



# **Bullying and Harassment Policy**

**ST MARY'S AND ST SAVIOUR'S**

**Reviewed by the Governing Body: Spring 2021**

**To be reviewed: Every 2 years**

**Next Review: Spring 2023**

*\* Executive Head/ Head Teacher/Associate Head (henceforth referred collectively as Head Teacher, unless specifically stated)*

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## 1 RELATIONSHIP WITH OTHER PROCEDURES

- 1.1 Any disciplinary proceedings resulting from an investigation under the bullying and harassment procedure should be conducted under the existing disciplinary proceedings. The Grievance procedure is also available.

## 2 BACKGROUND

- 2.1 Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one's interest and will not be tolerated in the workplace. Professional relationships between members of staff are best conducted with respect and in a non-threatening manner.
- 2.2 For an individual, being subjected to bullying or harassment that is not resolved can contribute to health problems including stress, absence from work, and work-related problems such as poor performance, low morale.
- 2.3 Bullying and harassment can lead to serious problems within an organisation and can contribute to poor morale and employee relations, loss of respect for managers and supervisors, poor performance, absence and resignation, and damage to organisations' reputation.
- 2.4 Bullying and harassment can be face to face, or by electronic means, ie e-mails, phone etc. Work-related harassment that takes place outside the workplace will fall within the remit of the policy.
- 2.5 St Mary's and St Saviour's believe that bullying and harassment complaints need to be dealt with promptly and taken seriously. The policy aims to resolve the matter at an informal stage. However, if not resolved the matter will lead into the established disciplinary and grievance procedures. Bullying will be treated as a disciplinary offence. In some cases, it may constitute gross misconduct which could lead to dismissal. The Grievance procedure may also be used.
- 2.6 It should not be assumed that bullying and harassment is not a problem just because complaints are not received. Employees should feel that their complaints will be treated seriously, and it is worthwhile raising their concerns. Employees need to feel supported throughout the procedure, and clear about each step. Employees should be able to put forward their concerns without fear of further bullying or harassment, or reprisals.

## 3 LEGAL POSITION

- 3.1 Employers have a duty of care for all their employees and liability under the following laws:-

*Sex Discrimination Act 1975*

*Equality Act 2010*

*Disability Discrimination Act 1995*

Under these Acts harassment may be considered to be discrimination.

- 3.2 *Health and Safety at Work Act 1974* gives employers responsibility for the health, safety and welfare at work of all employees, and are liable for the actions of their employees at work.
- 3.3 *Employment Rights Act 1996* incorporates an employee's right to claim 'unfair constructive dismissal', when an employee resigns in the fact of the employer's breach of contract, which may include failure to protect their health and safety at work.

3.4 *Criminal Justice and Public Order Act 1994* (this created a criminal offence of 'intentional harassment', whether in the workplace or elsewhere).

3.5 *Protection from Harassment Act 1997* (this also created a criminal offence of harassment, and a right to damages for the victim).

## **4 ROLES AND RESPONSIBILITIES**

### **4.1 Executive Head/ Head Teacher Responsibilities**

4.1.1 It is the responsibility of the Executive Head/ Head Teacher to promote positively an environment free from bullying and harassment. They are responsible for the activities of their staff. Aspects to consider include:-

- Being alert to the possibilities of bullying and harassment occurring.
- Identifying and dealing with standards of conduct or behaviour which could be seen as offensive.
- Ensuring that all staff are aware of the policy via induction information and school briefings, and that conduct or action that is established to be bullying or harassment is regarded as a disciplinary offence.
- Providing a supportive framework for any employee with a complaint of bullying or harassment.
- Taking prompt action to investigate any complaint of bullying or harassment as soon as it is identified.
- Treating all complaints of bullying and harassment with confidentiality.

4.1.2 The Executive Head/ Head Teacher should provide a supportive framework for staff who may have a complaint. They need to know:-

- a) Who to complain to;
- b) That prompt action will be taken;
- c) That the complaint will be treated seriously and in strict confidence;
- d) What the procedure is.

4.1.3 The Executive Head/ Head Teacher should not allow employees who complain of bullying and harassment, or those who come forward in their support, to be victimised. Victimisation is as unlawful as the original bullying or harassment and is considered as an act of gross misconduct.

### **4.2 Individuals' Responsibilities**

4.2.1 All employees must ensure their conduct or actions do not constitute bullying or harassment, and their colleagues and members of the public are not bullied or harassed at work. If a case of bullying or harassment is proven, the bully or harasser could be summarily dismissed for gross misconduct in accordance with the school disciplinary procedure.

### **4.3 Role of Governing Body**

4.3.1 The governing bodies of schools with delegated budgets are responsible for the staff employed there and especially, for disciplinary and grievance matters. Where the outcome of the Bullying and Harassment Procedure leads into the Disciplinary and Grievance Procedures, the role of the governors will be as defined in these policies.

