

Staploe Education Trust

Excellence through partnership



Bullying and Harassment Policy

Version:	2.0
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Approved by:	Infrastructure Committee
Date:	Autumn 2019
Review date:	Autumn 2022

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Introduction

Staploe Education Trust is committed to providing a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

The purpose of this policy is to ensure that complaints of bullying or harassment are dealt with promptly, fairly and consistently, that unwanted behaviour ceases, and that effective solutions are found, whilst maintaining all parties' rights.

Bullying and harassment can have serious consequences, including a detrimental effect on the health and wellbeing of an employee, undermining good working relationships, affect staff morale and reduce overall effectiveness in a working environment. As a result, it could increase turnover of staff, legal claims and cause damage to the Trust's reputation. An employer has a legal duty to provide a safe working environment for its employees.

The Trust will take allegations of bullying and harassment seriously and address them promptly and confidentially where possible. Bullying and harassment by an employee will be treated as misconduct under the Trust Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.

This policy does not form part of any employee's contract of employment and can be amended at any time or can be departed from where it is considered appropriate.

Scope

This policy sets out the types of behaviours that are unacceptable and covers bullying and harassment both in and out of the workplace such as on school trips, at school events or work related social functions. It covers bullying and harassment by staff and also by third parties such as suppliers or visitors to any of our schools.

This policy applies to all employees of the Trust, casual and agency staff and volunteers (collectively referred to as staff in this policy), Members, Trustees, Advisory Body Members and contractors.

This policy does not apply to students or parents/carers who consider they have been the subject of bullying and harassment by Trust employees; where separate complaints procedures apply.

Employees may make a complaint under this policy or the grievance policy but not both policies.

Confidentiality

The material involved in a complaint of bullying or harassment is of a sensitive nature. All parties involved in these procedures, including the complainant, the person responding, and any witnesses, have a right to expect that the information which they provide will be treated in confidence by all parties.

Details should normally only be disclosed to those who have a role within the procedure, or for the purposes of seeking professional advice, and for legitimate purposes to expedite the procedure.

Any written instruction to an employee, or the outcome of any subsequent disciplinary proceedings associated with a complaint of bullying or harassment will normally be kept on the personal file of the employee receiving the instruction or warning.

Minutes of the proceedings of any committee of the Trust will usually be confidential to members of the committee, although the decision and outcome of the committee's deliberations will normally be reported to the delegated committee of the Trust. Other records, complaints, statements etc. collected during the process of investigation and assessment of the complaint will be held securely.

Exclusions

This policy is not intended to preclude the exercise of normal management functions, nor the issuing of reasonable and lawful instructions in an appropriate manner.

The procedure does not apply to authorised investigations into the conduct or capability of employees (including attendance and/or health), nor to the proper application of disciplinary, capability or similar procedures. Complaints about the conduct of such investigations and/or procedures should be raised through the appropriate appeals process or grievance procedure.

Roles and Responsibilities

All employees are reminded that they are expected to observe the highest standards of behavior towards all members of the Trust community and that bullying or harassment of others may be regarded as a disciplinary offence.

This includes the victimisation of an employee who has made a complaint of bullying or harassment, or an employee who gives evidence in good faith about a matter under investigation.

Where an employee has raised a complaint of bullying or harassment it must be recognised that this is likely to be a very stressful time for the employee concerned and the Trust must be mindful of this and consider what support it may be necessary to provide. The same support should also be offered to alleged perpetrators who are being called upon to respond to such allegations.

Protected Characteristics

Employees can be subject to bullying and harassment on a wide variety of grounds, though those listed below are regarded as “Protected Characteristics” under the Equality Act 2010; which means that it is against the law to discriminate against someone because of a protected characteristic;

- age;
- disability
- gender;
- gender reassignment;
- sexual orientation;
- marital or civilly partnered status;
- pregnancy and maternity;
- race;
- religion or belief;

Employees need not possess the relevant characteristic themselves, it can be because of their association with a person who has a protected characteristic or because they are wrongly perceived to have one or treated as if they do.

The Equality Act 2010 uses a single definition of harassment to cover the relevant protected characteristics. Employees can make a complaint of behavior that they find offensive even if it is not directed at them.

Definitions of Bullying and Harassment

Examples and definitions of what is considered as either bullying or harassment is detailed within the following text, although those making a complaint will usually define what they mean by bullying or harassment as something that has occurred involving them personally that is unwelcome, unwarranted and causes a detrimental effect.

Should an employee make a complaint then they have a grievance; which must be dealt with regardless of any standard definitions.

Bullying may be characterised as offensive, intimidating, malicious or insulting behavior, an abusive or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. It can be directed at an individual or group.

Harassment is defined in the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The impact on the individual can be the same and the words bullying and harassment are often used interchangeably in the workplace.

