THE SHROPSHIRE GATEWAY EDUCATIONAL TRUST

STAFF HARASSMENT & BULLYING POLICY

Author	Matthew Hayes
Review Cycle	Two Years
Date Approved	26 Jan 2016
Approved By	SGET Board
Next Review Date	Jan 2018

Contents

1.0   INTRODUCTION

The Harassment and Bullying of staff are unacceptable forms of behaviour which will not be tolerated by the Shropshire Gateway Educational Trust. All allegations will be treated seriously and with sensitivity for both the victim and the perpetrator. They will be investigated promptly and a speedy resolution sought. Appropriate action, which may include disciplinary action, will be taken where an allegation of Harassment and Bullying has been upheld.

This policy follows the guidance of the Advisory, Conciliation and Arbitration Services (ACAS) on Harassment and Bullying at Work.

This agreed policy and procedure are to be followed in such cases.

2.0   POLICY STATEMENT

Harassment and bullying of any kind is in no-one's interest and can be unlawful. The Trust therefore has a policy of **zero tolerance** towards any behaviour that is unacceptable from any member of staff (including volunteers). **We expect everyone to treat others with dignity and respect, whoever they are and whatever their personal characteristics.**

A harmonious working environment is to the benefit of everyone because conflict has a negative impact upon:

-        the morale, health and well-being of staff;

-        the effectiveness and job satisfaction of employees in their work;
-        the quality of education provided to pupils;

All allegations of harassment and bullying will be treated seriously and with sensitivity for both the victim and the alleged perpetrator. They will be investigated promptly and a speedy resolution sought. Appropriate action, which may include disciplinary action, will be taken where an allegation of harassment and bullying has been upheld.

The Trust will also not tolerate any victimisation of those who have made a complaint, or who have witnessed an incident, or supported the complainant**.**

3.0   AIMS AND OBJECTIVES

The aim of this policy is to prevent behaviour that could be construed as harassment or bullying in the workplace. Where this does occur, the implementation of this policy aims to ensure that appropriate, effective and timely action is taken to prevent any recurrence.

The specific objectives of this policy are to:

- ensure that all staff are aware of the types of behaviour which may constitute bullying or harassment;

- ensure that all staff understand that behaviour which could be considered to be bullying or harassing is unacceptable and that appropriate measures will be taken, this may include disciplinary action;

- promote a climate in which staff feel confident to make complaints of Harassment and Bullying without fear of victimisation. Complaints may also be raised through the Whistleblowing (Speaking up about Wrongdoing) policy if a third party witnesses inappropriate behaviour;

- make sure that all allegations of bullying or harassment are dealt with quickly and positively;

- provide arrangements for complaints to be investigated in a way which recognises the sensitivity of the issues being raised;

- encourage professional behaviour and to enable staff to challenge and tackle Harassment and Bullying and to co-operate fully in any complaints procedure.

4.0   HARASSMENT & BULLYING DEFINITIONS

The definitions of Harassment and Bullying used in this policy are those specified in the ACAS Guide on Harassment and Bullying at Work.

Bullying can be characterised as:

"offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

Harassment is:

"unwanted conduct related to a relevant protected characteristic[1] which has the purpose or effect of violating an individuals dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

Further information on examples of unacceptable behaviour, which may result in this procedure being applied, is outlined in appendix 3.

Incidents of harassment and bullying are not necessarily obvious or apparent to others. They can be between two individuals or may involve groups of people. They can occur in any form of communication not just in face to face situations. An employee can make a complaint even if the alleged harassment/bullying has not been directed at them. In addition, the complainant need not possess one of the protected characteristics themselves, but may complain on the basis that they are perceived to have a protected characteristic or because they associate with someone with a protected characteristic.

Senior Leadership and Line Managers are required to manage staff to achieve targets, work to standards, manage change and contribute to school development and improvements.

This may on occasions raise issues regarding style of management. Appendix 4 provides guidance on what acceptable management behaviour in the workplace.

---

[1] Relevant protected characteristics, as defined by the Equality Act 2010, are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.0   PROCEDURES FOR DEALING WITH HARASSMENT AND BULLYING

Relationship with other procedures:

5.1   Relationship to Grievance Policy

A complaint of Harassment and Bullying is a grievance. However, it is recognised that the potential impact on the individual subject to such behaviour, requires sensitive handling. The procedure therefore provides additional safeguards and support within the Informal Stage to attempt to resolve the issue and to stop the unacceptable behaviour of the alleged harasser/bully in the first instance.

5.2   Relationship to Disciplinary Policy

Words or acts including any form of unlawful discrimination, victimisation, bullying or harassment are considered to be potentially gross misconduct. Where an employee's behaviour is considered to fall within that category it may be appropriate for the matter to be dealt with under the Disciplinary Procedure. Advice must be sought from HR whenever a complaint is raised.

