

	<p style="text-align: center;">Anti-harassment & Bullying Policy for Staff</p> <p>Updated: 01-20 Prepared by: JUH</p> <p style="text-align: right;">Next Review: 01-21 Authorised by: SHCC</p>
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This Policy applies throughout the School from the EYFS to Year 6.

Principles

As part of its overall equal opportunities policy, the School is committed to ensuring that all members of staff are treated, and treat others, with dignity and respect at work, irrespective of age, disability, gender reassignment, marital or civil partnership status, pregnancy and maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation ('protected characteristics').

The School is committed to providing a caring, friendly and safe working environment that is free from harassment and bullying. Staff should not engage in any behavior or conduct which may amount to harassment of another person at work. Harassment of any kind is regarded as a disciplinary offence and in serious cases may lead to instant dismissal

Aims

This Policy covers harassment or bullying which occurs at work and out of the workplace, for example on School educational visits, or at work-related events or social functions. It covers bullying and harassment by staff (which may include volunteers, consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises. It aims to provide a means of challenging unreasonable or unjustifiable behaviour and is not intended to inhibit reasonable and effective management of staff.

This Policy does not form part of any employee's contract of employment and the School may amend it at any time.

As part of the School's commitment to creating an environment of positive working relationships, the School has policies and procedures, for example our Grievance Procedure, (see Appendix), which enable staff to raise concerns and allow these to be addressed.

What is harassment

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to a protected characteristic. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- Unwanted physical conduct or 'horseplay', including touching, pinching, pushing and grabbing
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Offensive emails, text messages or social media content
- Mocking, mimicking or belittling a person's disability

A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

What is bullying?

Bullying is characterised as a persistent **pattern** of offensive, aggressive, intimidating, malicious or insulting behaviour involving the abuse or misuse of power through means that can make a person feel vulnerable, upset, humiliated, undermined, threatened, denigrated or injured. Power does not always mean being in a position of authority, but can include physical strength and the power to coerce through fear or intimidation. Unacceptable peer pressure can also amount to bullying.

Commented [SCC1]: We have added "persistent pattern". Does this have to be the case? Could not even a single event constitute bullying?

Bullying can take the form of physical, verbal and non-verbal conduct. Examples of bullying include:

- Physical or psychological threats
- Displays of rage at a colleague in public and/or in private
- Personal insults and name-calling
- Persistent unjust criticism and public humiliation
- Setting objectives with impossible deadlines
- Removing areas of responsibility and inflicting menial tasks instead
- Ignoring or excluding an individual, or talking only to a third party to isolate another
- Spreading malicious rumours
- Insulting someone
- Copying critical memos or emails about someone to others who do not need to know
- Ridiculing or demeaning someone
- Exclusion
- Victimisation
- Unfair treatment
- Overbearing supervision
- Unwelcome sexual advances
- Touching or standing too close
- Displaying offensive materials
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overlooking and constant criticism

- Preventing individuals progressing by intentionally blocking promotion or training opportunities

Bullying can take other forms. For example, what may emerge as a concern initially categorised as 'harassment', 'intimidation' or 'aggressive management' may, upon investigation, be considered to be a case of bullying.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

Effects of harassment and bullying

A person who is subject to harassment or bullying may suffer from physical and/or emotional symptoms, e.g. disturbed sleep, feeling sick, sweating, shaking, depression and loss of confidence and motivation. Additionally, they can suffer in other ways, e.g. loss of training and development opportunities, and missed promotion opportunities.

If you are being harassed or bullied

In formal procedure

Staff who are being harassed or bullied should consider whether they feel able to raise the problem informally with the person responsible. Staff are encouraged to make clear to the person who is harassing or bullying them that the behaviour is unwelcome and makes them feel uncomfortable.

