action agreed will be kept.

Following the meeting the Director will decide on what action, if any, to take, and this will be communicated to you in writing within 5 working days of the meeting.

2.2 Appeals

If you are unsatisfied with the result, you must write to the director stating the grounds of your appeal within 10 working days of the decision letter. Grounds for appeal should usually relate to one of the following issues:

- You feel that the finding or the sanction was unfair
- New evidence has come to light
- You feel that the procedure was not used correctly.

An appeal meeting will be convened within 5 working days of receipt of the appeal. Your appeal will be heard by the Director who was not involved in the original meeting. They will listen to your original grievance claim (described by you), the Director's explanation of any action taken and the reasons for their decision (described by the director), and your grounds of appeal (described by you). They will then reach a decision. Decisions made on appeal shall be final. You will be informed in writing of the appeal decision after the meeting and the contents of the meeting and the decision will be recorded.

There is no further right of appeal. However, where both parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party. This could be a mediator, HR consultant or other advisor as suggested by ACAS.

3. Capability support procedure

We place great importance on maintaining high levels of performance and professional standards. The capability support procedure provides a fair and objective process to support you, to the best of our ability, in meeting those standards, and to ensure that you do not remain in a role that you are unable to perform to a satisfactory standard.

The word capability can be defined as “the extent of someone's ability to do something”. In employment law, you can be *dismissed on the grounds of capability*, if you are deemed, through a specific process, to no longer be capable of performing essential parts, or all, of your role. However, this will be considered as a last resort and we will, using this procedure, seek to identify any lack of capability and take appropriate steps to support you in improving your ability to do your job before considering dismissal.

The procedures set out in this document aim to ensure that there is:

- A degree of consistency in how team members with widely differing responsibilities and duties are given opportunities to attain satisfactory levels of performance in their roles
- Assistance in identifying and providing the most appropriate form of support for a team member who is struggling.

If a team member fails to overcome their difficulties, any consequent action will be based on:

- Adequate evidence that the team member is incapable of performing their duties satisfactorily
- A fair procedure
- The fact that the team member was given all reasonable assistance to overcome such failings.

3.1 Informal discussion

If you exhibit an inability to perform your duties satisfactorily, the Directors will attempt to resolve the matter informally by way of a two-way discussion, giving you the opportunity to discuss any problems you are experiencing. Our focus at this stage is always to identify the causes of any problems, and to seek a solution that will improve your performance (which might, for example, include additional training).

At this meeting, the nature of the unsatisfactory performance will be discussed with you and how such performance can be improved to our satisfaction. Performance standards will be agreed with you, and a time-period set (normally three months) within which we will expect significant improvement. We will also agree a plan with you regarding monitoring your performance during this period.

If your performance improves adequately over the timescale, the process will end at this stage. However, if your performance remains unsatisfactory, the formal procedure will be invoked, with the initial stage being the collation of information and evidence regarding your performance.

3.2 Formal procedure

If you are asked to attend any meetings as part of this procedure, you are entitled to be accompanied by a trade union representative or work colleague.

Investigation

A written report based on evidence gained by interviews and observation of performance will be prepared by a Director. To gather this evidence the director may call on the support of an external advisor or another Director to undertake collecting the necessary information. Any individuals connected with your work may be interviewed and samples of your work and observations of your performance may be collected.

The report produced should be precise and specific in the observations and comments it makes and shall contain clear information on:

- Areas where you are failing to perform adequately

- Actions already taken by Directors to address these failings and whether these actions were adequate (clear performance standards were set and monitored)
- Whether you acknowledge a problem and show a willingness to improve
- The impact of those failings on the rest of the team, students, and work output
- Any mitigating factors.

Before the case is considered, the report will be given to you and to any other parties involved in the investigation so that they may record in writing any comments on the observations contained within the report.

The Directors will then discuss and consider the report, and make a decision whether to:

- Take no further action
- Convene a formal capability hearing to consider the matter further.

Formal hearing

The Director will write to you informing you of the date of the hearing, and will attach any relevant documentation. The letter shall contain:

- The issues with your performance in sufficient detail to ensure that you fully comprehend the nature, extent and seriousness of the problem
- The time, date and venue of the hearing
- The name of the Director who will conduct the hearing
- A statement that all team members have the right to be accompanied by a trade union representative or colleague at any interview or hearing held under the provision of these procedures
- At least 10 days notice of the hearing.

At the hearing, the details of the investigation will be presented to you, and then you will be given the opportunity to put forward your own opinions and to bring witnesses in support of your views, to present mitigating circumstances and to make a full statement. An agenda for the meeting will be given to you prior to the hearing.

If it is found that there is sufficient evidence of continued poor performance without acceptable mitigation, it is expected that at this stage a warning will be given and this will be confirmed in writing. A letter will be sent to you confirming the decision and the reason that it was made. The letter will also indicate a new period of monitoring and review of your performance and the details of the performance improvement required during this period. A time scale for performance to improve and a review date will be specified.