5.3   Relationship to Safeguarding Procedures

A complaint of Harassment of Bullying is also a form of abuse. In each case, consideration should be given to whether the alleged Harasser or Bully is working with vulnerable children or adults.

If they are, it will be the role of the Headteacher in conjunction with the safeguarding lead within each academy to identify whether a child or adult protection referral needs to be made.

6.0   INFORMAL PROCEDURE - RAISING A COMPLAINT

Members of staff are encouraged to use the informal procedure to resolve complaints of harassment and bullying, wherever possible. The informal route creates an opportunity to resolve problems swiftly and confidentially without the formality of an official procedure and investigation.   It allows the parties concerned the space to work out any potential misunderstandings about behaviour, and reduces the risk of problems escalating.

It should only be in exceptional circumstances that employees immediately raise a complaint under the formal procedure. The member of staff is advised to contact their trade union/professional association representative who may be present at all stages of the procedure. A friend or work colleague may attend should the member of staff not be in a Union.

The first point of access for a member of staff who is considering making a complaint under the policy will be to contact their Headteacher or, where this is inappropriate because the complaint is against the Headteacher, the Executive Headteacher or Chair of the Local Governing Body. Where the complaint is against the Executive Headteacher, the Chair of Directors should be informed.

It should be noted that where the member of staff seeks such advice, the matter remains at the informal stage. The discussion should be confidential and no further action taken without the consent of the member of staff concerned.

Where the complaint has been raised against the Headteacher, the Executive Headteacher, in conjunction with the Chair of the Local Governing Body, will deal with the complaint and take the role of Headteacher as outlined below. Where the complaint has been raised against the Executive Headteacher, the Chair of Directors will deal with the complaint and take the role of Headteacher as outlined below.

Where such advice is requested a meeting will be granted as soon as possible and normally within five working days of the request being made. This timescale can be varied by agreement between the parties. In the meeting the Headteacher should:

- Listen to what the member of staff has to say;
- Seek to clarify with the member of staff exactly what has happened and the grounds on which they feel they have been harassed or bullied;
- Assist the member of staff, where necessary, in completing a Written Record of Bullying and/or Harassment (See Appendix 1), which will help to clarify what happened and when. (This form will be kept by the complainant for use should formal action be required);
- Outline the options under this policy;
- Offer support in taking action at this stage.

The Headteacher should seek advice from HR at an appropriate point and inform the member of staff about the options they can, take which are:

1. To proceed with the informal stage of this procedure.

2. To use the Informal Grievance Procedure if the member of staff wishes to use it or if this is perceived to be a more effective way of dealing with the issue i.e. the complaint does not transpire to be an allegation of bullying or harassment.

3. In exceptional circumstances, to proceed immediately to the formal stage of the procedure, e.g. where other informal methods have already been tried, or the matter is so serious it requires investigation.

Once such an approach has been made, the Headteacher will seek to resolve the problem. With the consent of both parties involved there may be subsequent consultation with other persons whom it is considered may be able to assist in resolving the difficulty informally.

If it is appropriate to continue with the Informal Stage of this policy, the Headteacher will advise the complainant of the options available.

Option A - to speak directly to the alleged harasser/bully (either on their own or in the company of the headteacher or Trade Union representative, or work colleague).

Option B - ask the headteacher (or Chair of Governors if it is the headteacher who is the alleged harasser/bully) to speak to the alleged harasser/bully advising them of the allegations**.**

Option C - ask their Headteacher and Trade Union representative or work colleague to speak to the alleged harasser/bully.

Option D - take no action but keep a written record of events for future use. The copy should be placed on the personal record of the employee raising the complaint in a sealed envelope.

6.1 Informally Raising the Issue with the Alleged Harasser/Bully

The discussion with the alleged harasser/bully should include, as appropriate:

- a description of the behaviour that causes the concern
- a description of how the behaviour makes the complainant feel
- that the complainant wants the behaviour to stop
- how the complainant wishes to be treated in future
- that the complainant has the right to take the matter to the formal stage of the policy if the behaviour does not stop
- an indication of the grounds on which the person feels discriminated against (if applicable)
- their response and any explanation

The outcome of options A, B and C of the Informal Stage are that a verbal agreement is reached between the complainant and the alleged harasser/bully on the standards of behaviour to be upheld in future, and any actions to be taken.

6.2 Recording the Outcome

The Headteacher will ensure the Informal Stage Monitoring Form (Appendix 2) is completed and will be put in the personal file of the employee raising the complaint and will be retained for 6 years. This information will be used for monitoring and reviewing complaints of Harassment and Bullying and how they have been resolved and may be referred to in future investigations, if appropriate to do so.

