



**Holy Redeemer Catholic  
Primary School**

## **Harassment & Workplace Bullying Policy**

Signed by	
Headteacher	Christina Hall
Chair of Governors	Alan Smith
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‘Through the Holy Redeemer we seek to grow in faith and love and become great people who make a difference in our world.’

## **POLICY STATEMENT ON HARASSMENT AND WORKPLACE BULLYING**

### **1 Introductory Statement by the Authority**

This Authority believes that all of its employees have the right to a safe working environment free from intimidating and insulting behaviour and recognises its legal obligations to provide such an environment.

Harassment and bullying of employees can have serious consequences for individuals and for schools. The Authority prohibits all forms of bullying and harassment and is committed to taking appropriate steps as set out in this policy and procedure to eliminate such behaviour from the school environment.

The Authority advises all of its school governing bodies to adopt and implement this policy and procedure as part of a whole school policy on harassment and bullying. A whole school policy can assist in countering and combating harassment and bullying in schools by establishing a caring and supportive ethos within the school and setting agreed standards of behaviour, thereby assuring all members of the school community that complaints of harassment will be dealt with in a serious and confidential manner and that great value is placed upon making the school a safe, welcoming and secure environment for everyone.

The Authority undertakes to ensure that all employees are informed of the policy and procedure to ensure that they understand the Authority’s commitment to eliminate harassment and, where the policy and procedure have been adopted by their governing bodies, employees are confident that any complaints will be handled effectively and that support and advice is available to them.

The Authority recognises that training on harassment issues and on the terms of the policy and procedure is essential in creating a working environment where harassment is not accepted or condoned. The Authority is committed to providing a comprehensive training programme for all employees and members of governing bodies on harassment, bullying and equality issues.

The Authority also recognises that the harassment procedure calls for members of staff to act as independent advisors and investigating officers. The Authority undertakes to ensure that resources are available centrally to enable such staff to receive training and to carry out their advising or investigating duties.

In accordance with its public duties to promote race equality, disability equality and, from April 2007, gender equality, the Authority undertakes to monitor the operation of the procedure and to collect information such as: the type and frequency of complaints arising; the proportion of complaints resolved satisfactorily; any problem areas to be addressed; and any additional training required. The Authority undertakes to provide this information to, and enter into constructive discussion with recognised trade unions.

Details of the Authority’s arrangements for publicity, training and monitoring are contained in Appendix 1.

## **2 Introductory Statement by the Governing Body**

This governing body shares the Authority's opposition to harassment and workplace bullying and its commitment to their elimination from the workplace. The governing body recognises its responsibility for ensuring that the policy and procedures are implemented and undertakes to follow the procedure and to encourage employees who consider that they have been harassed or bullied to use the procedure.

The governing body also undertakes to inform all employees of the policy and procedure and to ensure that harassment and bullying issues are addressed as part of the school's in-service training programme.

## **3 Harassment and Bullying in the Workplace**

All staff are prohibited from harassing or bullying colleagues in the workplace.

This Authority and governing body are committed to the elimination of all forms of harassment and bullying of employees in schools. Harassment and bullying may be unlawful and can affect working conditions, health and safety and undermine equality at work. They undermine attempts to improve education provision for all children because they:

- present an unacceptable model for children's own behaviour;
- cause increased incidence of stress-related illness amongst teachers;
- lead to high levels of staff turnover in individual schools; and
- demoralise all staff working in schools where their colleagues are bullied by management.

The Authority and governing body believe that all employees have a right to be treated with dignity and respect at work and are committed to eliminating all forms of harassment from the workplace and, through this policy and procedure, to taking steps to ensure that schools are free from such behaviour.

The Authority and governing body will not tolerate harassment on any ground and all employees will be expected to comply with this policy. Breach of this policy is a disciplinary offence and appropriate disciplinary action, including dismissal for serious offences, will be considered if any employee fails to adhere to this policy.

## **4 Definition of Harassment**

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It can cause a person to feel threatened, humiliated or patronised. Such behaviour can interfere with the person's work performance, undermine job security and create a threatening or intimidating working or learning environment. Harassment may be either intentional or unintentional. The key feature is its effect on the person rather than the motive of the perpetrator.