If this is not appropriate, has not been successful, or the individual feels unable to do this, staff should approach a senior member of staff, e.g. their Subject Co-ordinator, Head of Section or line manager or, if appropriate (e.g. if that person is the one causing the concerns), another senior member of staff. The senior member of staff handling the complaint of harassment or bullying is likely, in the first instance, to discuss the complaint in formally with the alleged perpetrator. This discussion should take place without delay after the complaint has been made.

In some circumstances, confidential informal advice from persons nominated for this purpose by the School, e.g. a member of the Senior Leadership Team or Senior Management Team, a Governor or the staff member's trade union or professional association, may help a member of staff who is unsure of how best to proceed. If the person causing the concerns is the Headteacher, staff should seek advice from the nominated Governor for Safeguarding, their trade union or professional association.

Staff may find it helpful to keep records of incidents of behaviour, which they consider to be harassment or bullying, noting the date and time of the incident and details of any witnesses. Such records can be helpful in describing the problem and may also be used if any formal action is subsequently taken. It is not expected, however, that such records would be kept for extended periods without the complainant's concerns being raised through the procedure described in this section.

Formal procedure

If formal steps are not appropriate, or have not been successful, staff should raise the matter formally under the School's Grievance Procedure (see Appendix).

The School undertakes that any allegations of harassment or bullying will be considered seriously, and will be investigated in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a 'need to know' basis. Lack of confidentiality can harm both the complainant and also the person accused.

The School will consider whether any steps are necessary to manage the ongoing relationship between the member of staff and the person accused during the investigation. Relocation within the School may be considered and, if it is feasible, every effort will be made to relocate the harasser or bully and not the victim, subject to consultation with all parties. Suspension of the harasser or bully may be considered.

Staff who feel they have been harassed or bullied or who have been the subject of allegations will be given access to support, e.g. counselling, if this is appropriate.

If, after an investigation (which may include medical enquiries), a period of absence is attributed to proven harassment or bullying at work, no absence shall be recorded against the entitlement to occupational sick pay.

Once the investigation is complete, the School will inform the complainant of its decision. If the School considers the complainant has been harassed or bullied by an employee or other member of staff the matter will be dealt with under the School's disciplinary procedures as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a parent or visitor, the School will consider what action would be appropriate to deal with the problem. Whether or not the complaint is upheld the School will consider how best to manage any ongoing working relationship between the complainant and the person concerned.

Protection and support for those involved

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the School's disciplinary procedures. The School will seek to ensure that no-one is penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped. Any member of staff who believes they have suffered any such treatment should inform a senior member of staff, e.g. their Subject Coordinator, Head of Section or line manager. If the matter is not remedied they should raise it formally using the School's Grievance Procedure (see Appendix)

Responsibilities of staff (including complainants)

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

This Policy must not be used as a defence against reasonable management behaviour, e.g. action under the School's disciplinary procedures. Such procedures may be suspended where a complaint of harassment or bullying is made.

This Policy further requires all staff to act to eliminate any harassment or bullying in the workplace of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of their position.

False or malicious allegations

Making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under the School's disciplinary procedures.

Record keeping

Information about a complaint by or about a member of staff may be placed on the member of staff's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be proceeds in accordance with our Data Protection Policy for Staff.

Linked Policies

- Absence Policy
- Capability and Disciplinary Procedure
- Capability and Disciplinary Procedure for Employees on Probation
- Data Protection Policy for Staff
- Equal Opportunities Policy for Employees
- Grievance Procedure
- Social Media Policy
- Stress Management Policy
- Whistleblowing Policy and Procedure

Commented [SCC2]: Add code of conduct?

APPENDIX – GRIEVANCE PROCEDURE

Introduction

A grievance is any concern, problem or complaint that an employee has in relation to their employment.

Should an employee at any time have a grievance connected with their employment it will be the School's intention to consider and resolve it at the earliest opportunity and to the satisfaction of all concerned wherever possible.

