

WORKPLACE AND WORK-RELATED BULLYING AND HARASSMENT

Flakefleet Primary School

(REVISED MAY 2015)

1. STATEMENT OF INTENT

- 1.1 This policy is concerned with the prevention of harassment and bullying in the workplace and related to work. It should be considered in conjunction with the model Bullying and Harassment Procedure. It aims to provide a remedy for unreasonable or unjustifiable behaviour. It also provides definitions of bullying and harassment, guidance on what is unacceptable behaviour and information about roles and responsibilities in dealing with bullying and harassment. It is not intended to inhibit reasonable and effective management of employees or prejudice the rights of individuals to take legal action.
- 1.2 This policy has been adopted and is published as part of the staffing policies of the Governing Body of Flakefleet Primary School
- 1.3 The Governing Body:
 - is committed to ensuring that all staff are treated with dignity and respect while at work.
 - is committed to creating an environment of positive working relationships. To establish and protect such an environment, policies and procedures have been established which enable staff to raise concerns and for these to be addressed.
 - will not permit or condone sexual, racial and other forms of harassment and bullying in the workplace and such behaviour will be regarded as a disciplinary matter, and will be dealt with in accordance with the school's disciplinary procedure.
 - will not tolerate intimidation, victimisation, retaliation or discrimination against an individual for bringing a complaint of harassment or bullying or assisting in any investigation whether or not the complaint is upheld. Where such action is alleged, the matter will be dealt with in the same way as an allegation of harassment or bullying.
- 1.4 Malicious complaints of harassment or bullying will not be condoned and will be regarded as a disciplinary offence and dealt with in accordance with the school's disciplinary procedure.
- 1.5 Genuine complaints of harassment and bullying will be dealt with sympathetically with a view to a constructive outcome.
- 1.6 Bullying and harassment are not necessarily face to face. They may also occur in written communications, emails or over the telephone.

2. DEFINITIONS OF HARASSMENT AND BULLYING

Defining what constitutes harassment and bullying can be difficult, as can the distinction between the two. Some helpful working definitions are set out below:

2.1 Harassment

2.1.1 Harassment is unwanted and unwarranted conduct affecting the dignity of men and women in the workplace, which is offensive to the person involved, causing him/her to feel threatened, humiliated or patronised. Harassment may be persistent or an isolated incident, intentional or unintentional, overt or covert, explicit or subtle. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient, rather than the intention of the alleged harasser.

2.1.2 Harassment can take many forms and can occur on the grounds of sex, race, sexual orientation, disability, real or perceived state of health, religion and belief, class, cultural or language differences, physical characteristics, personal beliefs, age (this list is not intended to be exhaustive).

2.1.3 Since the greatest number of cases relate to sexual or racial harassment, these are covered in greater detail.

2.1.4 **Sexual harassment** is unwanted conduct of a sexual nature or conduct based on sex/sexual orientation and affecting the dignity of men and women. It includes:

- physical conduct of a sexual nature, including unnecessary touching, patting, brushing against the other person, un-welcomed sexual advances and assault;
- verbal conduct of a sexual nature, such as propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendo, lewd comments, embarrassing and otherwise offensive jokes related to sex/sexual orientation.
- non-verbal conduct of a sexual nature such as the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling, making sexually suggestive gestures, offensive body language, "stalking" behaviour, offensive emails related to sex/sexual orientation.

2.1.5 The definition of harassment in relation to sex is slightly broader – an employee can claim harassment even if the harassment was not actually directed at them, e.g. where a female employee overhears a female colleague being verbally harassed and it violates their dignity.

2.1.6 **Racial harassment** is designed to intimidate, humiliate, ridicule or undermine the confidence of the person by reason of the person's race, colour, ethnic origin or national origin. It includes, but is not restricted to:

- ridiculing an individual because of cultural differences;
- expression of racist views, embarrassing or derogatory remarks, racist jokes and name calling;
- written abuse and the display of offensive material including graffiti and the wearing of emblems or insignia.