Bullying and harassment is the display of unacceptable behaviors within our organisation and may be displayed in one or more of the following ways by the perpetrator;

- Spreading malicious rumors or insulting someone by word or behavior;
- Ridiculing or demeaning someone- picking on them or setting them up to fail;
- Unfair treatment;
- Exclusion or victimisation;
- Overbearing supervision or other misuse of power or position;
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favors, 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 or constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities;

It is the pattern of such events that determines if bullying or harassment is taking place. Any one of these examples may occur in isolation and can be 'out of character' for the person who perpetrates it. A bully or harasser, however, will consistently use one or more of the above methods to intimidate the victim.

Bullying and harassment is not necessarily face to face, it may occur through written communication, visual images, email, phone and automatic supervision methods such as computer recording of downtime from work or recording telephone conversations – if these are not universally applied to all workers.

Bullying and harassment can often be hard to recognise, symptoms may not be obvious to others and may be insidious. Those on the receiving end may think that perhaps it is normal behavior within this organisation. They may be anxious that others will consider them weak, or not up to the job if they find the actions of others intimidating.

They may be accused of overreacting and worry that they won't be believed if they do report incidents. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the "last straw" following a series of incidents. There is often fear of retribution if they do make a complaint. Equally colleagues may be reluctant to come forward as witnesses, as they too fear consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

Informal Process

Those who are being bullied or harassed 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 member of the Trust community has personal rights and this includes being made aware that their behavior is perceived by another as bullying or harassing. It is possible that the “perpetrator” simply does not realise the effect of their behavior on the recipient. It should be explained clearly to them that their behavior is not welcome or makes the recipient feel uncomfortable.

Should it be too difficult or embarrassing to speak directly with the other person, then there should be an attempt to communicate through a third party such as a work colleague, line manager or union representative.

If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations then the formal procedure should be followed.

Formal Procedure

This process follows the Trust’s grievance procedure.

A written complaint addressed to the line manager should set out the full details of the conduct in question including the name of the bully or harasser, the nature of the bullying or harassment, the dates and times at which it occurred, the names of any witnesses and any action that has been taken so far in an attempt to stop it from occurring.

Where the grievance procedure is invoked as a result of a complaint about bullying or harassment, an independent person will be appointed as the Investigating Officer who will be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner.

The Investigating Officer will arrange to meet with the complainant, usually within a week of receiving a complaint so that a full account of events can be documented. The complainant has the right to be accompanied by a work place colleague or trade union representative of their choice who must respect the confidentiality of the investigation. There may be further meetings with the complainant as appropriate throughout the investigation.

Where a complaint is about an employee, the Trust may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation if circumstances require. The Investigating Officer will also meet with the alleged bully or harasser who may also be accompanied by a work place colleague or trade union representative of their choice to hear their account of events. They have a right to be told the full details of the allegation against them so that they can respond.

Where the complaint is about someone other than an employee such as a contractor or visitor, the Trust will consider what action may be appropriate to protect the employee and anyone involved pending the outcome of the investigation bearing in mind the reasonable needs of each school and the rights of that person. Where appropriate the Trust will attempt to discuss the matter with the third party.

The Trust will also seriously consider any request that an employee makes for changes to their own working arrangements during the investigation.

It is likely to be necessary to interview witnesses to any of the incidents mentioned in a complaint. If so the importance of confidentiality will be emphasised to them.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the Trusts disciplinary procedure.

The main purpose of the investigation is to establish whether the act(s) under investigation amounted to bullying and/or harassment. The investigation report should include;

- The terms of reference of the report;
- The complainants account of the incident and the impact on them;
- 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 bullying or harassment may have occurred;
- A conclusion as to whether there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing.
- The report should identify whether it appears that the complainant has suffered any detriment e.g. Deterioration of work performance or health, lack of career development, denial of opportunities etc.

At the end of the investigation the Investigating Officer will submit the report to a senior manager nominated to consider the complaint. The senior manager will arrange a meeting with the complainant in order to discuss the outcome and what action if any, should be taken.

The complainant has the right to bring a work place colleague or trade union representative to the meeting. A copy of the report and the senior manager's findings will be given to both the complainant and to the alleged harasser.

The appointed senior manager will consider the investigation report and decide whether:

- They consider that bullying or harassment has occurred in which case the matter will be dealt with as a case of possible misconduct or gross misconduct under the Trust Disciplinary Procedure.
- Less formal action is appropriate but some form of mediation or counselling is required for one or both parties.

- Any short term or long term relocation or change in duties or reporting structure is required.

If the complainant remains dissatisfied with the outcome then the remaining stages of the grievance procedure may be invoked.

Policy Review

Policies will normally be reviewed on a 3-year cycle unless otherwise stated. This review may be brought forward as required by the Trust to reflect changes in supporting advice/guidance.