If the failings are found to be not sufficiently serious to warrant a formal warning, or where there are mitigating circumstances, monitoring will be discontinued and you will be informed of this in writing. The letter will also state that monitoring may be re-introduced if the problem reappears.

Second formal hearing

If poor performance continues, the process set out in the first formal hearing stage will be repeated. If the conclusion of the second hearing is that performance has not sufficiently improved, and there is still evidence of incapability despite support and prior warnings, a final warning will be issued.

The letter confirming the decision will, as well as covering the points made in the first hearing, clearly state that, if an improvement is not forthcoming, WHE will convene a final meeting at which time it will consider terminating your contract of employment *on the grounds of capability*. The time scale for the required improvement will be clearly stated and this may be a shorter time-period than before. However, it will always be a reasonable period for you to show improvement considering the nature of your role.

Final formal hearing

A Director will conduct the final hearing at which, if previous advice, training and warnings have not had the desired effect, they will terminate your contract of employment with notice. WHE reserves the right to provide pay in lieu of notice.

3.3 Appeals

An appeal against any sanction made, either a warning or a decision to terminate your contract of employment *on the grounds of capability*, may be made in writing to the Director who made the decision within 14 days of the decision. Grounds for appeal should always be stated in the letter and will usually relate to one of the following issues:

- The team member feels that the finding or the sanction was unfair
- New evidence has come to light
- The team member feels that the procedure was not used correctly.

Your appeal will be heard by the Director who was not involved in the original decision. They will listen to the original case for the sanction, described by the deciding Director, and your grounds for appeal, described by yourself and reach a final decision.

3.4 Long term and persistent illness

Where any shortfall in expected performance arises from long term or persistent illness the Directors shall refer to the Wellbeing Policy.

4. Disciplinary procedure

It is firstly important to note that in line with our Behaviour policy, which applies to all people within the organisation, not just students, we consider all behaviour to be a product of neuropsychological regulation and in the first instance will use the techniques within that policy to resolve any issues with undesirable behaviour or relationship ruptures.

Our disciplinary procedure applies if your conduct (behaviour) whilst at work or outside work detracts the organisation or contravenes what is expected of you and our usual techniques, as described in the behaviour policy, have not been effective or the seriousness of the situation means they would be inappropriate. It is a legal requirement for us to have this procedure in place, but it is our hope that we never have to use it.

You have the right to reasonably request to be accompanied by a colleague or trade union representative at any meeting or hearing that takes place during the course of our disciplinary procedure.

4.1 Conduct

Our general standards of conduct are set out in the Behaviour policy and the team member handbook in the conduct section. We have also included some examples of actions (without being exhaustive) which we are likely to regard as being misconduct or gross misconduct as appendix A of this policy. This procedure does not apply in the case of poor performance, as this is managed through the use of our capability support procedure as described in section 2 of this policy.

Actions that constitute gross misconduct are very serious, and may lead to your dismissal without notice. Actions that constitute misconduct will require disciplinary action and may lead to dismissal (with notice or payment in lieu of notice) if further misconduct occurs.

4.2 Gross misconduct

If you are alleged to have committed an act of gross misconduct, we will suspend you on full pay whilst we carry out an investigation. You will be given the opportunity to state

your version of events, and to be accompanied by a colleague or trade union representative to any meeting to discuss the matter. If, after investigation, it is confirmed that you have committed an act of gross misconduct, we will normally expect to dismiss you without notice (and without payment in lieu of notice). We will write to you setting out the reasons for dismissal and giving you a right of appeal.

If you wish to appeal our decision, we will hold an appeal meeting and then let you know our final decision. Decisions at appeal are final.

4.3 Informal management

At Whole Human Education, no management technique is designed to be punitive. The ethos behind the management of conduct is to maximise the regulation of team members so that they can thrive and offer their best selves to their role. A well regulated, appropriately motivated, appreciated and valued person is much less likely to engage in undesirable behaviour. Having said this, humans are imperfect and both regulation and human relationships are tricky, even for adults. We approach undesirable conduct as a reflection of some form of difficulty, and seek to support the team member to regulate, and resolve any difficulties. We approach this with curiosity, compassion and connection.

Our primary methods for managing behaviour at Whole Human Education are:

- Regulation
- Reasoning
- Recognition
- Rumbling
- Rebalancing

Details of these methods can be found in the team member handbook.

If a difficulty arises (other than in cases of gross misconduct), this will be drawn to your attention first informally, by way of a two-way discussion, giving you the opportunity to discuss any problems you are experiencing. Our focus at this stage is always to draw your

attention to the problem, identify the causes of the problem if any, and to seek a solution which will improve conduct. This does not form part of our formal disciplinary procedure. Examples where the informal discussion may be appropriate include persistent lateness, carelessness, and minor insensitive behaviour towards colleagues. The use of informal discussion is simply an aspect of normal day-to-day management. However, if the required improvement does not take place, consideration will necessarily be given to the use of the formal procedure.