Where the complainant or someone on their behalf has approached the alleged harasser/bully and the unacceptable behaviour stops then there is no need to take further action. However, the complainant should keep any notes they have made about incidents in case the behaviour recurs.

Where the complainant or someone on their behalf has approached the alleged harasser/bully and the unacceptable behaviour continues then the employee should raise this with their Headteacher to consider further action. Options will include:

- To take action under the formal stage of this policy
- To seek further resolution under the informal stage

7.0 FORMAL PROCEDURE

Formal action is used when attempts to resolve the conflict informally have not been successful or when the seriousness of the incident is such that only formal action is deemed appropriate e.g. there is a risk to the health of an employee.

In these cases the formal procedure detailed within the Grievance Procedure will be followed.

8.0   SUPPORT FOR EMPLOYEES

It is recognised that raising issues of harassment and bullying can be difficult and stressful both for the complainant and the alleged harasser/bully. Other members of school staff may also be adversely affected.

Members of staff who make allegations of harassment/bullying or have had allegations made against them, can seek information regarding support from the HR team.

Support mechanisms are available for those experiencing difficulties, including the Occupational Health Service or external counselling services provided by organisations such as NOSS, Network of Staff Supporters.

Training is also available to:

- Help Headteachers/Managers deal with allegations of harassment and bullying raised by a member or members of their team;
- Help employees change their behaviour where a need for change has been identified.

It may become necessary for professional mediation to be sought to resolve a workplace situation. The HR team should be contacted to further discuss this.

9.0   Implementation Plan

Is training required to implement this policy?   **Yes** [　]   **No** [✓]

If Yes, how will this be delivered and by whom?

To which groups of staff does this policy need to be issued?

All school staff and Trustees.

How will the policy be issued and by whom?

Via email from Head teachers *Via Chairs of LGB*

Date adopted by Local Governing Body:

Signed:

Appendix I – Written Record of Events

CONFIDENTIAL

WRITTEN RECORD OF EVENTS

This form is to be used as part of the Informal Procedure. It is not mandatory but can be completed by the employee experiencing harassment and/or bullying, in liaison with their Headteacher or trade union representative, to help clarify the nature of the complaint and to keep a record for potential future action.

(If appropriate, use a separate form to record each incident of harassment/bullying)

1. Name of person causing
    offence:

    _____

2. Date of   3. Time of
    incident: incident:

    _____   _____

4. Place:

    _____

5. An outline of what took place:

    _____

    _____

    _____

    _____

    _____

_____

_____

_____

6.   Names of other staff who witnessed the offending behaviour:

(DO NOT GIVE THESE NAMES TO THE PERSON ALLEGED TO BE CAUSING THE OFFENCE)

_____

_____

_____

_____

_____

7.   If you choose not to discuss this incident with the person causing offence, please record below your reasons for not doing so. (This will be helpful if the bullying/harassment continues and further action is needed).

_____

_____

_____

_____

_____

_____

SIGNED: _____ **DATE:** _____

Please note that every effort will be made to maintain confidentiality, however, if a Data Protection Act request is made this may not be possible.

MONITORING FORM – STAGE 1

(To be completed by the Headteacher)

Nature of alleged incident(s) of harassment:

Type Verbal / Non Verbal Physical

Reason:

Sexual

Racial

Disability

Sexuality

Age

Bullying

Other (please specify)

When did the meeting with the complainant take
place:

_____

If it was appropriate to proceed with Stage 1 of the policy, which option was chosen?

Option A

Option B

Option C

Option D

Has the matter been subsequently referred to Stage 2 of the Policy?   YES/NO

SIGNED: **DATE:**

<div style="text-align: right">

Appendix iii – Guidance on Unacceptable Behaviour

</div>

Guidance on Unacceptable Behaviour

Harassment and bullying can be very damaging to both the individual and to the School itself, and everyone has a responsibility to try to create a good working environment.

These examples serve to illustrate the type of behaviour which is unacceptable and are provided so that members of staff can reflect on the kinds of behaviour which may lead to allegations under this policy, in order that they can adopt appropriate behaviour.

- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief); including 'office banter' which is deemed offensive by a work colleague.

