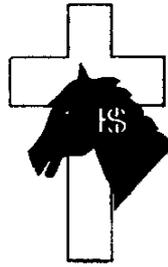


HORSINGTON CHURCH OF ENGLAND PRIMARY SCHOOL



BULLYING AND HARASSMENT POLICY

1. POLICY STATEMENT

Fair treatment and personal dignity is an essential standard for all employees. This policy aims to prevent harassment or bullying in this school and learning community by underlining the serious view that the Governing Body takes of such actions, increasing awareness of what actions may constitute harassment or bullying, and outlining the steps that will be taken in the event of a complaint being made.

2. INTRODUCTION

- 2.1 This school will not knowingly discriminate (directly or indirectly) against anyone because of their race, colour, nationality, ethnic or national origins, religion, sex or sexuality, disability, age, marital status, domestic responsibilities, political or trade union activity. (These are only examples, other forms of discrimination will be avoided also). It will also try to eliminate the risk of unintentional discrimination in the way it provides information and services. To achieve this aim, the Governors in partnership with the headteacher and senior management team seeks to create a working environment which encourages high performance, understanding, trust and co-operation between individuals, teams and services. This Policy reinforces the Governors' commitment to secure equality of opportunity across all its activities.
- 2.2 An essential part of encouraging trust and co-operation is to ensure that staff and all adult members of this learning community including parents, voluntary workers and individuals given authority to provide a service on the school's behalf are treated with dignity and respect. Harassment or bullying at work is not permitted or condoned by the Governing Body, and may result in disciplinary action, which could lead to dismissal in the case of an employee. Such behaviour may also contravene the law.
- 2.3 All staff and voluntary workers have a right to complain about harassment for whatever reason or bullying (including cyberbullying) and to expect that every complaint will be fully investigated, and to be confident that they will be protected against victimisation or retaliation for bringing a complaint.

3. RESPONSIBILITY

- 3.1 The Governing Body has a responsibility to implement this policy by being responsive and supportive to any member of staff or voluntary worker who complains directly to them about experiencing bullying and harassment. A member of the Governing Body designated to act as first point of contact should be a supportive listener, treat information with confidentiality and give names of further contacts for specific advice.
- 3.2 The Headteacher and Senior Management Team has a particular responsibility to implement this policy by creating a supportive working environment, providing relevant training, for ensuring that all staff and voluntary workers have an awareness of the policy and taking corrective action to ensure compliance with it. The headteacher or any teacher with a management responsibility should be responsive and supportive to any member of staff or voluntary worker who complains of harassment or bullying, be aware of the potential for harassment by third parties (see paragraph 4.2), provide clear advice on the procedure to be followed, maintain appropriate confidentiality and ensure that there are no further problems of harassment or any victimisation after a complaint has been resolved.
- 3.3 Staff and adult members of the community have a responsibility to comply with this policy and to treat all their colleagues and voluntary workers with dignity and respect. Staff should where possible make it clear that they find harassment or bullying behaviour unacceptable, and report it as appropriate.
- 3.4 Trade Unions and Professional Associations play an important role in achieving the stated objective of the policy, in assisting individuals who have allegedly been harassed or bullied, or in representing and supporting the alleged harasser or bully. The Governing Body welcomes the clearly stated support for this policy and procedure from the recognised trade unions and professional associations.

4. DEFINITIONS

- 4.1 Harassment could be due to a number of reasons. The following provides examples of the most common types of harassment.
 - 4.1.1 Sexual Harassment is unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women. It can include:

Physical conduct of a sexual nature such as unwanted physical contact, including unnecessary touching, patting, pinching or brushing against another person's body, assault, or coercing or attempting to coerce sexual intercourse.

Verbal or written (including texts or E Mail) communication of a sexual nature such as unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the school working environment after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments.

Non-verbal conduct of a sexual nature such as the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling, or making sexually suggestive gestures.

Gender Harassment is an act designed to intimidate, humiliate, ridicule or undermine the confidence of a person by reason of the person's gender or sexual orientation. It often involves the use of gendered language or language which refers to sexual orientation as terms of abuse. It can include:

- Ridiculing an individual because of physical differences, the way they present their masculinity or femininity, in terms of dress or attitude;
- Embarrassing or derogatory remarks, jokes and name calling about gender or sexual orientation;
- Written abuse and the display of offensive material;
- Deliberate physical and/or verbal abuse;
- Differential treatment, for example, unfair allocation of work, training opportunities;
- Making stereotype assumptions about colleagues or members of the public based on their gender or sexual orientation;
- Discouraging lesbian, gay or particular employees by virtue of their gender from taking up opportunities for advancement. Or encouraging those groups to take up limited opportunities.

