

## BISHOP WORDSWORTH'S SCHOOL

### **HARASSMENT AND BULLYING AT WORK POLICY**

*'Is to', 'are to' and 'must' are obligatory. 'Should' is not obligatory but is best practice and is to be adhered to unless non-compliance can be justified.*

#### **STATEMENT OF INTENT**

1. As part of its overall Equal Opportunities Policy, Bishop Wordsworth's School (the School) is committed to ensuring that all employees are treated with dignity and respect while at work, irrespective of race, colour, nationality, ethnic or national origins, sex or marital status, disability, sexual orientation, age or religious beliefs and practices.
2. The Governing Body is committed to creating an environment of positive working relationships. To create and protect such an environment, the Governing Body follows policies and procedures (e.g. on grievance) which enable staff to raise concerns and for these to be addressed.
3. This Policy is concerned with the prevention of harassment and bullying in the workplace and aims to provide a remedy for unreasonable or unjustifiable behaviour. It is not intended to inhibit reasonable and effective management of staff.
4. Any form of harassment or bullying will not be permitted or condoned by the Governing Body and will be treated as a disciplinary offence.
5. Materials that may be deemed offensive or that violate the spirit of any of the equality laws of the UK (other than those which are legitimately used in teaching) are not to be kept, displayed or shown anywhere on the School site.
6. The Governing Body will promote and publicise this Policy amongst School staff.

#### **EQUAL OPPORTUNITIES STATEMENT OF COMMITMENT**

7. The Governing Body believes in equality of opportunity in employment. It therefore commits itself to developing policies, practices and procedures which promote equality of opportunity and anti-discriminatory practices. To this end, the Governing Body is committed to ensuring that job applicants or employees receive equality of treatment. No applicant or employee will receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex or marital status, disability, sexual orientation, age, religious beliefs and practices or through conditions or requirements which cannot be shown to be justifiable. Selection criteria and procedures will be regularly reviewed to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities. All employees will therefore be given equality of opportunity. The Governing Body will continue to undertake appropriate action to make the policy fully effective.

#### **APPLICABILITY OF POLICY**

8. All Governors and Employees have a responsibility to comply with the Policy. Management has a particular responsibility to implement this policy by creating a good working environment and by managing people in a professional and caring manner.

## DEFINITIONS

9. Harassment, in general terms, is unwanted conduct affecting the dignity of people in the workplace. It may be related to age, sex, sexual orientation, race, nationality, disability, religion, belief or any personal characteristic of the individual. It may be persistent or an isolated incident. The key is that the actions or the comments are viewed as demeaning and unacceptable to the recipient.

10. Sexual harassment can include:

- a. Physical conduct of a sexual nature, such as unwanted physical contact, including unnecessary touching, patting or pinching or brushing against another employee's body, assault, coercing sexual intercourse.
- b. Verbal conduct of a sexual nature, such as unwelcome sexual advances, 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, innuendoes or lewd comments.
- c. 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.

11. Racial harassment can include:

- a. Ridiculing an individual because of cultural differences.
- b. Embarrassing or derogatory remarks, racist jokes and name calling.
- c. Written abuse and the display of offensive material.
- d. Deliberate physical and/or verbal abuse.
- e. Differential treatment, e.g. unfair allocation of work.

12. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour. It can arise through the misuse of power or position and involves any act designed to intimidate, humiliate, ridicule or undermine a person's confidence.

13. Bullying can derive from supervisor/subordinate relationships in either direction; unacceptable pressure from peers or other groups can also amount to bullying.

14. Examples of bullying are:

- a. **Open bullying.** Such as displays of rage at staff in public and/or in private, (often over 'trivial' matters), personal insults and name-calling, persistent unjustified criticism and public humiliation.
- b. **Unseen bullying.** Such as setting objectives with unreasonable deadlines, unreasonably removing areas of responsibility and inflicting menial tasks instead, constantly changing working patterns without justification, deliberately ignoring or excluding an individual or talking only to a third party to isolate another.

15. The above lists are neither exhaustive nor exclusive and other forms of behaviour can constitute discrimination, harassment, victimisation or bullying. For example,

what may emerge as a concern initially categorised as “aggressive management”, may, upon investigation, be considered a case of bullying.

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

## **HARASSMENT/ BULLYING AND THE LAW**

17. The School and its employees are to act, at all times, in accordance with applicable legislation. The following is not intended to be an exhaustive list but is an indication of some of the directly relevant legislation and guidance currently in place.

18. Currently, harassment is held to be discrimination under the Sex Discrimination Act 1975, the Race Relations Act 1976, Race Regulations Amendments 2003, the Disability Discrimination Act 1995, the Employment Equality (sexual orientation) Regulations 2003, the Employment Equality (religion or belief) Regulations 2003, the Employment Equality (age) Regulations 2006 and the Human Rights Act 2000.