- A management style that is destructive rather than constructive – criticising the person rather than their mistakes and the consequences of their mistakes; publicly humiliating them rather than correcting their mistakes privately;

- Copying memos/emails that are critical about someone to others who do not need to know;

- Ridiculing or demeaning someone – picking on them or setting them up to fail;

- Exclusion or victimisation;

- Overbearing supervision or other misuse of power or position;

- Unwelcome sexual advances – staring/leering, touching, standing too close, the display of offensive materials, the use of suggestive explicit language, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;

- Behaviour which fails to acknowledge and respect the rights or needs of people with different beliefs or practices;

- Behaviour which condemns or ridicules people because of their sexual orientation or perceived sexual orientation;

- Behaviour which condemns or ridicules people because they propose to undergo, have started or completed a process to change their gender;

- Making threats or comments about job security without foundation;

- Deliberately undermining a competent worker by overloading and constant criticism;

- Preventing individuals progressing by intentionally blocking promotion or training opportunities;

- 'Cyber bullying' which can be defined as "when one person or a group of people try to threaten, tease or embarrass someone else by using a mobile phone or the internet" (from www.direct.gov.uk).

- Treating a person less favourably because he/she has complained about the behaviour of someone who is harassing or bullying, has given evidence or information, or has supported someone who has made such a complaint.

Appendix iv - Issues Regarding Style of Management

Issues Regarding Style of Management

Headteachers and Line Managers are required to manage staff to achieve targets, work to standards, manage change, service development and improvements. This may on occasions raise issues regarding style of management. The table below provides guidance on what differentiates management.

It is important to distinguish between the effective management of performance and bullying/harassment. Managers are entitled to manage fairly and effectively. Examples of legitimate management action are:

Good Management	Harassment/Bullying
• Making an employee aware of poor performance and providing support in making the necessary improvement. • Using supervision and appraisals to provide appropriate direction. • Providing the appropriate balance of positive and negative feedback to ensure a high standard of work whilst maintaining employee morale and well-being. • Fair use of the disciplinary and absence management procedures. • Supporting, encouraging and challenging to achieve outcomes. • Setting realistic deadlines related to the capabilities required by the person specification or the post. • Progress chasing/monitoring of work • Setting out standards and acceptable behaviour and work performance. • Using a clear, firm and measured communication style.	• Constantly point out an employee's mistakes without giving support to put them right. • Blocking an employee's development by ignoring or refusing training requests for no justifiable reason. • Inappropriate comments made in public about an individual's performance. • Persistent haranguing of an employee in public or private. • Scapegoating one person when there is a common problem. • Making unreasonable threats about redundancy/continued employment. • Deliberately withholding information or removing areas of responsibility without justification. • Undermining an employee's self respect by condescending or threatening treatment that humiliates, intimidates or demeans

It is recognised that an occasional raised voice or argument in itself may not constitute bullying.

Actions taken with the genuine aim of helping employees to improve are to be encouraged whereas actions which aim to dame or demean are not acceptable.

Appendix v - Equality impact assessment screening form

Section one: screening for impact	
Name of policy	SGET Bullying & Harassment
Project lead completing assessment:	Matt Hayes
Position:	Business Manager

1. What is the main purpose of the strategy/project/policy?	
Describes the SGET approach to bullying & harassment of staff.	
2. Who will be the main stakeholders/users of the policy? Please consider the impact of the policy on the different groups of stakeholder /users.	
Board of Directors, Headteachers, Senior Leaders, Line managers Staff	
3. Have you already consulted with people about this work? If yes, briefly describe what you did and with whom. Is there any external or additional research that you can use to support the development of this policy?	
N/A	

4. Use the table to show:
- Where you think that the policy could have a negative impact on any of the equality strands, that is, it could disadvantage them – if no impact please note the evidence for this.
- Where you think that the strategy/project/policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within equality characteristics.

	Positive impact	Negative impact	No impact	Reason and evidence (provide details of specific groups affected even for no impact)
Age	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.
Disability	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.
Gender	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.
Gender identity	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.
Sexual orientation	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.
Race	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.
Religion or belief	✓			Policy is concerned with ensuring that people are not treated differently regardless of the specific group to which they belong.

5.	If you have indicated there is a negative impact on any group, is that impact:		
Legal? (not discriminatory under anti-discriminatory legislation)		Yes ☐	No ☐
Intended?		Yes ☐	No ☐
Level of impact?		High ☐	Low ☐

If the negative impact is possibly discriminatory and not intended and/or of high impact you must complete a full equality impact assessment. If not, complete the rest of section one below.
6.   Could you minimise or remove any negative impact that is of low significance? Could you add any additional action to have a positive impact rather than no impact?
Can be available in large print if required.
7.   If there is no evidence that the strategy, project or policy promotes equality, equal opportunities or improved relations – could it be adapted so that it does? If so, explain how.
The policy seeks to promote equality and to address areas where this is not the case.
8.   Please list the outcome following this equality impact assessment (this could be no changes, some changes, further work needed around particular groups or cease development of the policy).
Can be available in large print if required.

Signed:	Date:26.01.2016