4.1.3 Racial Harassment is an act designed to intimidate, humiliate, ridicule or undermine the confidence of a person by reason of the person's race, colour, nationality or nation, ethnic origin, or religion. It can include:

- Ridiculing an individual because of cultural or physical differences;
- Embarrassing or derogatory remarks, racist jokes and name calling;
- Written abuse and the display of offensive material;
- Deliberate physical and/or verbal abuse;
- Differential treatment, for example, unfair allocation of work, training opportunities;
- Making stereotype assumptions about colleagues or members of the public based on their race;
- Discouraging ethnic minority employees from taking up opportunities for advancement.

4.1.4 Disability Harassment is any unwanted act directed at a person who has a disability and which happens because of their disability, which is evident by physical or behavioural differences. It can include:

- Harassment and bullying in the broad sense;
- Mimicking the particular disability;
- Jokes about disability and disabled people;
- Deliberate exclusion from conversation or social activities;
- Unacceptable forms of patronising and belittling.

4.1.5 Bullying is about intimidation - both in public and in private (verbal or written). It is designed to humiliate and demean the individual, gradually eroding their sense of self-worth. The following list of behaviours, which usually occur over a period of time, have been recognised as constituting bullying:

- Destructive innuendo and sarcasm;
- Unreasonable use of discipline/competence procedures;
- Aggression, including threats, shouting abuse and obscenities;
- Removing responsibilities without consultation;
- Deliberate ignoring and excluding;
- Constant undervaluing of a member of staff's efforts;
- Setting a member of staff up to fail, for example, giving responsibilities outside experience or constantly shifting objectives;
- Unreasonable refusal of requests, for example, leave, training or promotion;
- Continuous berating/reprimanding an individual in the presence of others;
- Insulting and uncooperative attitude.

Bullying does not always derive from supervisor/staff relationships; unacceptable peer pressure can also amount to bullying.

4.2 Where the Senior Management Team becomes aware of the potential for harassment to occur through a third party and where this could reasonably be prevented or reduced by the application of good employment practice, all such steps should be taken.

4.3 Harassment or bullying can be unintentional. However, the Governors will determine what constitutes harassment by the deed itself and the impact on the member of staff, regardless of intent.

5. EFFECTS OF HARASSMENT AND BULLYING

5.1 The signs of harassment and bullying in the school workplace can include rapid staff turnover; rising sickness and absenteeism rates; otherwise inexplicable decline in effectiveness, lack of motivation; low morale; loss of respect for management.

5.2 The effect on individuals can include a range of physical and/or emotional symptoms such as sleep problems, depression, physical sickness, digestive and/or nervous disorders, severe weight gain or loss, excessive drinking or smoking, difficulty in concentrating, unstable emotions, or reduced motivation. People who are being harassed or bullied can also lose confidence in themselves and their abilities.

6. THE LEGAL FRAMEWORK

6.1 Harassment and bullying at work are illegal on a number of grounds. If insufficient steps are taken to protect staff against harassment or bullying, the Governing Body could face claims for compensation and even criminal prosecution.

6.2 If members of the Governing Body are involved, the LEA would have a statutory responsibility to take steps to protect staff and in turn could face claims for compensation if it did not do so.

The key guiding legislation is as follows:

- a. *Sex Discrimination Act 1975 and Race Relations Act 1976*
Where there is a sexual or racial element to unwanted behaviour the Governing Body could be held to be liable for the actions of the member of staff even if there was no awareness of those actions by the staff.
- b. *Health and Safety at Work Act 1974*
Employers are required to ensure the emotional and physical health of all employees. Employers who fail to take adequate steps to protect employees against bullying behaviour or harassment by other employees could be in breach of the Health and Safety at Work Act.
- c. *Employment Rights Act 1996 & Employment Relations Act 1999*
An employee may complain to an Employment Tribunal of constructive dismissal where workplace bullying or harassment has led him/her to resign.
- d. *Criminal Justice and Public Order Act 1994*
Intentional harassment in the school is a criminal offence punishable by law. The offence is committed if a person, in speech or in writing, uses threatening, abusive or insulting language or behaviour, or disorderly behaviour "with intent to cause a person harassment, alarm or distress".
Disability Discrimination Act 1995
- e. *The Public Interest Disclosure Act 1998*
The purpose of this Act is to protect individuals who make certain disclosures of information in the public interest. Forming part of the Employment Rights Act 1996, it provides a worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'.