This grievance procedure is not contractual but applies to all employees who should familiarise themselves with its provisions. It should be regarded as a guideline only and may be adapted in any particular case to suit the circumstances. In particular, while all stages of this grievance procedure will be dealt with without unreasonable delay, the time limits and processes referred to may be varied. Furthermore, this grievance procedure may be amended by the School from time to time as it considers appropriate.

Where possible, an employee should try to settle any grievance informally with a senior member of staff at the earliest opportunity. Where any grievance cannot be resolved informally, the steps contained in the formal procedure set out below should be followed.

Employee responsibilities

Employees have a responsibility to raise any grievances promptly and reasonably, to assist the School, if required, in any investigation of the matters raised in a grievance, to follow this Grievance Procedure and to attend all meetings arranged under it.

Employees may raise grievances either informally or formally. If a grievance is raised informally first, the grievance may still be raised formally subsequently if it is not resolved to the employee's satisfaction.

The School aims to deal with all grievances promptly and impartially, and to make all reasonable efforts to achieve a satisfactory outcome.

Employees have the right to appeal against a decision the School makes in respect of a grievance raised. In these cases, the grievance appeal will be dealt with by representatives of the Governing Body.

The decision at the appeal stage is final and there is no further right of appeal.

Procedure

1. Dealing with grievances informally

If an employee has any grievance, they should discuss this with a senior member of staff in the first instance, who will then attempt to resolve the situation on an informal basis.

If attempts to resolve the matter informally do not work, it may be appropriate for an employee to raise a formal grievance under the following formal procedure.

2. Right to be accompanied at grievance meetings and appeal meetings

At all formal stages of this procedure, an employee is entitled to be accompanied by a fellow employee or by a trade union official.

Should a member of staff wish to be accompanied, they must advise the name of their chosen companion to the Bursar as soon as possible and in advance of any meeting.

3. Formal procedure

The School will make all reasonable efforts to deal with formal grievances in a fair and consistent manner. While the School will make every effort to settle any grievance within the time limits detailed in this procedure, this may not be possible on some occasions.

Employees must set out the nature of the grievance, and the full particulars of it, in writing. The written grievance should be submitted to a senior member of staff in the first instance. If the grievance is against the employee's line manager, the employee should submit it to another manager or a more senior member of the School.

4. Attending the grievance meeting

The employee will be invited to a meeting to discuss the grievance, normally within five working days of the School receiving their grievance. All reasonable steps must be taken to attend this meeting.

Prior to the meeting, the employee should ensure that they are fully prepared to present their grievance, share any supporting evidence and answer any questions relating to the incident/circumstances in question.

5. Notification of the outcome

After the grievance meeting, an appropriate period of time may be taken to allow for any further investigation and/or the consideration of all the facts before a decision is reached. The School will then, normally, inform the employee in writing of its decision regarding the raised grievance without unreasonable delay. The letter will also explain their right to appeal against any decision taken.

6. Appeals against grievance outcomes

If the employee is dissatisfied with a decision made regarding a grievance they have raised, they have the right of appeal. The appeal must be made in writing addressed to the Bursar, stating the reasons for the appeal, to the individual identified in the decision letter.

This should be submitted no later than the end of the fifth working day after the employee received written notification. The first of these five working days is the day on which the employee received written confirmation of the decision.

The appeal will be heard by a panel of three Governors to be appointed by the Chair of Governors (the Grievance Panel).

7. The appeal meeting

The Grievance Panel will send a written invitation to the employee to attend an appeal meeting. This will be arranged and held as quickly as possible, normally within five days. The employee will be given an opportunity to state their case.

The employee must take all reasonable steps to attend this meeting. If the employee feels that they have a legitimate reason as to why they cannot attend the meeting on the proposed date, they must contact the person named on the invitation letter to inform them of this fact immediately. The meeting may then be delayed to facilitate their attendance, if this is considered reasonable.

The Grievance Panel will advise the employee of the decision after the appeal meeting which will be final and binding.