4.4 Formal procedure

If you do not respond appropriately or adequately to our informal processes, or where the breach of conduct that is believed to have occurred is too serious to be dealt with informally, the formal procedure will be invoked.

Investigation

Before disciplinary proceedings can take place, an impartial investigation must be undertaken to collect information relating to the allegations and to determine whether the case should proceed to a disciplinary meeting. The Director conducting this investigation must:

- Be as independent as possible to the matter under investigation
- Have the appropriate experience to conduct the investigation and/or be provided with the appropriate expert support
- Be able to undertake the investigation promptly and, unless there is particular complexity or non-availability of key interviewees, complete enquiries and provide a report within 15 working days, indicating what action, if any, should be considered.

A written report based on evidence will be prepared by a director. The directors will then discuss and consider the report, and decide what action, if any, should be taken. These courses of action are available:

- There is no case to answer. In such circumstances, the team member concerned must be told immediately.
- There is a case to answer. In such circumstances, the team member will be informed that a disciplinary meeting is required to understand the facts more fully and to make a decision regarding appropriate action.

The disciplinary meeting

Before the disciplinary meeting you will be advised in writing of the purpose of the meeting and details of the complaint or allegation being considered, covering all issues to be discussed. You will be given a minimum of 5 working days' notice of the disciplinary meeting. If your representative or work colleague is not available to attend on the date proposed, WHE will endeavour to offer an alternative reasonable date within 5 working days of the original date.

Note: This meeting will normally be re-arranged only once, except in exceptional circumstances.

If you want to call any witnesses to the disciplinary meeting you must give at least 3 working days' notice to the Director in charge of the case, and you have full responsibility for arranging the attendance of these witnesses. Concurrently, if the Director feels the need to call any witnesses, you will be notified of this at least 3 working days before the meeting.

All relevant facts and evidence will be made available to you at least 3 working days before the disciplinary meeting. If you want to present any additional information that you have gathered this must also be made available to the disciplinary panel at least 3 working days before the meeting. Either party may present evidence, including details of previous relevant warnings and witness statements, and have the opportunity to ask questions and call witnesses.

An adjournment must be held so that there can be a period of dispassionate reflection by the Director to consider what action, if any, is to be taken. Where possible, the team

member, and any other parties involved, will be verbally informed of the outcome after the adjournment.

You will be advised in writing of the outcome of the disciplinary meeting within 7 working days unless a longer period is specified and can be justified. If disciplinary action is taken, you will be informed of any action you must take (improvements and adjustments of your conduct) and, if applicable, the details of timescales for this action to take place, the duration of the warning and the consequence of a failure to take the required action. The letter will also state the reason for issuing the warning as well as details of any sanctions which may be imposed should improvements not be forthcoming. You have the right to appeal any decision to apply disciplinary action, including warnings and dismissal, and should refer to the appeals section of this procedure if you want to do so.

Refer also to appendix B of this policy for a full description of the meeting procedure.

Warnings and penalties

The outcome of the disciplinary meeting will generally fall into one of the following categories:

Action	Usual circumstances
Case dismissal	The case was found to have insufficient evidence, or mitigating circumstances were present and reasonable.
Verbal warning	A minor issue or the first occurrence of an issue.
First written warning	A more serious issue or if there is already an active verbal warning on the team member's record and insufficient improvement has been made or further misconduct has occurred. A first written warning will normally be valid for 6 months from the date of the disciplinary meeting.

Action	Usual circumstances
Final written warning	An even more serious issue or if there is still an active first written warning in place and insufficient improvement has been made or further misconduct occurs. A final written warning will normally be valid for 12 months from the date of the disciplinary meeting. In exceptional cases validity may be longer.
Dismissal with notice	Further misconduct or insufficient improvement occurs whilst a final written warning is still active. The team member will be provided with written reasons for dismissal, the date on which the employment will terminate, their entitlement to pay, and the right of appeal. WHE reserves the right to make a payment in lieu of notice.
Summary dismissal	Misconduct is sufficiently serious to constitute gross misconduct. The team member will be provided with written reasons for dismissal, the date on which the employment will terminate and the right of appeal. The team member will not be paid in lieu of notice.

In certain circumstances, the directors may consider other disciplinary actions such as demotion, redeployment or training where this assists in avoiding a more serious sanction (dismissal). The use of these actions is entirely at the discretion of the Directors.

Expiry of Warnings

A record of any disciplinary action will be placed on your personal file. An action will be considered to be spent and the record removed from the file provided that your conduct

has been considered to be satisfactory throughout the specified period following the imposition of the action.

Authority to dismiss

The decision to dismiss you may be taken only by a Director. In cases where the system of written warnings has been followed and exhausted, but it is alleged that your conduct has failed to improve, a disciplinary meeting must be convened if it is the intention to consider dismissal.