- deliberate physical and/or verbal abuse;
- differential treatment eg unfair work allocation, isolation or non-co-operation and exclusion from social activities.

2.2 Bullying

2.2.1 Bullying is a form of harassment and can arise through the persistent, intentional or conscious abuse or misuse of power or position, malicious or insulting behaviour that criticises unreasonably or unjustifiably; condemns, humiliates and undermines an individual's skills and ability such that he/she becomes fearful, his/her confidence lessens and belief in self is lost.

2.2.2 Bullying is offensive and intimidating and can derive from management relationships. Unacceptable peer pressure and the behaviour of a group towards an individual, whatever the hierarchical relationship, can also amount to bullying.

2.2.3 Whatever form(s) the bullying takes, it is unwarranted and unwelcome to the recipient.

2.2.4 Examples of bullying may include:-

- displays of rage at a colleague in public and/or in private;
- personal insults and name calling, including spreading malicious rumours;
- persistent unjust criticism and public humiliation;
- overbearing supervision or misuse of power or position, including setting objectives with impossible deadlines;
- removing areas of responsibility without consultation;
- constantly changing working guidelines;
- excessive and unreasonable supervision;
- unnecessary invoking of disciplinary or capability procedures;
- unreasonable allocation of additional workload;
- ignoring or excluding an individual, or talking only to a third party to isolate another;
- Making threats or comments about job security without foundation;
- Intentionally blocking promotion or training opportunities.

3. EFFECTS OF HARASSMENT AND BULLYING

3.1 Harassment and bullying can undermine job security, interfere with job performance and/or create a threatening or intimidating environment. They affect working conditions, health and safety and undermine equality at work.

3.2 Harassment and bullying undermine attempts to improve education provision for all pupils because they:-

- present an unacceptable model for pupils' own behaviour;
- cause increased incidence of stress-related illness amongst staff;
- lead to high levels of staff turnover in individual schools;
- demoralise all staff working in schools where their colleagues are bullied, leading to poor employee relations;
- affect the ability of individuals to carry out their duties;
- affect the reputation of the establishment.
- take the time and effort of managers to investigate

3.3 Many individuals are unwilling to make a complaint regarding harassment or bullying. This can be for a variety of reasons including:-

- fear of adversely affecting promotion prospects;
- fear that others will consider the behaviour trivial;
- fear of retaliation or public humiliation;
- fear that the allegations will not be taken seriously;
- concern that no action will be taken against the harasser/bully;
- unfamiliarity with the appropriate procedure to follow.

4. HARASSMENT, BULLYING AND THE LAW

4.1 Common Law

Employers can be sued for damages under common law where an employee suffers personal injury because of harassment or bullying carried out by another member of staff.

4.2 Equality Act 2010

This legislation makes it unlawful to harass or bully someone due to:

- their sex
- their race
- their sexual orientation or sexuality
- their religion or belief
- their disability
- their age – whether they are young or old

4.3 Trade Union and Labour Relations (Consolidation) Act 1992

This legislation makes it unlawful to harass or bully someone on grounds relating to their trade union membership or role within a trade union.

4.4 **Health and Safety at Work Act 1974**

Section 2 of the Act places a duty on all employers to ensure the emotional and physical health, safety and welfare of all employees and to create safe and healthy working systems. An employer who fails to take adequate steps to protect employees against harassment or bullying could be in breach of the Act. Such breaches are criminal offences.

4.5 **Public Order Act 1986**

This Act identifies a range of activities including intentional harassment (intentionally causing another individual to be harassed, alarmed or distressed by the use of threatening, abusive or insulting words or behaviour) which can be regarded as criminal offences.

4.6 **Criminal Justice and Public Order Act 1994**

This Act makes intentional harassment in the workplace a criminal offence punishable by law. Intentional harassment is causing another individual to be harassed, alarmed or distressed by the use of threatening, abusive or insulting language or behaviour.

