

Harassment and Bullying Policy

1. The School's policy on bullying and harassment

- 1.1. The School is committed to ensuring that all its staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore covers harassment and bullying that occurs:
 - 1.1.1. in the workplace
 - 1.1.2. outside the workplace in a work-related context, such as on School trips, customer or supplier events or work-related social events
- 1.2. This policy applies to all staff including employees, contractors (self employed), casual, agency staff, and volunteers. We also make it clear to our pupils, their parents, visitors and other who work with us that harassment of our staff is unacceptable.
- 1.3. All staff are required to read this policy and to ensure that they understand what types of behaviour are unacceptable. If you have any queries, please refer to the Head.
- 1.4. This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

2. Harassment

- 2.1. It is the School's policy that the harassment of any of its employees and staff is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.
- 2.2. Harassment may take many forms (including bullying), occurs on a variety of different grounds and can be directed at one person or many people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.
- 2.3. Harassment involves subjecting individuals to conduct which is unwanted and where the conduct has the purpose or effect of:
 - 2.3.1. violating the victim's dignity, or
 - 2.3.2. creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim
- 2.4. Harassment also occurs where the perpetrator engages in unwanted conduct

of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.

- 2.5. A person will also commit harassment if they (or anyone else) engages in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected him.
- 2.6. Conduct usually becomes harassment if it continues once it has been made clear that it is regarded by the recipient as offensive or unwanted, although a single incident may amount to harassment if it is sufficiently serious.
- 2.7. It is the unwanted nature of the conduct that distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider the whether their words or conduct may be considered offensive.
- 2.8. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
- 2.9. Harassment may relate to:
 - 2.9.1. age
 - 2.9.2. disability (past or present)
 - 2.9.3. gender reassignment
 - 2.9.4. race, colour, nationality, ethnic or national origins
 - 2.9.5. religion or belief
 - 2.9.6. sexual orientation
 - 2.9.7. trade union membership (or non-membership)
 - 2.9.8. part time or fixed term status
 - 2.9.9. power or hierarchy
 - 2.9.10. willingness to challenge harassment (leading to victimisation).
- 2.10. The phrase 'relate to' is very wide and therefore covers:
 - 2.10.1. harassment based on a perception of another person, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong, and
 - 2.10.2. harassment that occurs because someone is associated with another person, for example, someone who is harassed because they care for a disabled person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her

2.11. Whilst not an exhaustive list, forms of harassment include:

- 2.11.1. physical contact
 - 2.11.2. 'jokes'
 - 2.11.3. offensive language, shouting or behaving in an intimidating manner
 - 2.11.4. gossip
 - 2.11.5. slander
 - 2.11.6. offensive, insensitive or sectarian songs or messages (including email)
 - 2.11.7. displaying posters or pictures, graffiti, emblems, flags
 - 2.11.8. obscene or offensive gestures
 - 2.11.9. offensive email and screen savers etc
 - 2.11.10. isolation or non co-operation and exclusion
 - 2.11.11. coercion for sexual favours or sexually suggestive remarks
 - 2.11.12. pressure to participate in political/religious groups
 - 2.11.13. intrusion by pestering, spying and stalking
 - 2.11.14. continued requests for social activities after it has been made clear that such suggestions are not welcome
 - 2.11.15. verbal, non-verbal or physical conduct of a sexual nature
- 2.12. Harassment is unlawful in many cases and individuals may be legally held liable for their actions. In some cases their behaviour may also amount to a criminal offence.