Where dismissal occurs, whether with notice or summarily, you and your representative will be provided with a letter setting out the decision. The letter, which will be sent to your home address by recorded delivery, will give details of those present at the disciplinary meeting (excluding witnesses), details of the allegation and the evidence presented, the terms of the decision to dismiss and the reasons and the date on which your employment will be terminated. If the dismissal is with notice, the notice period or the calculation of your payment in lieu of notice will also be included. In all cases, you have the right to appeal the decision.

4.5 Appeals

If you receive a disciplinary warning, other disciplinary action or notice of dismissal, you have the right to appeal the decision. You must lodge your appeal in writing with a director within 10 working days of the date of the written notice of the action. This period may be extended only in exceptional circumstances. The notice of appeal must state the grounds of the appeal. Grounds for appeal should usually relate to one of the following issues:

- The team member feels that the finding or the action was unfair
- New evidence has come to light
- The team member feels that the procedure was not used correctly.

Appeals will be heard, within 15 working days of the receipt of the notice of appeal, by a Director who was not involved in previous proceedings, where possible.

Both you, and the Director who was involved in the case, must provide a full written statement of the case from your viewpoint. You must include in your statement the grounds upon which the appeal is being made together with copies of any documents to which reference will be made. All documents and the details of any witnesses, if any, must be notified to all parties 5 working days before the hearing takes place.

The appeals official (either the other Director or another qualified party) will read both statements, hear and/or view any further evidence from either party and then make a decision. The decision of the appeal hearing is final. Refer also to appendix B of this policy for a full description of the meeting procedure.

4.6 Criminal offences

Disciplinary action will not automatically be taken against you simply because you have been arrested, charged or convicted of a criminal offence. However, if you do not inform a Director at the earliest opportunity following occurrence of this, or you attempt to conceal the fact that it has occurred, this constitutes gross misconduct on the grounds of dishonesty.

Having informed a Director of the occurrence, an informal meeting will be convened to discuss the circumstances. Each case will be carefully considered by the Directors according to the particular circumstances and disciplinary action will be considered in circumstances where the occurrence has the potential to:

- Impair the business or reputation of WHE
- Make the individual unsuitable for continued employment given the nature of the business of WHE
- Make the individual unsuitable for continued employment given the nature of the team member's role
- Cause difficulties or discomfort to other team members.

Should disciplinary action be progressed, the normal procedure will be followed to address the issue, as described in the above procedure.

If you are unable to attend work because you are under arrest or remanded in custody, disciplinary action will not be commenced. However, you will be suspended with full pay until the matter is resolved. If you are found to be innocent, the suspension will be ended and removed from your record immediately. If you are convicted of an offence, the policy as above will be followed.

4.7 Suspension

Suspension is not in itself regarded as a disciplinary action and does not involve any prejudgement, or imply that any misconduct has taken place. It is a neutral act to enable an investigation of the allegations made. A short period of suspension with full pay may be helpful or necessary, although it will be imposed only after careful consideration. All suspensions will be continuously reviewed and ended as quickly as possible whilst allowing for a full investigation.

In cases of alleged gross misconduct, or when other circumstances dictate that it is inappropriate for you to remain at work, an appropriate director will consider whether suspension is appropriate in the circumstances. Examples of circumstances that may warrant suspension include fighting or violence between colleagues, alleged criminal offences or sensitive situations, e.g. alleged sexual assault.

If you are suspended from duty you will be given written confirmation of the suspension and the reason for this action. Whilst on suspension, you must remain contactable and must be available to attend any formal or informal investigation or disciplinary meetings during your normal working hours, unless mutually agreed otherwise. You will receive full pay during your period of suspension.

Whilst you are on suspension, you should not attempt to contact colleagues connected to the case with the exception of your trade union representative, work colleague (who is

to accompany you at any subsequent meeting, if proven that there is a case to answer) or a director.

4.8 Overlapping disciplinary and grievance

Where a team member raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

5. Bullying and harassment

We expect every member of the team to understand and uphold our equality and diversity policy and to treat every other member of the team and any person with whom they have professional contact with respect, courtesy and professionalism.

Discrimination, harassment and bullying will not be tolerated and will be considered a matter of gross misconduct.

5.1 Definition

Harassment has no definition in law but is generally described as unwanted conduct that affects the dignity of people at work; it encompasses unwelcome physical, verbal or non-verbal behaviour that denigrates or ridicules or is intimidatory. The essential characteristic of harassment is that the action is unwanted by the recipient.

The interpretations and examples of harassment described in appendix C may be helpful in determining whether harassment has taken place.

Bullying is “the intimidation or belittling of someone through the misuse of power or position, which leaves the recipient feeling hurt, upset, vulnerable or helpless”. It is often inextricably linked to the areas of harassment described above.

The following are examples of bullying:

- Unjustified criticism of an individual's personal or professional performance, including shouting at or criticising an individual in front of others
- Spreading malicious rumours or making malicious allegations
- Intimidation or ridicule of individuals with a protected characteristic
- Ignoring or excluding an individual from the team/group.

