

BULLYING AND HARASSMENT POLICY AND PROCEDURE

1 Introduction

- 1.1 The Governing Body fully supports the right of all people to seek employment and be employed without harassment or bullying, which are forms of discrimination. Harassment or bullying can be unlawful and is always improper and inappropriate behaviour, which lowers morale and interferes with work effectiveness.
- 1.2. Such conduct will not be tolerated. All employees are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Appropriate action in accordance with the disciplinary procedure, including dismissal for serious offences, will be taken against any employee who is found to have bullied or harassed another employee.
- 1.3. The procedures are designed to deal with problems quickly. The procedures form part of employees' conditions of service and are intended to apply to all groups of employees and to cover all forms of harassment and bullying,
- 1.4 Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, belief, sexual orientation, 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 by the recipient.
- 1.5 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- 1.6 Examples of bullying/harassing behaviour include:
 - spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
 - copying memos that are critical about someone to others who do not need to know
 - ridiculing or demeaning someone - picking on them or setting them up to fail

- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

1.7 The essential characteristic of harassment or bullying is that it is unwanted by the recipient. What is acceptable behaviour, broadly speaking, is up to the recipient to determine. It is the impact of the conduct and not the intent of the perpetrator that is determinant.

2. Informal Process

- 2.1 In cases of harassment or bullying, employees must attempt to manage the situation informally if this is at all possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. Every employee has personal rights and this includes being made aware that their attention or behaviour is perceived by another employee as bullying or harassing. It is possible that the “perpetrator” simply does not realise the effect of their behaviour on the recipient. Complaints must normally therefore be registered within 10 working days of the incident.
- 2.2 Where the employee would find it extremely difficult or embarrassing to speak directly with the other person, they should attempt to communicate through a third party, for example, a work colleague, line manager/supervisor, or union representative.
- 2.3 The manager's role is to work at creating the right climate and find constructive ways of resolving conflict. There may be times therefore when prompt action and firm advice from the immediate line manager is the most effective way of putting a stop to inappropriate behaviour. Counselling may be appropriate for both parties and the person who is identified to give such assistance will be a senior manager or external specialist who is competent to deal with issues of harassment and who is known to be effective in putting the message across.
- 2.4 In more serious cases it would be inappropriate to use an informal process and the matter should be dealt with formally.

3. Formal Procedure

- 3.1 This process follows the school's grievance procedure which cannot be used in addition to, or substitution of it for the same complaint. Where any employee makes a formal complaint of harassment or bullying, they will not be victimised or suffer detriment by doing so.
- 3.2 When Stage 1 of the Grievance Procedure is invoked as a result of a complaint about bullying or harassment, a manager must be designated as responsible for managing the process in an appropriate and sensitive way. The direct manager of the employee (unless the complaint is against him/her) normally has the responsibility of recording the complaint, setting up an investigation and ensuring the investigation report is considered and any necessary action is carried out. Responsibility for the operation of the procedure is a management function; the manager must remain the key person who ensures the process is followed and timescales are observed. The starting point for the investigation should be the recipient's perception, of events and the initial interview should be directed at ascertaining the factual situation. The complainant must put the complaint(s) in writing and describe as specifically as possible their areas of concern. The subject of the complaint will be informed that a complaint has been made.
- 3.3 The Investigation Officer should not normally be from the same work area or department as the complainant or subject of the complaint. It may be appropriate to consider using a suitably qualified and experienced person from outside the school to conduct the investigation
- 3.4 The main purpose of the investigation is to establish whether the act(s) under investigation amounted to harassment and /or bullying. The Investigation Report should include;
- the terms of reference of the report
 - the complainant's account of the incident(s) and the effects
 - a response from the person identified by the complainant
 - evidence from staff in the same work area or any other relevant areas where incidents of harassment or bullying may have occurred.
 - Conclusions, including a judgment, on the balance of probability, whether or not bullying and/or harassment took place and the degree of seriousness. The report should identify whether the complainant has suffered any detriment eg deterioration of work performance or health, lack of career development, denial of opportunities etc.

The Investigation Officer must aim to complete the report as soon as possible and normally within 20 working days from being instructed to carry out the investigation.

- 3.5 An appropriate senior manager will consider the investigation report and decide whether:
- the conclusions indicate that disciplinary action should be taken
 - less formal action but some form of mediation or counselling is required for both parties
 - any short-term or long-term relocation is required
 - whether any redress of detriment is necessary to the complainant and will:
 - liaise with the immediate line manager on the recommendations and outcomes of the case.
- 3.6 If the employee is dissatisfied with the outcome, then the remaining stages of the grievance procedure may be invoked.