It is unlawful to victimise disabled people who make use of, or try to make use of, their rights under the Act. People who help disabled people complain about discrimination are also protected. The Council could be held liable for bullying or harassment of a disabled person, unless reasonable steps have been taken to prevent such behaviour.

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SECTION 24 - APPENDIX A

PROCEDURE FOR DEALING WITH HARASSMENT OR BULLYING

1. INTRODUCTION

- 1.1 Any member of staff or voluntary worker who feels that he/she has been harassed or bullied should feel confident that any allegations will be taken seriously, and investigated in confidence. It is important that a written record is kept of any incidents of harassment or bullying in case of the need for subsequent action. A complaint can be pursued through informal or formal procedures, dependent upon the degree of perceived seriousness of the harassment or bullying.
- 1.2 In order to help the person assess the seriousness of the incident(s), and to guide the individual to take the most appropriate action, there are a range of people at all levels throughout the county to act as Listeners. The Listeners are fully trained staff volunteers who are accessible in the first instance by telephone, but where necessary, can arrange face-to-face meetings. The Listeners are supported by personnel advisers within the LEA if they wish to discuss a case and all their work is carried out with confidentiality. Information on the "Listeners" and how to contact them is contained in the Somerset Education Directory and/or displayed on Staff Notice Boards or on the Intranet. Alternatively, staff may contact their Headteacher or Deputy Headteacher, Education Personnel Adviser or Trade Union representative for advice and guidance.
- 1.3 Voluntary workers should contact the Deputy or Headteacher in the first instance. If the Headteacher is involved they should contact the member of the Governing Body designated to offer support and advice.

2. INFORMAL PROCEDURE

- 2.1 In the first instance, the complainant should directly approach the person who has been harassing or bullying him/her, either alone or with a colleague, appropriate manager (eg. HOD, coordinator, deputy or the headteacher), a Listener or a Trade Union representative. This contact could be face-to-face or in writing, with the purpose of making it clear that the behaviour is unwelcome and must be stopped. If agreement cannot be reached or the unwelcome behaviour continues, it may be necessary to move to the formal procedure.
- 2.2 Even if the case goes no further, the complainant should keep a personal record of the details of the alleged harassment or bullying and the meeting with the individual. No information will be placed on the employee's personal file.
- 2.3 If the individual member of staff anticipates that this will be too stressful, then any of the individuals identified at paragraph 2.1 can make the approach on the complainant's behalf.

- 2.4 The decision as to how the case should be pursued should rest solely with the person being harassed or bullied. He/she must not feel pressurised to dispense with the matter informally. The individual could also refer the issue directly to the police.
- 2.5 The informal procedure must not be used in the event of a serious violent attack, as potentially a criminal act has taken place.

3. FORMAL PROCEDURE

- 3.1 Following the formal procedure is vital when the case is particularly serious; criminal prosecution may result; or when informal procedures have failed to resolve the problem.
- 3.2 A formal complaint should be lodged, preferably in writing, with the line manager or Headteacher. If these managers are the subject of the complaint, a member of the governing body should be approached.
- 3.3 There must be a thorough and prompt investigation, with regard to the rights of both parties. This should be carried out by the individual's Headteacher/ designated deputy or senior teacher or the LEA personnel adviser. However, if the Head is connected with the allegation, the Governing Body should either appoint a member of the body to carry out the investigation or should commission a representative from Education Personnel to do so. If the governing body were to carry out the investigation they would be strongly advised to do so with the support of Education Personnel.
- 3.4 The purpose of the investigation will be to determine whether the complainant has been treated in the manner claimed and whether that treatment was aimed specifically at him/her, and whether it has put that person at a real disadvantage. For example, the type of psychological and physical effects referred to in the Policy at Section 5 would constitute a disadvantage.
- 3.5 The alleged harasser or bully should be clear about the nature of the complaint and must be given the right and the time to respond. If any holding measures have been taken, such as transfer or suspension, the person should be clear of the reason for these.
- 3.6 Support and representation should be available for the complainant and the alleged harasser, and both parties should understand what will happen during the procedure. All parties must be kept informed of developments and the timescale for completion of the investigation, which should normally take no longer than 4 weeks.

