



# **DIGNITY AT WORK**

## **- A Model Policy for Schools**

**GUIDANCE FROM THE NATIONAL UNION OF TEACHERS**

### **ANTI-BULLYING AND HARASSMENT POLICY FOR SCHOOL EMPLOYEES**

#### **1.0 POLICY STATEMENT**

**1.1** The Governing Body views all forms of harassment and bullying as unacceptable and will not tolerate such behaviour. The Governing Body is therefore committed to a safe, healthy and productive work environment through the elimination of harassment and bullying and an individual's right to be treated with dignity at work. Should harassment or bullying occur, all individuals will be afforded the right to raise the issue and have it properly dealt with. The Governing Body supports the following principles:

- informal complaints will be dealt with in confidence, to try and resolve them
- all parties will be required to co-operate with an investigation
- the Governing Body will not tolerate victimisation of individuals who follow this procedure
- the Governing Body will comply with its legal obligations as an employer
- the Governing Body reserves the right to report any complaints of alleged criminal behaviour to the police.

**1.2** The Governing Body accepts that by creating the right climate, this policy can help to prevent problems arising and/or developing into something more serious and detrimental to the workforce.

**1.3** Advice will be available for the alleged harasser and the harassed, the alleged bully or the bullied, in order to deal with the situation fairly and effectively.

**1.4** All individuals have a vital role to play in implementing and supporting this policy. In particular, the Head Teacher and senior members of staff are required to take early and appropriate action to safeguard a stress free working environment for all. The issue of harassment and bullying will be incorporated into training courses/workshops as appropriate.

#### **2.0 WHAT IS HARASSMENT?**

**2.1** Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people. In general terms it can be described as unwanted behaviour that a person finds intimidating, upsetting, embarrassing, humiliating or offensive and it may threaten a person's job security.

#### **3.0 GROUNDS OF HARASSMENT**

**3.1** People can be subject to undignified behaviour on a wide variety of grounds including the following:

- race, ethnic origin, nationality and skin colour
- gender, gender reassignment or sexual orientation
- willingness to challenge harassment (leading to victimisation)
- membership, or non-membership of a trade union
- disability, sensory impairment or learning difficulty
- status as an ex-offender
- age
- AIDS/HIV
- health
- physical characteristics

- personal and cultural beliefs.

This list is not intended to be exhaustive. It is possible for people to abuse their power over others in all sorts of ways.

## **4.0 FORMS OF HARASSMENT**

**4.1** Forms of harassment and bullying can range from extremes such as violence to things that are less extreme for example, ignoring someone. Whatever form it takes, it will be unwanted behaviour, which is unwelcome and unpleasant. Forms of harassment and bullying include:

- physical contact
- jokes, offensive language and behaviour, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-co-operation and exclusion from social activities
- coercion for sexual favours and pressure to participate in political/religious groups
- intrusion by pestering, spying and stalking.

## **5.0 WHAT IS BULLYING**

**5.1** Bullying may combine a variety of different approaches. It is persistent and often unpredictable harassment and can be experienced from senior to subordinate, peer to peer, or one group of individuals to another individual. It is insidious and undermines the ability and confidence of the person who is suffering from it. It can lead to fear, de-motivation, isolation, poor concentration, reduced work output, symptoms of stress and a high sickness absence level.

**5.2** The following points need to be taken into account when considering whether or not the pattern of behaviour constitutes bullying:

- bullying is not about an occasional angry response, it is about persistent and deliberate undermining and psychological crushing
- bossiness can turn into bullying when professional abrasiveness becomes tainted with an element of personal vindictiveness.

## **6.0 OBVIOUS BULLYING**

**6.1** The following would constitute bullying:

- using strength and power to coerce others by fear
- attempting to make others toe the line by singling out, demeaning and de-valuing
- a culture endorsing an aggressive and intimidating style of management
- using a 'booming' voice, dominating all round, giving a public 'dressing down'
- undermining, wearing down gradually and making unreasonable demands
- having a personal style that is dominant, overbearing, obsessional, reprimanding, disapproving, humiliating, and punishing
- using abusive language and aggressive body language
- name calling and using personal insults, suddenly becoming enraged - often over trivial matters
- spreading rumours which are often unfounded and malicious
- rarely listening to another's point of view
- criticising excessively and/or unfairly in public.

## **7.0 LESS OBVIOUS BULLYING**

**7.1** The focus is often on competence, or rather the alleged lack of competence of the bullied person. In reality, the target of bullying is often competent and popular and the bully is aggressively projecting her/his own social, interpersonal and professional inadequacy onto her/his target. The bully might do this by:

- making life difficult for those who have the potential to do the bully's job better than the bully does
- shouting at individuals to get things done
- criticising excessively and/or unfairly in private
- deliberately ignoring or excluding individuals from activities
- keeping individuals in their place by unfairly blocking their promotion
- insisting that her/his way of doing things is always right, without discussion
- refusing to delegate because he/she feels he/she can't trust anyone else
- punishing others for being too competent and/or constantly criticising
- punishing others by removing their responsibilities, often giving them trivial tasks to do instead
- overloading others with work by reducing deadlines.

**7.2** The above list is not intended to be exhaustive as bullying can occur in many different ways. Some types of bullying are obvious and easy to identify whereas others are much more subtle and difficult to explain.