5.2 Responsibilities

Every team member has a personal responsibility **NOT** to harass or bully other members of staff. A team member who becomes aware of harassment or bullying occurring should bring the matter to the attention of a Director. Directors have an obligation to prevent harassment or bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Allegations of harassment or bullying, received either informally or formally, must be dealt with promptly and sensitively.

5.3 *If you feel harassed or bullied*

If you feel that you are being subjected to harassment or bullying, it may be worth attempting to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for you to explain clearly to the person engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes you uncomfortable. If you want to do this, these suggestions may be helpful:

- You could write a letter to the individual (research has shown this to be very effective in drawing the impact of actions to the individual's attention and resolving issues early)
- You should keep a record of any incidents, detailing when, where and what occurred, and witnesses (if any).

This can be helpful in ensuring that the other party is aware that their behaviour is unwanted and is offending you, but **you are not required to do this** if you do not feel that it is appropriate. In many cases victims of harassment or bullying may not feel able to tell the harasser that his or her behaviour is unacceptable.

We would like to stress again that you **are not required to approach your harasser** in an attempt to resolve the problem informally, and **you are entitled to report the matter immediately to a director.**

Where the steps outlined above are inappropriate or have been attempted unsuccessfully, you should raise the matter in confidence with a director. If the complaint

relates to the conduct of one of the Directors, the other Director should be the point of contact. If you feel that you have been bullied or harassed by both Directors, you should submit your complaint to a Director, naming both Directors. This will be taken seriously and a professional independent person will be commissioned to resolve the issue.

At all times, and under all circumstances, a complaint of bullying or harassment will:

- Be taken very seriously and acted upon
- Not be trivialised (your perception of the unwanted behaviour is key)
- Be free from the possibility of retaliation or victimisation
- Be dealt with without any discrimination
- Be dealt with confidentially and sensitively, discussing and agreeing the need for any disclosure of the case details at any time.

5.4 Procedure

A Director will meet you to discuss your complaint, ask questions to gain a good insight into the situation and agree a course of action with you. You may be accompanied by a work colleague or a trade union representative at these meetings. The director will then meet the other party so that they have the right to state their version of events. They will also have the right to be accompanied by a trade union representative or work colleague.

Investigation

Where it is considered that there may be evidence of harassment or bullying, the Directors may consider it appropriate to undertake a full investigation of the circumstances. In this case an independent person within WHE, or an external person commissioned by WHE, will undertake this investigation. Best practice in relation to confidentiality will be maintained during this investigation and both parties involved in the complaint will have the opportunity to have their say. The investigator will also interview

and take statements from any appropriate witnesses to the alleged harassment or bullying.

Mediation

If it is appropriate to do so, and only with the agreement of both parties involved in the situation, we might arrange for a mediation process to take place to resolve relationship rupture between the two parties. This will only be relevant where everyone involved agrees to be engaged in the process and that the bullying or harassment is deemed to have been inadvertent. The purpose of this would be to repair a ruptured relationship where there has been misunderstanding or miscommunication.

Action

Where there is evidence that harassment has occurred, prompt and corrective action will be taken, including disciplinary action where appropriate. Harassment is a serious offence, which may result in summary dismissal. If the situation is not resolved to your satisfaction through this procedure, you have the right to pursue your complaint formally using the grievance procedure.

6. Equality and diversity

This section of this policy is a brief summary of the key points of the Equality, Diversity and Inclusion policy, which must be read and adhered to in full.

All members of the team must comply with WHE's policy in relation to anti-discrimination, equality and diversity. The policy covers all professional dealings by directors and team members with colleagues, students, families and any third parties.

The policy also extends to team management, including recruitment, training, disciplinary and grievance procedures, capability procedures, procedures relating to termination of employment, remuneration, promotion of team members and any other team issues.

6.1 Promotion of diversity

With diversity as one of our core values, our stance in this policy is rooted in the promotion of diversity at Whole Human Education. The absolute minimum standard is to avoid discrimination, but this is not the aim. We want WHE to be a beacon of compassionate employment for a diverse team. We believe that having diversity across all the characteristics listed in this section is ideal in bringing the widest and fullest perspective to learning, and will bring the most success to our business.

6.2 Responsibilities

All members of the team have a responsibility to comply with this policy. WHE is committed to avoiding discrimination and promoting diversity in all its dealings and the directors consider this a fundamental part of WHE's ethos. In particular, all members of the team should be aware that many of our team, students and their families are in unconventional situations and may have suffered adversity or discrimination, and that they value us for being open-minded and approachable. It is critical to the business that all business dealings are carried out with consistent professionalism and sensitivity and without any possible suggestion of discrimination. We expect the same approach and sensitivity to be applied throughout our work and in our dealings with each other.

Overall responsibility for the control and implementation of our equality and diversity policy resides with the Human Needs Director, covering:

- Implementing and monitoring our Equality and Diversity policy
- Helping to provide training to all new team members (and subsequent training as appropriate)
- Staying up-to-date with legal and best practice developments in relation to equality and diversity, and where necessary to making and implementing changes to our policy
- Reporting on the effectiveness of our policy as part of the annual business planning process, and making any necessary recommendations for changes.

The Directors have considered all aspects of WHE's operations outlined in this policy to ensure compliance with our equality and diversity policy. Any developments of the WHE's strategic and business planning, or changes in this policy, will be examined in order to ensure continued compliance with our equality and diversity policy.

6.3 Monitoring

Diversity within WHE will be monitored by the Human Needs director, particularly in terms of the ethnic and gender composition of existing staff and of applicants for jobs (including promotion), and the number of people with disabilities within these groups.

The Directors will review WHE's equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, we will implement them.

6.4 Training

We will arrange training sessions for all members of the team on equality and diversity and the contents of this policy on induction, and will arrange further refresher training as appropriate.

6.5 Types of discrimination

Our policy covers discrimination on the grounds of the following categories, each of which are described in more detail below:

- Race and nationality
- Religion and belief
- Sex and gender
- Sexual orientation and relationship
- Age
- Disability or difference.

All these areas of discrimination are collectively referred to as 'the above grounds' in the rest of this section. The types of action that are against WHE's policy are:

- **Direct discrimination** (where a person is, without lawful cause, less favourably treated on any of the above grounds)
- **Indirect discrimination** (where an unjustifiable requirement or condition is applied equally to all groups but has a disproportionately adverse effect on members of one particular group on any of the above grounds)
- **Victimisation** (where someone is treated less favourably than others because they have raised a complaint or taken action against WHE for unlawful discrimination on one or more of the above grounds)
- **Bullying or harassment** (where unwanted conduct violates another person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person on one of the above grounds).

6.6 Students, families and other contacts

All members of the team must treat students, all families and anyone else with whom they have professional dealings in the course of their work with the same attention, courtesy and respect regardless of their status under any of the above grounds.

All members of the team must ensure that nobody with whom they have dealings suffers any disadvantage through any disability that they might have. We offer ground floor meeting rooms and can in some instances offer home visits to assist clients with mobility difficulties or who use wheelchairs.

WHE is free to choose whether to work with any particular student, family or external professional, but any refusal to act must not be based on any of the above grounds.

External professionals should be instructed on the basis of their skills, experience and ability, without discrimination on any of the above grounds. If a family wishes to instruct a professional and you are concerned that their choice is motivated by any element of discrimination on any of the above grounds, consult a Director. Generally speaking, we have a duty to persuade the family to modify their instructions and, if they refuse, we may be required to cease working with the family.

6.7 Within the team

All members of the team must treat all their colleagues with the same attention, courtesy and respect regardless of their status under any of the above grounds. We are committed to providing equal opportunities in employment and to ensuring that our team members (our most valuable resource) are treated fairly. Decisions about remuneration, training opportunities, promotion etc made by the Directors will be made regardless of a team member's status under any of the above grounds.

We will also comply with these principles in relation to Directors. Directors will not discriminate on any of the above grounds in determining new appointments to Director level roles, deciding the provision of benefits for Directors, or in relation to any matter relating to the termination of a Director.

We are committed to making reasonable adjustments for those with a disability in relation to job opportunities, promotion and training. In relation to recruitment, we will take steps to ensure that applications are attracted from people without regard to the above grounds and will ensure that there are equal opportunities in all stages of the recruitment process.

6.8 Consequences of breaching this policy

Any breach of the policy is a serious breach of our fundamental values. It also represents a potential major risk to the business, since any claims for discrimination (which may not be insured) are likely to involve WHE in significant cost and commitment of managerial time. Further, a breach may be a serious professional offence, and liability may attach not only to the individual concerned, but also to the directors. Any breach of this policy will therefore be treated as a matter of gross misconduct.

If anyone is concerned that a breach of this policy may be occurring, or has a complaint that they have been the victim of a breach, they should immediately report this to a Director.

7. Policy administration

7.1 Monitoring and Review

The WHE Directors monitor the effectiveness of this policy on an ongoing basis and review the policy at least annually. The Human Needs Director is responsible for ensuring that this policy is compliant with employment legislation and represents the best interests of both the business and all team members.

7.2 Record keeping

WHE keeps a variety of records in regard to the dignity of our team members. All instances of grievance, disciplinary, capability support, bullying and harassment and breaches of the EDI policy are monitored and logged in a secure document which is only accessible to relevant leadership. All personal details of team members are recorded securely in the team member's personal file and are kept highly confidential.