Interviews should be conducted with all relevant parties, and witnesses if appropriate. Prior to the commencement of the investigation the Investigatory Officer should give both parties (or their representatives) the opportunity to discuss the investigation process, and particular issues to be questioned. The investigatory interview should focus solely on the facts of the complaint. A signed written record of each interview should be maintained.

- 3.8 The Investigatory Officer will produce a summary report of the Witness Statements and key findings and will discuss the findings with both parties and/or representatives. Should any of the parties require further questions to be answered, this will be undertaken by the Investigatory Officer.
- 3.9 If the investigation shows that there is a case of harassment or bullying, a hearing should normally be arranged under the School's Disciplinary and Appeals Procedure. The action taken will take into account the severity of the behaviour and the effects on the complainant, together with the attitude of the alleged harasser or bully. Action could include:
- some form of disciplinary action (including dismissal for gross misconduct), and/or,
 - an undertaking by the individual that the unwelcome behaviour will stop;
 - an apology and/or an agreement to take part in awareness training;
 - relocating the employee (although the complainant should be given first choice).
- 3.10 If the investigation shows that there is no case of harassment or bullying, both parties should be provided with a full explanation. Consideration to a voluntary transfer should be given by either party.
- 3.11 Where a transfer is not reasonable or practicable, management needs to give careful consideration to the efforts needed to bring about a reintegration and reconciliation of the parties in the workplace. This may include sensitive management supervision and guidance, professional counselling on an individual and/or group basis, participation in a team building exercise or other forms of training, eg, assertiveness, stress management.
- 3.12 If the complainant is dissatisfied with the outcome of the investigation or feels that it has not been taken sufficiently seriously, he/she has the right to *seek reconsideration of that outcome. The complainant should be given the opportunity to make representations to the Governors Personnel Committee and has the right to be accompanied at that meeting by a work colleague or trade union representative (Step 2 of the Grievance Procedure).*

The meeting will be arranged and conducted in accordance with the Appeals Procedure set out in Schedule 16 (Disciplinary and Appeals Procedure) of the Personnel Manual. The employee should be informed of the decision of the Personnel Committee in writing and informed of the right of appeal. If the employee decides to appeal, he/she should inform the Clerk to the Governing Body, in writing, within 10 working days of the receipt of the decision, stating the grounds for the appeal.

Any appeal against the decision will be heard by the Governors Appeal Committee (Step 3 of the Grievance Procedure) and will be arranged and conducted in accordance with the Section 16 Appeals Procedure.

The complainant does not have a right of appeal against any decision affecting the alleged harasser or bully following a disciplinary hearing.

- 3.13 If it is found that the allegation was malicious or fabricated, the person who brought the case will be dealt with under the School's Disciplinary and Appeals Procedure.
- 3.14 If the complainant was absent from work due to the effects of harassment or bullying which is proven as a result of the investigation, no absence shall be recorded against the employees' entitlement to occupational sick pay.
- 3.15 It is essential that all those individuals involved in the investigation maintain absolute confidentiality.

4. MONITORING AND REVIEW

- 4.1 On-going monitoring of each harassment or bullying case by management is essential to check that the unwanted behaviour has stopped, and to ensure that there is no victimisation.
- 4.2 The Governing Body will oversee and monitor the effectiveness of the policy and its implementation with the support of the Headteacher.
- 4.3 The Headteacher will monitor the effectiveness of communication of the policy, the procedure for dealing with complaints and that appropriate support is provided to complainants.
- 4.4 Any complaints of harassment and bullying must be reported to the ~~LEA~~**LA** Personnel Adviser (Equal Opportunities) by the Headteacher or Governing Body in order to identify any particular problem areas, and to enable regular audits to ensure that the policy and procedure are effective and consistently applied.
- 4.5 The policy and procedure will be regularly reviewed jointly with the Trade Unions one year after implementation, and may be subject to amendment as a result. This may be carried out within the school or by the LEA on behalf of individual Schools.