3. **Bullying**

- 3.1. Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.
- 3.2. Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):
 - 3.2.1. spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation)
 - 3.2.2. copying memos or emails that are critical about someone to others who do not need to know
 - 3.2.3. ridiculing or demeaning someone – picking on them or setting them up to fail
 - 3.2.4. deliberately excluding a person from communications or meetings

- without good reason
- 3.2.5. unfair treatment
- 3.2.6. overbearing or intimidating supervision or other misuse of power or position
- 3.2.7. making threats or comments about job security without foundation
- 3.2.8. deliberately undermining a competent worker by overloading and constant criticism
- 3.2.9. preventing individuals progressing by intentionally blocking promotion or training opportunities
- 3.3. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

4. Harassment and bullying procedure

- 4.1. Due to the seriousness with which the School views harassment and bullying, informal and formal reporting procedures have been introduced which are separate from the Grievance Procedure as a mechanism for dealing with complaints of harassment and/or bullying. However, employees may choose to use the Grievance Procedure as an alternative.
- 4.2. All allegations of harassment and/or bullying will be dealt with seriously, promptly and in confidence. Employees or staff who feel they have been subject to harassment and/or bullying must not hesitate in using this procedure nor fear victimisation. Retaliation against an employee or member of staff who brings a complaint of harassment and/or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.
- 4.3. The Head will provide, in confidence, advice and assistance to employees and staff subjected to harassment and/or bullying and assist in the resolution of any problems, whether through informal or formal means.

5. Informal procedure

- 5.1. If an incident happens which you think may be harassment or bullying, you may prefer initially to attempt to resolve the problem informally, if you feel able to do so. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.
- 5.2. In circumstances where this is too difficult or embarrassing for you to do on your own you could seek support from a friend at work. If the incident concerns a pupil or parent or other third party, you may wish to ask your manager or the Head to intervene for you on an informal basis.
- 5.3. If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment and/or bullying, then in the first

instance you should approach a member of the Head on an informal confidential basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.

- 5.4. If the conduct continues or if it is not appropriate to resolve the problem informally or you do not feel able to raise it informally, it should be raised through the following formal process.

6. **Formal procedure**

- 6.1. Where informal methods fail or are not appropriate, or serious harassment and/or bullying occurs, you are advised to complain formally in writing to, your line manager. If the matter concerns that person, you should refer your complaint to the Head. Your written complaint should set out full details of the conduct in question, including the name of the perpetrator, the nature of the harassment or bullying, the date[s] and time[s] at which it occurred, the names of any witnesses and any action that has been taken to attempt to stop it occurring.
- 6.2. Consideration will be given to keeping the complainant and the alleged perpetrator separated whilst they are at work, taking into account the views of the complainant. In serious cases the alleged perpetrator may be suspended in order for the complaint to be investigated.
- 6.3. You will be interviewed by the manager handling the complaint to establish full details of what happened. You may bring a fellow worker with you to this meeting if you chose. They will then carry out a thorough, independent, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of both you and the alleged perpetrator.
- 6.4. Where your complaint is about someone other than a fellow worker, such as a pupil or parent, supplier or visitor, we will consider what action may be appropriate to protect you (and anyone else involved) pending the outcome of the investigation, bearing in mind the needs of our School and the rights of that person. We will try to discuss the matter with the third party where appropriate.
- 6.5. The investigation will involve interviews with the person against whom you are making the complaint and any other relevant witnesses. The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond. The investigation may also need to examine relevant documents, including emails and other evidence.
- 6.6. The alleged harasser will have the right to be accompanied by a colleague or union representative at any interviews.
- 6.7. Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

- 6.8. When the investigation has been completed, you will be informed whether or not your allegation is considered to be well-founded.
- 6.9. If the allegation is well-founded, disciplinary action may be taken against the person alleged to have committed the behaviour you are complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person with or without notice.
- 6.10. If the allegation is found to be not well-founded, consideration may be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for either of you to continue to work in close proximity to each other.
- 7. The School takes these matters very seriously. However, malicious complaints of harassment and/or bullying can have a serious and detrimental affect upon a colleague and the workplace generally. Any unwarranted allegation of harassment and/or bullying made in bad faith may be dealt with via the School's *Disciplinary and Dismissal Procedure*. We are sure that all employees appreciate that this is necessary to protect the integrity of this policy.

Review

This policy will be reviewed in April 2018.

Signed: