



DIGNITY AT WORK

**Anti-Bullying and Harassment
Policy**

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1. POLICY STATEMENT

The Wardle Academy Trust views all forms of harassment and bullying as unacceptable and will not tolerate such behaviour. Trustees are committed to a safe, healthy and productive work environment through the elimination of harassment and bullying and an individual's right to be treated with dignity at work. Should harassment or bullying occur, all individuals will be afforded the right to raise the issue and have it properly dealt with. Trustees support the following principles: -

- informal complaints will be dealt with in confidence, to try and resolve them
- all parties will be required to co-operate with an investigation
- the Trustees will not tolerate victimisation of individuals who follow this procedure
- the Trustees will comply with its legal obligations as an employer
- the Trustees reserves the right to report any complaints of alleged criminal behaviour to the police.

The Trustees accepts that by creating the right climate, this policy can help to prevent problems arising and/or developing into something more serious and detrimental to the workforce.

Advice will be available for the alleged harasser and the harassed, the alleged bully or the bullied, in order to deal with the situation fairly and effectively.

All individuals have a vital role to play in implementing and supporting this policy. In particular, the CEO, Headteachers and senior members of staff are required to take early and appropriate action to safeguard a stress-free working environment for all. The issue of harassment and bullying will be incorporated into training courses/workshops as appropriate.

Equality

Trust HR aims to regularly review all the policies and procedures we operate to ensure there are no negative equality impacts. Consultation with our colleagues is an important part of how we achieve this. If you feel, on reading this policy, that there may be a negative equality impact within your school, please tell us about this.

2. WHAT IS HARASSMENT

Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people. In general terms it can be described as unwanted behaviour that a person finds intimidating, upsetting, embarrassing, humiliating or offensive and it may threaten a person's job security.

Grounds of Harassment

People can be subject to undignified behaviour on a wide variety of grounds including the following:

- race, ethnic origin, nationality and skin colour
- gender, gender reassignment or sexual orientation
- willingness to challenge harassment (leading to victimisation)
- membership, or non-membership of a trade union
- disability, sensory impairment or learning difficulty
- status as an ex-offender
- age
- AIDS/HIV
- health
- physical characteristics
- personal and cultural beliefs

This list is not intended to be exhaustive. It is possible for people to abuse their power over others in all sorts of ways.

Forms of Harassment

Forms of harassment and bullying can range from extremes such as violence to things that are less extreme for example, ignoring someone. Whatever form it takes, it will be unwanted behaviour, which is unwelcome and unpleasant. Forms of harassment and bullying include:

- physical contact
- jokes, offensive language and behaviour, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-co-operation and exclusion from social activities
- coercion for sexual favours
- pressure to participate in political/religious groups
- intrusion by pestering, spying and stalking

3. WHAT IS BULLYING?

Bullying may combine a variety of different approaches. It is persistent and often unpredictable harassment and can be experienced from senior to subordinate, peer to peer, or one group of individuals to another individual. It is insidious and undermines the ability and confidence of the person who is suffering from it. It can lead to fear, demotivation, isolation, poor concentration, reduced work output, symptoms of stress and a high sickness absence level.

The following points need to be taken into account when considering whether or not the pattern of behaviour constitutes bullying:

- bullying is not about an occasional angry response, it is about persistent and deliberate undermining and psychological crushing
- bossiness can turn into bullying when professional abrasiveness becomes tainted with an element of personal vindictiveness

Obvious Bullying

The following would constitute bullying:

- using strength and power to coerce others by fear
- attempting to make others toe the line by singling out, demeaning and devaluing
- a culture endorsing an aggressive and intimidating style of management
- using a 'booming' voice, dominating all round, giving a public 'dressing down'
- undermining, wearing down gradually and making unreasonable demands
- having a personal style that is dominant, overbearing, obsessional, reprimanding, disapproving, humiliating, and punishing
- using abusive language and aggressive body language
- name calling and using personal insults
- suddenly becoming enraged - often over trivial matters
- spreading rumours which are often unfounded and malicious
- rarely listening to another's point of view
- criticising excessively and/or unfairly in public

Less Obvious Bullying

The focus is often on competence, or rather the alleged lack of competence of the bullied person. In reality, the target of bullying is often competent and popular, and the bully is aggressively projecting their own social, interpersonal and professional inadequacy onto their target. The bully might do this by:

- making life difficult for those who have the potential to do the bully's job better than the bully does
- shouting at individuals to get things done
- criticising excessively and/or unfairly in private
- deliberately ignoring or excluding individuals from activities
- keeping individuals in their place by unfairly blocking their promotion
- insisting that their way of doing things is always right, without discussion
- refusing to delegate because they feel they can't trust anyone else
- punishing others for being too competent and/or constantly criticising
- punishing others by removing their responsibilities, often giving them trivial tasks to do instead
- overloading others with work by reducing deadlines

The above list is not intended to be exhaustive as bullying can occur in many different ways. Some types of bullying are obvious and easy to identify whereas others are much more subtle and difficult to explain.

Good Management	Bullying
Setting Standards	Setting unreasonable targets with unreasonable deadlines in comparison to other colleagues
Giving constructive feedback	'Dressing down' in public
Supervising	'Over' supervising constantly without just cause
Using the appraisal process to aid development	Abusing the appraisal process to criticise and undermine
Keeping records for legitimate purposes	Keeping information that is difficult to justify
Being able to refer to factual and objective evidence when dealing with unsatisfactory performance – putting an action plan in place to improve the performance	Making subjective and critical judgements about performance that are not substantiated – not offering support to address the 'perceived' shortfall

4. THE TRUSTEES' RESPONSIBILITY

The Board of Trustees recognises its role as a good employer is to provide a safe working environment that is conducive to the delivery of high-quality service to the school and diocese, as appropriate. Harassment and workplace bullying can lead to poor performance, high levels of absence and in extreme circumstances, claims of unfair or constructive dismissal and unlawful discrimination.

5. THE CEO & HEADTEACHER'S RESPONSIBILITY

The CEO, Headteacher and senior members of staff have a duty to ensure that unfair treatment does not occur in work areas that they are responsible for.

They can do this by:

- engendering a team ethos and creating a suitable working environment

- challenging inappropriate behaviour
- responding to and supporting any individual complaining about unfair treatment
- providing advice and support in accordance with this document
- ensuring that no repetition or victimisation occurs once a complaint has been resolved

If there is clear evidence that the CEO or Headteacher have not taken the necessary action to deal with a legitimate complaint, the disciplinary or capability procedures may be invoked against them. Their action, or inaction, may also be a cause of complaint in proceedings for unfair or constructive dismissal or in civil claims.

6. THE INDIVIDUAL'S RESPONSIBILITY

Individuals are responsible for their own behaviour, ensuring appropriate standards of conduct for themselves and for others. Individuals should:

- be sensitive to the potential impact of their own behaviour on colleagues
- encourage colleagues to respect each other
- report any incidents that cause concern to the Headteacher/a senior member of staff/Head of HR.
- make it clear to colleagues that they find their behaviour unacceptable, should this be the case
- support colleagues who are being bullied and/or harassed
- seek advice from their trade union or professional association.

7. PROCEDURE – INFORMAL STAGE

Best practice guides and research show that ideally, complaints should be dealt with internally and informally. This is better for all concerned as solutions can be reached speedily, with minimum embarrassment and risk to confidentiality. It is wise to act quickly to avoid disruption and expensive litigation. The following guidelines should help you:

- recognise that what is happening to you is harassment or bullying, as you may feel shame, embarrassment, guilt and fear
- you may find it helpful to record examples of the behaviour that you find offensive, to help you explain what is happening
- consider keeping a diary of events so that you can determine the extent of the problem
- ask the person to stop yourself as this is often effective - the person may not realise that they have offended you and by telling them that they have offended you and asking them to stop, you are making this clear - they then have an opportunity to stop without anyone else being involved
- consider expressing your concerns in writing and keep a copy of the document for reference, either now or in the future
- before proceeding you may wish to talk to the Trust's HR Service, your Trade Union Representative or a colleague who will also be able to offer support.

8. PROCEDURE - FORMAL STAGE

Complaints of harassment or bullying should be dealt with under the formal stages when the following apply:

- an informal approach has failed to redress the complaint, and/or
- it is the preference of the complainant, and/or

- the complaint is of serious harassment for example, abuse relating to a person's sex, race, disability or sexual orientation, stalking, continuous open criticism of an individual in front of colleagues, and/or
- the allegation is of unlawful behaviour – it should be noted that any intentional harassment in the workplace may now be a criminal offence, be it on the grounds of sex, race, religion, disability, sexual orientation, HIV/AIDS etc.

Your complaint must be lodged in writing to the Headteacher or CEO as appropriate. It should give details including times, dates, places, possible witnesses as well as a description of the behaviour.

If the complaint is against the Headteacher, the complaint should be lodged in writing with the Chief Executive Officer; they will then be charged with dealing with the matter or in exceptional circumstances the Chair of Trustees can delegate to a relevant senior leader or Trustee. The complaint should give details including times, dates, places, possible witnesses as well as a description of the behaviour.

If the complaint is against governance or the Chief Executive Officer, the Chair of the Trustees will deal with the matter.

You will be contacted to arrange a meeting to discuss your complaint within a reasonable period of lodging the complaint.

For in-school concerns, the headteacher will organise a full investigation into your complaint.

Possible recommendations arising out of the investigation would be:

- the complaint should be redressed through an apology and/or an instruction to correct behaviour
- arrangements should be made for conciliation to take place between parties
- consideration may be given to placing the alleged harasser/bully on the redeployment list, if appropriate
- a disciplinary investigation should be convened to hear the case against the alleged harasser/bully. (Consideration will need to be given as to whether or not the case may be regarded as gross misconduct and therefore it may be necessary to suspend an employee or employees to allow the case to be investigated.)
- other appropriate action should be taken for example, dealing with the matter as a malicious complaint as detailed in the Malicious Complaints section of this document
- the complaint is unfounded and therefore there is no case to answer

The Headteacher will consider the findings and recommendations of the investigating team and take appropriate action. The headteacher will notify the CEO and involve Trust HR staff.

It is recommended that an investigation into a complaint is carried out as quickly as possible. However, it must be recognised that some cases will be more complex than others and they may take longer to investigate because of this. An investigation should be impartial and if necessary, the Trustees may wish to consider approaching an external HR agency for support with this.

If either the alleged harasser/bully or the complainant is not happy with the decision the Headteacher has made and/or the action they have taken following the investigation, then they may appeal to the Chair of the Trustees. In some circumstances, it may not be appropriate to report back to the complainant the actions taken by the Trust against the alleged harasser/bully.

At an appeal hearing the case will normally be presented by the person responsible for deciding on the outcome which is the subject of appeal. As part of their case they will explain the reasons for their decision/the decision of the committee. An appeal hearing will **NOT** be a re-hearing of the case, but a review of the decision made by the Headteacher/CEO

If either the alleged harasser/bully or the complainant is not happy with the way the investigating team carried out the investigation, they should lodge a grievance through the Grievance Procedure adopted by the school.

If the complaint involves a partnership organisation and its employees, the Trustees will seek full co-operation from the partner and will encourage the partner to deal with the matter in accordance with best practice and the principles of this policy.

If the partner refuses to co-operate, the investigation should still be carried out and the partner should be advised of the action that the Trustees wishes to take to safeguard the interests of the workforce and the school.

9. MALICIOUS COMPLAINTS

Following an investigation, it may become evident that a complaint has been made maliciously; in this event the complainant will be subject to disciplinary action. It must be stressed however that this is extremely rare, and it should not deter individuals from making genuine complaints of harassment and bullying as these will be dealt with sympathetically, with a view to a constructive outcome.

An unfounded or unproven complaint is not a malicious complaint.

10. CONFIDENTIALITY

Harassment and bullying is such a sensitive and controversial issue that everybody involved in a case in which harassment and bullying has been alleged must maintain the appropriate level of confidentiality.

An occasion when confidentiality may be breached is when an individual talks about a serious allegation of harassment but they do not wish to make a complaint. They should be made aware at the outset that discretion will be used to determine whether or not other individuals may potentially be at risk in the future from the alleged harasser/bully. If this is the case, the allegation will be reported because of the duty to protect individuals.

11. MONITORING

Headteachers and Governance will be responsible for monitoring the policy in their own schools in order to measure its effectiveness and to identify any improvements that can be made.

It should be noted however that the identity of individuals must not be disclosed in order to maintain confidentiality in accordance with the requirements of this policy.