7.3 Related policies, procedures and documents

- Behaviour policy
- Equality, Diversity and Inclusion policy
- Health and safety policy
- Family team policy
- Wellbeing team policy

Appendices

Appendix A MISCONDUCT AND GROSS MISCONDUCT

Appendix B DISCIPLINARY MEETING PROCESS

Appendix C CONDUCT LIKELY TO BE CONSIDERED HARASSMENT

APPENDIX A Misconduct and gross misconduct

When conduct is unsatisfactory this is usually referred to as 'misconduct' and can vary in its degree of seriousness. Where an incident is very serious it is known as 'gross misconduct', and one incident can be sufficient to warrant dismissal without notice. The following list illustrates behaviour likely to constitute misconduct and gross misconduct, but it is neither exclusive nor exhaustive and there may be other matters that are sufficiently serious to warrant inclusion.

Misconduct

Misconduct is behaviour which, in the view of WHE, would not normally destroy the relationship of trust between us. However, the inappropriateness of this behaviour is serious enough to warrant disciplinary action short of dismissal. The following list constitutes a guide to the type of conduct that we consider to be misconduct:

- Wilful failure to carry out the duties of your role.
- Failure to attend work during working hours, including unauthorised absences, lateness, and failure to comply with the requirements to notify us of ill-health absence.
- Continuously acting without empathy and compassion for others, even after informal discussions to correct this have taken place.
- Purposefully and persistently ignoring your own needs, the needs of others, or the needs of the environment.
- Acting outside the values and principles of the organisation.
- Disregarding or disrespecting someone's characteristics or identity.
- Dishonesty.
- Choosing **not** to make yourself accountable for your actions.
- Choosing not to ask for support when you really need it and this causing you not to perform your role adequately.
- Use of inappropriately offensive language.
- Breaches of the EDI policy.
- Bringing any prohibited item into the setting (see Appendix X)

- The use of any technological device to cause any sort of harm to yourself, others or the organisation.
- Leaving the site without appropriate permission.
- Purposeful and malicious disruption of learning.
- Unauthorised copying of copyright or licensed material, e.g. software.
- Acting in such a way that damages the reputation of others, including students, family members, team members and Whole Human Education as an organisation.
- Potentially, any unlawful behaviour either in or out of the setting.
- Shaming or belittling others.
- Choosing to be highly and inappropriately competitive rather than collaborative.

The distinction between misconduct and gross misconduct is often a matter of degree and some of the examples under misconduct may be of such an extreme nature that they amount to gross misconduct. Alternatively, there may be instances when examples demonstrated under Gross Misconduct, depending upon all the circumstances, may amount to misconduct.

Gross misconduct

Gross misconduct is defined as behaviour that, in the view of WHE, fundamentally destroys the trust between the directors and the team member and thereby warrants immediate dismissal. The following list illustrates conduct likely to amount to gross misconduct, but this list is neither exclusive nor exhaustive:

- Wilful damage to the setting or public property.
- Physical violence of all kinds to anyone.
- Verbal abuse of all kinds to anyone.
- Aggressive behaviour of all kinds directed towards anyone.
- Bullying, harassment or victimisation.
- Discriminatory behaviour. We operate a zero tolerance approach.
- Wilfully endangering yourself, others, the setting or public property.

- Use of discriminatory language such as slurs.
- Theft or misappropriation of, or malicious damage to, WHE property, or the property of other team members, students or anyone associated with the organisation.
- Falsifying records or expenses claims that results in gain to the individual, e.g. registers, time sheets, expenses, sickness claims.
- Serious incapability as a result of being under the influence of alcohol or illegal drugs at work.
- Fraudulent or wilfully false claims of harassment or victimisation.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe.
- Serious negligence which causes substantial loss, damage or injury.
- Wilful non-compliance with health and safety rules and regulations where it endangers the well-being of yourself or others.
- Unauthorised use of WHE vehicles, materials, equipment, facilities or labour for private purposes and/or personal gain.
- Unauthorised deliberate access to information held by WHE whether held on electronic or manual systems.
- Unauthorised disclosure of information classified as confidential by WHE.
- Falsification or omission of information for personal gain, for example, on an application form, medical questionnaire, etc.
- Downloading inappropriate information from the Internet, e.g. pornography.

APPENDIX B Disciplinary meeting process

The disciplinary meeting will follow the following stages:

1. The chair of the meeting (chairing director) opens the meeting.
2. The investigating officer (investigating director) provides a summary of the allegation, details of the investigation and findings, and calls any witnesses in support of the allegation, if necessary.
3. The team member and the chair have the opportunity to ask any questions of the investigating officer.
4. The team member presents their view of events, any extenuating circumstances and calls any witnesses in support of their defence.
5. The investigating officer and the chair have the opportunity to ask questions of the team member in relation to their case.
6. Consideration of any other facts in evidence.
7. The chair summarises the cases put forward.
8. Adjournment whilst the Director reviews all the facts and comes to a decision.
9. The meeting reconvenes to verbally confirm the result of the hearing. This includes any sanctions to be applied, action to be taken and advice regarding a review date (if appropriate) and the right of appeal.
10. The results are sent in writing to the team member.

Opening the disciplinary meeting

All team members are entitled to be accompanied by their trade union representative or a work colleague. Where a team member is not accompanied, they must be reminded of this right, and if declined, this must be recorded.