4.7 **Employment Rights Act 1996**

Under the Act an employee may complain of constructive dismissal to an employment tribunal where harassment or bullying has caused him/her to leave his/her employment.

4.8 **The Protection from Harassment Act 1997**

This act also creates a criminal offence of harassment (a course of conduct of harassment "alarming the person or causing the person distress" involving at least two occasions of harassment).

4.9 **Human Rights Act 1998**

Article 8 provides for the right to respect for private life and in doing so creates positive obligations to protect individuals from verbal and physical abuse on grounds of, for example, sexual orientation.

5. **ROLES AND RESPONSIBILITIES IN DEALING WITH HARASSMENT AND BULLYING**

5.1 A good working environment in school is one where it is clear to all staff, pupils, parents and governors that behaviour which may potentially cause offence is not acceptable.

5.2 The **Governing Body** requires all governors and staff to maintain a high standard of conduct in relationships with colleagues and those who are under their direct authority.

5.3 All **employees** have a responsibility to help ensure a working environment in which the dignity of all employees is respected. It is the duty of all employees:

- to comply with this policy and to treat colleagues with respect and dignity;
- to be aware of problems which harassment or bullying can cause and by ensuring that their own conduct does not contribute to incidents of harassment or bullying;
- to challenge by making others aware that certain conduct or behaviour is causing concern or offence to either themselves or a colleague;
- to provide support to a colleague who is being harassed or bullied;
- to ensure that complaints are dealt with in confidence, treated sensitively, seriously and where appropriate as a disciplinary matter.

5.4 The **Governing Body** and **Management of the School** will further assist by:

- ensuring that the ethos and staff welfare arrangements in the school are such that an individual who is complaining of harassment or bullying feels able to turn to colleagues for support;
- ensuring that everyone is aware of the formal procedures for dealing with harassment and bullying;
- ensuring that the school has a procedure for dealing with incidents of harassment by pupils;
- ensuring that suitable training is given on all aspects of the policy that can ensure its effective implementation;
- ensuring that all investigations are carried out in a fair and consistent manner. Provide training to staff who may be asked to investigate a complaint.

5.6 This policy requires all governors and staff to act positively to eliminate any harassment or bullying in the workplace of which they are aware. Harassment or bullying of any kind should not be dismissed by either governors or staff as trivial or insignificant, as a matter of interest only to a minority, or as action that can be excused as fun or a joke.

5.7 **Role of investigating officer**

5.7.1 The role of the investigating officer is to:

- ensure that complaints of bullying and harassment are investigated thoroughly, in an open and transparent way, in accordance with the contents of the Complaint Form;
- prepare a report following the investigation into the complaint for consideration by the Headteacher or Chair of Governors (where the complaint relates to the actions of the Headteacher);
- attend subsequent hearings as a witness in relation to the investigation process and conclusions e.g. disciplinary hearing.

5.8 Role of the trade union representative

5.8.1 The role of the trade union representative is to:

- provide advice, guidance and assistance to their member in relation to the presentation of a complaint or defence of one;
- attend any meetings held under this procedure if required.

5.9 The role of the Local Authority

5.9.1 The Local Authority is responsible for:

- the production and review of this policy and its commendation to delegated schools;
- ensuring that the contents of the policy have been consulted on with the relevant professional associations.
- ensuring that the policy is made available to all schools/governing bodies
- providing training and offering further advice and guidance on the contents of the policy as required.

6. CONFIDENTIALITY

6.1 Harassment and bullying are sensitive and controversial issues and everybody involved in a case in which harassment and/or bullying has been alleged must maintain the appropriate level of confidentiality. The exception will be where other individuals are potentially at risk from the behaviour of the alleged harasser/bully.

7. MONITORING

7.1 The Governing Body and the Headteacher will monitor the operation of the policy by considering an annual report on the policy in order to measure its effectiveness and to identify any improvements that can be made.

7.2 The identity of individuals will not be disclosed in accordance with the requirements of the policy.

8. REVIEW

8.1 This policy statement will be reviewed after one year of operation and thereafter as required.