Employees can be subjected to harassment on a wide variety of grounds, including their sex, trans-gender status, marital or civil partnership status, race, sexual orientation, disability, real or perceived state of health, religion or belief, class, cultural or language differences.

Harassment can take many forms. These include:

- the display or distribution of offensive material, graffiti or badges;
- non-verbal abuse such as offensive gestures and body language;
- inappropriate comments about someone's appearance;
- intrusive questioning about someone's private life;
- verbal abuse such as suggestive remarks, "jokes" and name calling;
- physical contact such as unnecessary touching; or
- threatened or actual physical abuse or attack.

## **5 Definition of Bullying**

Bullying is a form of harassment in which the bully undermines and belittles or assaults the recipient. Bullies may seek to exploit others' perceived personal weaknesses, either because they enjoy the exercise of such power or because they are under pressure themselves, or even because they believe such behaviour is the best means of managing relationships.

Common examples of bullying include allocating additional workload, withholding work responsibility, changing priorities and objectives unreasonably, imposing impractical deadlines, excessive and unreasonable supervision or unnecessary invoking of disciplinary or capability procedures. Bullying may also involve abuse and undue criticism in front of colleagues and pupils.

The common feature of the different forms of behaviour which constitute harassment and bullying is that it is behaviour unwanted by the victim.

## **6 Harassment, Bullying and the Law**

The Authority and governing body take their legal obligations seriously and aim to provide a safe working environment, free from harassment and bullying for all employees.

There is no single legal definition of unlawful harassment, but there are a number of statutory and common law principles which place legal duties on employers to minimise the risk of harassment and to deal appropriately with any complaints.

- The Health and Safety at Work etc Act 1974 obliges employers to provide a working environment which protects the health, safety and welfare of its employees. It also places duties on all governing bodies to ensure the health and safety of those persons on premises under their control. These duties are enforced by the Health and Safety Executive.
- Each employee is also protected by their contract of employment. Every contract contains a written or unwritten term which obliges the employer to protect the employee's health and safety. An employer who fails to protect a member of staff from harassment, or who does not deal adequately with complaints, may be in breach of the employment contract. An employee who resigns as a result of workplace bullying may be able to pursue a claim for constructive unfair dismissal against their employer.
- Harassment can also breach discrimination law. The Race Relations, Sex Discrimination and Disability Discrimination Acts and the Sexual Orientation and Religion or Belief Regulations (and from October 2006, the Age Discrimination Regulations) can be used to tackle harassment at work. Under the Acts, the Authority and governing bodies may be asked to answer for their own conduct and the conduct of their staff, so that a claim can lie against both the harasser and his or her employer. For example, a woman teacher who was harassed on grounds of her gender might bring a claim against both the employee and her employer. The Race Relations Act can apply to harassment based on race or ethnic or national origins. The Sex Discrimination Act can be invoked by both men and

women, and can be relied on where the harassment is of a sexual nature or on the basis of gender, being married, or transgender status. The Sexual Orientation and Religion or Belief Regulations can be used where an employee has been harassed or bullied on grounds of sexual orientation or religion or belief.

- Harassment can also be a criminal offence. The Public Order Act 1986 includes an offence of intentional harassment, which consists of intentionally causing another person to be harassed, alarmed or distressed by the use of threatening, abusive or insulting words or behaviour, and a person found guilty of could be sentenced to up to six months' imprisonment or a fine of up to £5,000, or both. The Protection from Harassment Act 1997 also creates a criminal offence for more extreme forms of harassment. A course of conduct of harassment, involving at least two occasions of harassment, could result in a penalty of up to six months' imprisonment and/or a fine of up to £5,000.

The Authority and the governing body have a duty to take complaints of harassment seriously. Again, they may have to answer in an employment tribunal for a failure to deal with complaints appropriately. Victimisation, in the form of retaliation when complaints have been made, can also amount to unlawful discrimination.

## **7 Harassment and Bullying of Employees by Members of the School Community**

The Authority and governing body acknowledge that employees can experience bullying or harassment from governors, parents, and other visitors to the school as well as harassment from pupils or colleagues. The Authority and governing body do not regard it as part of a teacher's duties to accept such behaviour and do not expect teachers to tolerate it.

The Authority and governing body undertake to investigate all complaints of harassment made by teachers whether that complaint is against a member of staff, a member of the governing body or other member of the school community. The Authority and governing body also undertake to provide support for any teacher who is the victim of harassment by a member of the public in the course of his or her employment.

## **THE HARASSMENT AND BULLYING COMPLAINTS PROCEDURE**

### **1 Introduction**

This Harassment and Bullying Complaints Procedure reflects:

- the provisions of the Employment Act 2002 (Dispute Resolution) Regulations 2004 which require that discipline, dismissal and grievance procedures include certain minimum statutory steps;
- the specific statutory obligations on school governing bodies in respect of grievance matters; and
- the provisions of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

The Authority has produced this Harassment and Bullying Complaints Procedure to put into practice the principles contained in the Authority's policy on harassment and bullying at work. In the application of this procedure, the term harassment includes workplace bullying. Work-related harassment which takes place outside the workplace will also fall within the remit of this policy and procedure.

The governing body, in adopting this policy and procedure, undertakes to follow the procedure when a complaint of harassment or workplace bullying is made by an employee in the school.

This procedure includes the minimum statutory steps required for all grievance procedures and supplements the use of the local Grievance Procedure. The governing body accepts that any disciplinary proceedings instituted as a result of an investigation under the Harassment and Bullying Complaints Procedure should be taken under the terms of the Disciplinary Procedure. The governing body undertakes that, where such an investigation results in a recommendation that disciplinary action should be instituted, such a recommendation will in all cases be accepted. This does not constitute any pre-judgment of the case or the issues involved which will be subject to the normal provisions of the Disciplinary Procedure.

The procedure recognises that employees who are harassed want the harassment to stop and want action to be taken against the harasser appropriate to the particular circumstances. The procedure aims to:

- develop a working environment in which harassment is not tolerated, where staff understand that harassment is unacceptable and where individuals feel able to raise complaints and are confident that management will act appropriately;
- enable complaints to be investigated and dealt with as discreetly, effectively, and sensitively as possible; and
- provide confidential counselling, support, respect, and understanding of a person's rights as an employee and as an individual.

The procedure contains two stages through which complaints can be pursued:

- a preliminary informal stage where the complainant or a representative makes the other individual aware that his/her behaviour is regarded as unacceptable by the complainant in order to allow an opportunity to resolve the situation without recourse to the formal procedure.
- a formal stage involving formal grievance steps and a thorough investigation of the complaint which, if found to be substantiated, could lead to a recommendation that disciplinary action be instituted under the terms of the disciplinary procedure or that other steps be taken to resolve the situation without use of the disciplinary procedure.

Many complaints can be resolved at the informal stage but it is recognised this will not be appropriate in all cases.

On occasion, counter allegations may be made by persons against whom complaints are made when they are informed that complaints have been lodged against them. For example, they may claim to have been harassed by the first complainant or that their behaviour has been provoked by the complainant. Both parties' complaints will be dealt with as separate grievances (i.e. with separate investigations and hearings) under this procedure.

## **2 Committees and Investigating Officers**

Unless the governing body establishes a separate Harassment and Bullying Committee, the staff grievance committee shall be responsible for considering all complaints of harassment and workplace bullying in addition to other grievances referred to it. A staff grievance appeals committee shall also be established to consider appeals against decisions of the staff grievance committee.

The Authority, in liaison with the school governing body, will appoint an Investigating Officer whenever a complaint of Harassment or Bullying is made.

## **2 Help and support**

The following sources of help and advice are available to employees who complain of harassment and bullying.

- Trade unions: Members of trade unions will be able to seek advice and assistance from a union representative.
- Independent Advisors: the Authority's personnel service will refer complainants to a member of the Authority's staff who has been trained in harassment matters. S/he is available to act as an Independent Advisor to the complainant providing confidential advice as to the possible routes for redress and support during the procedure. It is appropriate for Independent Advisors to be external to the school concerned. Independent Advisors may be consulted at all stages of the procedure or whilst action is being considered.

Advice from trade unions or Independent Advisors may also be sought by persons against whom complaints are made, who may wish to deny the allegation or who may not have been aware that their behaviour was causing offence until a complaint is made and may wish to talk through their position. In such circumstances, the Advisor concerned must not have been previously consulted regarding the complaint.

In addition, advice from trade unions or Independent Advisors may also be sought by employees who are concerned about the apparent harassment of others but who may not have been subjected to harassment themselves.

## **4 Informal Stage**

Under the informal stage, individuals who feel that they have been subjected to harassment inform the other person(s) involved, if appropriate and they feel able to do so, that their conduct is regarded by the complainant as unwelcome, offensive and/or interfering with work. The aim of the informal stage is to allow an opportunity for resolution without recourse to the formal procedure.

Where the complainant feels uncomfortable in approaching the other individual directly, assistance may be sought from a trade union representative or colleague or a member of the school management team, who will make the initial approach if required. If assistance from a member of the school management team is sought in making such an approach, such action taken at this stage will not be considered to be a disciplinary sanction.

If the informal stage is not successful in resolving the situation or the complainant does not wish to raise the matter in this way or it is otherwise considered inappropriate by the complainant due, for example, to the seriousness of the complaint, the complainant may choose to make a formal complaint/grievance.

This preliminary stage does not detract from the sensitivity or the potential seriousness of the situation. Rather, it allows complainants greater flexibility in choosing the most appropriate option they wish to follow having sought advice from sources such as those suggested above.

## **5 Formal Stage**

The formal stage of the procedure for dealing with alleged harassment may result either from the registering of a formal written grievance by a complainant or from a decision of the school management or personnel department on becoming aware that harassment may have taken place.

Complainants are entitled to request investigation by an investigating officer who is not employed at the school if they so wish. Where a complaint involves the head teacher, the head teacher shall not be involved in any consultation or decision making with regard to the complaint or investigation and the investigation will in all cases be undertaken by an investigating officer who is not employed at the school.

Where a complaint involves the head teacher, the head teacher's involvement shall be limited to answering the complaint. The head teacher shall not be involved in the decision-making process.

## **Step 1 Written Grievance**

### **6 Invoking the Formal Procedure**

A formal grievance must be registered in writing by letter or by using the Authority's Harassment and Bullying Complaints form. Copies of the form can be obtained from the local authority personnel service, places of work or trade unions. The forms must be readily and discreetly available. The form must also be used if the procedure results from a management decision rather than an individual's formal allegation.

The written grievance must set out details of the most recent incident(s) and the name of the person against whom the complaint is made, and any other relevant information. If the procedure has been initiated by management, any such details which are available must be listed, indicating whether there is any direct personal knowledge of the events. If the employer is contemplating taking disciplinary action against or dismissing the employee, the formal disciplinary or dismissal procedure must be followed. Employees must be encouraged to return the form as soon as possible.

One copy of the grievance must be sent to the governing body (for the attention of the staff grievance committee); one copy to the head teacher one copy to the local authority personnel service who must record receipt of the allegation; and if appropriate one copy to the person against whom the complaint is made.

### **7 Establishing the investigation**

On receipt of the complaint/grievance by the Authority, the Authority's personnel service will consult with the chair of the staff grievance committee as to who should be appointed as investigating officer and whether any immediate action should be taken e.g. suspension pending investigation.

Within 5 working days of receipt of the allegation by the Authority, an acknowledgement will be sent to the complainant by the local authority personnel service together with the name of an Independent Advisor. If possible, the name of the investigating officer(s) nominated to investigate will be given. If this is not possible, the name will be forwarded within a further 5 working days.

The investigation officer appointed must not have had any previous dealings with the case and should be impartial. Where a complainant so requests, or where a complaint involves the head teacher, then an investigating officer must be appointed who is not employed at the school. In any event, investigating officers must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough understanding of relevant issues. Investigating officers must be available to conduct the investigation within the timescale below.

If immediate disciplinary action is taken, the Authority's personnel service will be formally notified at once, or at the latest within 3 working days of receipt of the grievance. Where no such action is taken, consideration will be given as to whether any working arrangement affecting the two parties involved should be altered during the course of the investigation, for example if either party is the immediate supervisor of the other.

At the same time, the person against whom the complaint is made will be informed by the Authority's personnel service of the nature of the complaint lodged against them and of the availability of advice and support as outlined above. Any immediate action taken will be noted in that letter.

## **Step 2 Grievance Meeting**

### **8 Investigation**

The investigation will be carried out by the nominated investigating officer without undue delay and will in all cases be completed within 20 working days of the complaint being registered unless there are exceptional circumstances to prevent this.

The investigation will include a formal meeting between the authority or the governing body or head teacher and the complainant to discuss the complaint. The complainant is entitled to be represented by his or her trade union representative, work colleague, or friend and will have an opportunity to make oral submissions at the meeting.

All parties will have the right to be accompanied during investigatory interviews by a trade union representative, work colleague or friend.

Strict confidentiality will be maintained throughout the investigation by all parties concerned, including any witnesses. The complainant and the person(s) against whom the complaint is made and any witnesses will be interviewed separately and detailed record of all interviews must be kept.

The investigation will be carried out thoroughly, impartially and with due sensitivity to the nature of the complaint. The key aim of the investigation will be to establish the facts.

All parties will be kept informed simultaneously about the progress of the investigation.

Counselling and support will be available to all those affected by the investigation and may be provided by an Independent Advisor, trade union or relevant external body as outlined above.

### **9 Report by Investigating Officer**

The investigation will conclude with a written report by the investigating officer to the staff grievance committee, the Authority's head of personnel service and to the head teacher (unless the head teacher is the subject of the complaint). This will summarise the investigating officer's findings on the complaint. It will include findings on whether the alleged conduct took place, and whether that conduct had the purpose or effect of violating the complainant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant. The report could include:

- a) a recommendation to institute disciplinary action because there is evidence to support the complaint that the complainant has been harassed.

- b) a recommendation to take action other than disciplinary action in order to deal with the matter informally on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:
- an instruction to the harasser to stop the behaviour which caused the complainant to feel harassed;
  - an instruction to the harasser to apologise to the complainant; and/or
  - a requirement to receive appropriate guidance and/or training; and/or
  - appropriate changes in working arrangements which must not be to the disadvantage of the complainant.
- c) a recommendation to take no further action on the complaint. This will be appropriate if the investigating officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue. Where a complaint is regarded as untrue and malicious by the investigating officer, then the investigating officer's report will recommend further investigation of the circumstances which might lead to consideration of disciplinary action against the complainant.

## 10 Consideration of Investigating Officer's Report

The staff grievance committee will consider the findings and recommendation of the investigating officer. Where the recommendation is made that disciplinary action should be instituted, the disciplinary procedure will be commenced without delay.

In any case where the staff grievance committee decides not to accept the recommendation of the investigating officer, the Authority's personnel service must be consulted and provided with written reasons for the decision.

### **Step 3 Grievance Appeal**

The complainant and the person(s) against whom the complaint is made will receive a letter setting out the findings and recommendation of the investigating officer and the decision taken. The letter to the complainant will offer the right of appeal against the recommendation of the investigating officer and the decision taken.

If the complainant wishes to appeal, he or she will inform the authority, the governing body and the head teacher (where appropriate) in writing of the grounds of appeal. The staff grievance appeal committee will invite the complainant to a further meeting. The complainant is entitled to be represented by his or her trade union representative, work colleague, or friend and will have an opportunity to make oral submissions at the meeting. The governing body will reconsider the decision following the meeting.

The complainant and the alleged harasser will receive, in writing, the final decision of the Governing Body.

## **11 Where a Complaint is Upheld**

Where it is decided that disciplinary action should be instituted, the disciplinary procedure will be followed. The following specific considerations will, however, apply where disciplinary action is instituted with regard to a complaint of harassment or bullying following the recommendation of an investigating officer.

Investigating officers must not be members of a disciplinary panel relating to the complaint but they may be required to attend hearings as Presenting Officers or as witnesses.