19. In addition, the Criminal Justice and Public Order Act 1994 created the criminal offence of intentional harassment. The nature of harassment is not defined by the Act, so all kinds of harassment come within its scope.

20. Under the Health and Safety At Work Act 1974 employers are required to ensure the emotional and physical health of their staff.

21. Under the Employment Protection (Consolidation) Act 1978, an employee may complain of constructive dismissal to an Industrial Tribunal where harassment or bullying has led her/him to leave the organisation.

22. Under the Protection from Harassment Act 1997, an employee may complain of harassment if they have been caused alarm or distress resulting from a ‘course of conduct’ involving at least two occasions. Employers have a responsibility towards employees to make sure that they do not suffer such harassment – and if found to have failed in this regard, employers can be liable.

23. The Equality Act 2010 “provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.”

24. It is important to note that both the School and the individual can be held liable under this legislation.

## **HOW A COMPLAINT ABOUT HARASSMENT OR BULLYING IS TO BE MADE**

25. The Governing Body requires that any allegations of harassment are dealt with seriously and confidentially. Lack of confidentiality can harm both the complainant and also the person accused. The Governing Body recognises that employees may fear victimisation for making or being involved in a complaint and so is committed to ensure they do not suffer. In some circumstances, confidential informal advice from a person nominated for this purpose (by the Governing Body) or the employee’s

trade union or professional association may help an employee who is unsure of how best to pursue a concern about harassment or bullying.

26. Normally, whether raised individually or collectively, complaints of harassment or bullying should be pursued in the following way:

- a. If an employee feels able, they should try to make it clear (either verbally or in writing) to the person who is harassing or bullying them that the behaviour is unwelcome and must be stopped. However, it may not be possible to resolve the matter in this informal way. (Employees 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 process described in sub paragraphs 26b and 26c below).
- b. If they do not feel able to raise the issue informally or, if the behaviour continues, employees should approach their line manager, or if that would be inappropriate, (e.g. if that person is the one causing concerns) then another senior manager.
- c. If both of these approaches fail or the person causing concerns is the Head employees should seek advice from the Chair of the Pay & Staffing Committee or their trade union or professional association.

27. A manager handling the complaint of harassment or bullying is likely, in the first instance, to discuss the complaint informally with the person causing concerns. This discussion is to take place without delay after the complaint has been made.

28. If the matter is not resolved informally, the manager is to initiate an investigation. Dependent upon the circumstances, it may be appropriate for the investigation to be conducted by an independent party who would report back to the manager.

29. Following an investigation as set out in Paragraph 28, the decision of the manager is to be confirmed in writing to the complainant and the person against whom the allegation has been made.

30. The complainant may appeal against the decision of the manager to the Appeals Panel of the Governing Body. Appeals must be lodged within ten working days of receipt of the letter confirming the decision in accordance with arrangements set out in the letter. The decision of the Appeals Panel is final.

31. As any form of harassment or bullying is regarded as a disciplinary offence, any investigation of allegations of harassment or bullying and any consequent disciplinary action is to be conducted as part of the School's Disciplinary Procedure.

32. 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.

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

34. 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 but will be treated separately.

## **RESPONSIBILITY OF GOVERNORS AND STAFF (INCLUDING COMPLAINANTS)**

35. 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.

36. The Governing Body will not tolerate intimidation, victimisation, retaliation or discrimination against an individual for filing a complaint or assisting in an 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.

37. Malicious complaints of harassment or bullying will not be condoned and will be regarded as a disciplinary offence and will be dealt with in accordance with the School's Disciplinary Procedure.

38. This Policy must not be used as a defence against reasonable management behaviour, e.g. action under capability or disciplinary procedure. Such procedures will be not be automatically suspended where a complaint of harassment or bullying is made.

39. This Policy further requires all governors and staff to act in eliminating 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. Harassment or bullying of any kind is not to be dismissed either by governors or staff as trivial or insignificant, as a matter of interest only to a minority or dismissed as action that can be excused as fun or as a joke.

## **TRADE UNION VIEWS**

40. This Policy has the support of professional associations and trade unions.

## **REVIEW**

41. This Policy will be reviewed annually by the Staffing Committee and may be subject to amendment as a result.

42. This Policy was reviewed and, as appropriate, amended on (date in brackets indicates no change): 3.12.96, 9.12.97, 9.12.98, 9.2.00, 8.2.01, 26.2.02, 28.1.03, 10.2.04, (8.2.05), 7.2.06, (6.3.07), 26.02.08, 11.2.09, 04.2.10, 10.2.11, 20.3.12, (9.4.13), 12.03.14, (25.6.15), 22.06.16, (21.06.17), 28.06.18, 27.06.19