The chair must introduce those present and outline the reasons for the disciplinary meeting taking place (the reasons outlined in the invitation to the meeting) and the format the meeting will take.

Summary of allegation

At this stage the investigating officer must summarise the case. They must adhere to the facts and not introduce opinions, hearsay or issues that have not previously been mentioned. All documentation that will be used as evidence (including previous relevant warnings and witness statements where applicable) will already have been made available to the team member prior to the disciplinary meeting taking place.

Should a new matter arise during the course of the disciplinary meeting, the chair should adjourn in order that consideration may be given to the appropriateness of the introduction of this new matter. To avoid unnecessary duplication of the process as well as ensuring fairness, it may be more beneficial to adjourn the disciplinary meeting in order that further investigations may be carried out in relation to the new matter.

The aim of the disciplinary meeting is to seek verification and clarification about the issues of concern, through questions. Where it is appropriate to call witnesses, either party may call and question them. After the investigating officer has stated their case the team member will be given the opportunity to ask questions and state their case. The team member's representative will be able to ask questions for clarification purposes.

If the disciplinary meeting is dealing with multiple issues, each issue should be addressed in turn and the team member and/or their representative be allowed to state their case in relation to each issue as it is addressed.

Exploration of any differences in facts, as they appear to the chair and team member, should be carried out in a constructive manner in order to gain an understanding of the facts which are, as far as possible, acceptable to both. The investigating officer should remain present during the disciplinary meeting to answer any questions.

Both parties will be given the opportunity to sum up their case. The summing up shall not introduce any new matter. If at any stage new facts are alleged or new evidence produced, the chair may adjourn the meeting (of their own volition or at the request of one of the parties) for so long as is reasonably necessary to clarify and investigate the facts.

Adjournment

Before any decision is taken, it is necessary to adjourn the disciplinary meeting to give adequate consideration to the facts as they have been presented and the responses that have been given to the allegations, including any mitigating circumstances. At this stage both parties will be asked to leave the room and the chair must decide the facts of the case, and whether the behaviour requires disciplinary action to be taken and if so, at what level.

There is no set time for an adjournment and adjournments can be called at any time during the disciplinary meeting, by either party. Where possible, an indication of the length of time of the adjournment should be given when the meeting is adjourned.

The disciplinary meeting may also be adjourned to consider other issues, e.g. to direct further investigations to take place or to investigate new information or facts that have been brought to light.

Taking disciplinary action is not a matter to be taken lightly and will only be taken if absolutely necessary and constructive in attempting to produce the desired behaviour. Directors will also need to consider, if disciplinary action is to be taken, whether any other sanctions will be attached to the warning.

Action

When the disciplinary meeting is reconvened the chair should explain that consideration has been given to all the issues raised at the beginning of the meeting, and all the facts and issues raised during the course of the meeting. The chair must then outline what action, if any, will be taken including any sanctions.

It is important that where a warning/sanction is given, the team member is informed of the length of time it will remain on their record, their right of appeal, the procedure that will be followed in relation to confirming the action in writing and any arrangements for the review of sanctions imposed.

The notes of the meeting will be typed and issued to all parties, and will be held on file. All the documentation in relation to a disciplinary meeting is subject to the principles of data protection.

Appeals procedure

Appeals will normally be heard by a different director than in previous meetings regarding the same case.

Grounds for appeal should usually relate to one the following issues:

- The team member feels that the finding or the sanction was unfair.
- New evidence has come to light.
- The team member feels that the disciplinary procedure was not used correctly.

Should either party require an adjournment, this request should be made to either member of the appeals panel (Director or HR consultant), with an indication of the length of time required.

The procedure for an appeal hearing is largely the same as the disciplinary meeting procedure with the exception that the Director who made the decision in the initial meeting replaces the investigating officer's role.

APPENDIX C Conduct likely to be considered harassment

General harassment

Harassment can take many forms and may be directed in particular against women and ethnic minorities or towards people because of their age, disability, gender/gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, or sexual orientation. It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

Sexual harassment

Sexual harassment can be defined as uninvited, unreciprocated and unwelcome behaviour of a sexual nature which is offensive to the person involved and causes that person to feel threatened, humiliated or embarrassed. Examples of sexual harassment are:

- Requests for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future employment status
- Offensive gestures or comments
- Sexually-orientated jibes, innuendo or jokes
- Unwanted physical contact
- The display of sexually offensive visual material such as calendars, photographs, books or videos.

Sexual harassment may be experienced by a person of any gender or sexual orientation as a result of the conduct by a person of any gender or sexual orientation. It applies equally regardless of grade or level of job and may also occur when dealing with external professionals and/or members of the public.

Racial or sectarian harassment

In the workplace, racial or sectarian harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature or offensive remarks about a person's

skin colour, physical characteristics or religion. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations, patronising remarks, unfair allocation of work or pressure about the speed and/or quality of their work in a way which differs from the treatment of other team members.