A disciplinary panel convened in relation to sexual, racial, disability, sexual orientation or religion or belief or other harassment will if possible include a member of the relevant group. If this is not possible despite every effort then the panel must be supported by an appropriate adviser on equal opportunities issues. A majority of the panel members must have received training on harassment issues.

The practical arrangements for the hearing should ensure that the complainant and any witnesses do not feel vulnerable. The panel Chair must ensure that all questions are relevant to the case being heard. All the evidence must be kept strictly confidential by all parties involved in the hearing.

The panel Chair will inform the complainant of the Panel's decision as soon as possible after the hearing but not provide details of any penalty imposed.

Where any disciplinary penalty following disciplinary action does not involve the harasser's removal from the school then wherever practicable the complainant will be given the choice of remaining in his/her post or being transferred to another location. Where the complainant opts to be transferred, this should not lead to any disadvantage in terms and conditions of employment.

Where the complainant has been absent from work during the proceedings, he/she should be assisted in resuming duties by the line manager, identifying any potential problems and discussing the situation with the complainant and, where appropriate, his/her work colleagues. Every effort must be made to ensure the complainant returns to a harmonious working environment where he/she feels comfortable and becomes fully integrated in the workplace as soon as possible.

In particular, managers must ensure that no victimisation of the complainant and/or any witnesses takes place. Victimisation may itself take a wide range of forms from continuing but concealed unpleasantness from colleagues, to adverse impact on career development and may occur whether or not the complaint was upheld.

## **12 Where Complaint is Not Upheld**

The head teacher (or, where appropriate, the nominated governor) will consider how best a continuing working relationship between the two employees can be arranged. Consideration may be given, where practicable, to the voluntary transfer of one of the employees concerned or to rescheduling work rather than requiring them to continue to work together in a situation which is found to be unacceptably difficult.

Where, however, the investigating officer has concluded that a complaint is untrue and malicious, the head teacher (or, where appropriate, the nominated governor) may determine that disciplinary action should be taken against the complainant.

## **13 Right of Appeal**

Where the complaint is upheld by the investigating officer and disciplinary action is instituted which results in disciplinary penalty, the alleged harasser has a right of appeal as laid down in the Authority's disciplinary procedure.

CoS & L&PS March 2006

**Publicity**

- a) The Authority will produce posters which draw attention to the Authority's prohibition of harassment and workplace bullying, making clear the unacceptability of such behaviour and the Authority's commitment to its elimination from the workplace, and identifying the existence of the procedure for making complaints. The Authority will circulate these posters for prominent display in all Authority establishments.
- b) The Authority will also produce leaflets for employees which contain the above information and which give a more detailed outline of harassment issues, appropriate contact persons and means of obtaining the procedure. The Authority will circulate these leaflets for circulation in all Authority establishments to employees and to prospective employees with job application details.

**Training**

- a) The Authority recognises that training on harassment issues and the Harassment and Bullying Complaints Procedure is essential in creating a working environment where harassment is not accepted or condoned.
- b) The Authority will therefore organise a comprehensive ongoing training programme for all employees with a particular role in the procedure e.g. line managers, investigating officers, panel members and independent advisors.
- c) The Authority will also organise a training programme on harassment and bullying issues for employees generally which can be provided via schools' in-service training programmes.

**Monitoring**

- a) In accordance with its public duties to promote race equality, disability equality and, from April 2007, gender equality, the Authority undertakes to monitor complaints of harassment, arising both formally and informally, including the type and frequency of complaints arising; the proportion of complaints resolved satisfactorily; the instigation of disciplinary procedures; any problem areas to be addressed; and any additional training required.
- b) Schools should keep a confidential record of all formal complaints of harassment, including all case notes, and their outcomes.
- c) All those involved in supporting/advising and employee at the informal stage, such as Independent Advisors, personnel officers or line managers should keep an anonymous record of the case (with the complainant's agreement) and forward it to a named member of the Authority's personnel service.
- d) The Authority's personnel service will periodically collate all the above information to monitor and review the overall operation of the Harassment and Bullying Complaints Procedure.
- e) This information will be provided to and discussed with recognised trade unions.