## **5 DEFINITION OF BULLYING AND HARASSMENT**

5.1 In practice it may be hard to exactly define what is bullying and what is

harassment. Some apparently trivial incidents, repeated over time, can create an unpleasant, intimidating or frightening atmosphere.

- 5.2 Bullying can be defined as *'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'*.

These are examples of behaviours that constitute bullying (list is not exhaustive):-

- Overbearing supervision or other misuse of power or position;
- Changing priorities and objectives unreasonably, imposition of impractical deadlines;
- Unnecessary invoking of or threatening to invoke disciplinary or capability procedures;
- Allocation of unreasonable additional workload;
- Unreasonable withholding of work responsibility;
- Abuse and undue criticism in front of colleagues and pupils;
- Making threats or comments about job security without foundation;
- Spreading malicious rumours, or insulting someone (eg on gender/race/disability grounds);
- Issuing of unreasonable instructions.

- 5.3 Harassment can be defined as *'unwanted conduct affecting the dignity of men and women in the workplace'*. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

These are examples of behaviour that constitute harassment (list is not exhaustive):-

- Display or distribution of offensive material, graffiti or badges;
- Non-verbal abuse such as offensive gestures and body language;
- Verbal abuse such as suggestive remarks, jokes, name calling;
- Physical contact such as unnecessary touching;
- Threatened or actual physical abuse or attack;
- Deliberate exclusion from conversations.

## 6 STAGES OF THE PROCEDURE

### 6.1 Complaint Received

- 6.1.1 A staff member who feels that they have been or are being bullied or harassed should bring the complaint to the attention of their line manager, Executive Head/ Head Teacher, union representative or human resources. It should be a person that they feel comfortable to discuss the issues with. A staff member is encouraged to approach their union to discuss their concerns. The complaint may be made either in writing or verbally, though at some stage the complaint should be put in writing. If the complaint is against the Executive Head/ Head Teacher, an approach should be made to the Head of Human Resources. This approach could be made via a union representative.

### 6.2 Informal Stages

- 6.2.1 In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unacceptable and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the complainant will choose to do this, or s/he may require support/mediation from Human Resources, the Executive Head/ Head Teacher, or an employee representative. See attached Guidance Notes.
- 6.2.2 If the employee is dissatisfied with the outcome at the informal stage they should submit their reasons in writing within 10 days of the informal meetings.
- 6.2.3 In some cases it may be more appropriate to go directly to the formal stage due, for example, to the seriousness of the complaint. Bullying and harassment may constitute an offence of gross misconduct.

### **6.3 Formal Stage**

- 6.3.1 If the complaint is not resolved at the informal stage, the Executive Head/ Head Teacher or Head of Human Resources will appoint an Investigating Officer within 2 working days. The Investigating Officer should be at an appropriate level of seniority, impartial and not previously involved with the case.
- 6.3.2 An individual who is the subject of an allegation under this procedure will be informed, by the Investigating Officer, as soon as possible that a complaint has been raised against them and provided with a copy of the allegations in order to respond. The investigation should be carried out within 10 working days. Any extension to this time scale may only be agreed by consulting all parties. Counter allegation should be dealt with as a separate complaint (i.e. with separate investigations and hearings) under the procedure and only after the initial complaint has been fully investigated and resolved.
- After due consideration, and in consultation with Human Resources, the Investigating Officer will decide whether:
- a) There is no case to answer, and no further action to be taken
  - b) Some other action short of disciplinary action is taken. This might include:
    - An instruction to the bully/harasser to apologise to the complainant;
    - A requirement for the bully/harasser to receive appropriate guidance and/or training;
    - Appropriate changes in working arrangement, which must not be to the disadvantage of the complainant.
- If the bully/harasser refuses to comply, the matter will be considered for disciplinary action.
- OR
- c) Matter should go forward under the disciplinary procedure.
- 6.3.3 Both parties are entitled to be accompanied by a trade union representative or another person (but not a legal representative) at all stages.
- 6.3.4 A written copy of the findings should be sent to both parties.

- 6.3.5 Where the Investigating Officer concludes that a complaint is untrue and malicious, disciplinary action may be considered against the complainant.
- 6.3.6 Where the complaint is not upheld, the management must take reasonable steps to ensure the reputation of the alleged harasser or bully is restored.
- 6.3.7 Where the grievance is not upheld, the complainant will be entitled to use the Grievance Procedure, at the appropriate stage.

## **7 APPEAL**

An Appeal can be made against the decision of the Investigating Officer. The Appeal should be lodged within 10 working days of the decision, stating the grounds for an Appeal.

## BULLYING & HARASSMENT FLOW CHART