GOOD MANAGEMENT	BULLYING
Setting standards	Setting unreasonable targets with unreasonable deadlines
Giving constructive feedback	'Dressing down' in public
Supervising	'Over' supervising constantly without just cause
Using the appraisal process to aid development	Abusing the appraisal process to criticise and undermine
Keeping records for legitimate purposes	Keeping information that is difficult to justify
Being able to refer to factual and objective evidence when dealing with unsatisfactory performance - putting an action plan in place to improve the performance	Making subjective and critical judgements about performance that are not substantiated – not offering support to address the 'perceived' shortfall

## **8.0 THE GOVERNING BODY'S RESPONSIBILITY**

**8.1** The Governing Body recognises its role as a good employer is to provide a safe working environment that is conducive to the delivery of high quality service to the school and diocese, as appropriate. Harassment and workplace bullying can lead to poor performance, high levels of absence and in extreme circumstances, claims of unfair or constructive dismissal and unlawful discrimination.

## **9.0 THE HEAD TEACHER'S RESPONSIBILITY**

**9.1** The Head Teacher and senior members of staff have a duty to ensure that unfair treatment does not occur in work areas that they are responsible for. They can do this by:

- engendering a team ethos and creating a suitable working environment
- challenging inappropriate behaviour
- responding to and supporting any individual complaining about unfair treatment
- providing advice and support in accordance with this document
- ensuring that no repetition or victimisation occurs once a complaint has been resolved

**9.2** If there is clear evidence that the Head Teacher has not taken the necessary action to deal with a legitimate complaint, the disciplinary or capability procedures may be invoked against her/him. The Head Teacher's action or inaction may also be a cause of complaint in proceedings for unfair or constructive dismissal or in civil claims.

## 10.0 THE INDIVIDUAL'S RESPONSIBILITY

**10.1** Individuals are responsible for their own behaviour, ensuring appropriate standards of conduct for themselves and for others. Individuals should:

- be sensitive to the potential impact of their own behaviour on colleagues
- encourage colleagues to respect each other
- report any incidents that cause concern to the Head Teacher/a senior member of staff
- make it clear to colleagues that they find their behaviour unacceptable, should this be the case
- support colleagues who are being bullied and/or harassed
- seek advice from their trade union or professional association

## 11.0 PROCEDURE – INFORMAL STAGE

**11.1** Best practice guides and research show that ideally, complaints should be dealt with internally and informally. This is better for all concerned as solutions can be reached speedily, with minimum embarrassment and risk to confidentiality. It is wise to act quickly to avoid disruption and expensive litigation. The following guidelines should help you:

- recognise that what is happening to you is harassment or bullying, as you may feel shame, embarrassment, guilt and fear
- you may find it helpful to record examples of the behaviour that you find offensive, to help you explain what is happening
- consider keeping a diary of events so that you can determine the extent of the problem
- ask the person to stop yourself as this is often effective - the person may not realise that he/she has offended you and by telling her /him that he/she has offended you and asking her/him to stop, you are making this clear - he/she then has an opportunity to stop without anyone else being involved
- consider expressing your concerns in writing and keep a copy of the document for reference, either now or in the future
- before proceeding further you may wish to talk to an independent person, someone who is not connected with your immediate situation
- you may wish to obtain advice from the Council's Occupational Health Team
- you can talk to a Personnel Officer, your Trade Union Representative or a colleague who will also be able to offer support

**11.2** The LEA has established a "Harassment network" of personnel staff who have been trained to help in this situation - a list is available from the Human Resources Department at Shire Hall.

**11.3** Their role is not to impose a solution but rather to offer you support, to help you to explore options and to assist you to choose an appropriate course of action. Possible options are outlined below:

- no action, just talk it through
- you and/or the Support Officer speak to the alleged harasser/bully together
- the Support Officer speaks to the alleged harasser/bully on your behalf
- the matter is referred to the Head Teacher/a senior member of staff, as appropriate.

## 12.0 FORMAL STAGE

**12.1** Complaints of harassment or bullying should be dealt with under the formal stages when the following apply:

- an informal approach has failed to redress the complaint and/or
- it is the preference of the complainant and/or
- the complaint is of serious harassment for example, abuse relating to a person's sex, race, disability and sexual orientation, stalking, continuous open criticism of an individual in front of colleagues and/or
- the allegation is of unlawful behaviour – it should be noted that any intentional harassment in the workplace may now be a criminal offence, be it on the grounds of sex, race, religion, disability, sexual orientation, HIV/AIDS etc.

**12.2** Your complaint must be lodged in writing to the Head Teacher. It should give details including times, dates, places, possible witnesses as well as a description of the behaviour. To assist you, an outline pro-forma can be obtained from any of the following: Personnel, your Trade Union Representative or a Support Officer.

**12.3** If the complaint is against the Head Teacher, the complaint should be lodged in writing with the Chair of the Governing Body, he/she will then be charged with dealing with the matter.

**12.4** If the complaint is against the Chair of the Governing Body, an officer of the LEA/Diocese will deal with the matter.

**12.5** You will be contacted to arrange a meeting to discuss your complaint within 10 working days of its receipt. You will have the right to be represented by your Trade Union Representative and/or your chosen Support Officer at this meeting.

**12.6** The Head Teacher will organise a full investigation into your complaint. Possible recommendations arising out of this investigation are as follows:

- i.** the complaint should be redressed through an apology and/or an instruction to correct behaviour
- ii.** arrangements should be made for mediation to take place between parties
- iii.** the alleged harasser/bully and complainant should both be counselled by a Support Officer
- iv.** consideration may be given to placing the alleged harasser/bully on the redeployment list, if appropriate
- v.** a disciplinary investigation should be convened to hear the case against the alleged harasser/bully. (Consideration will need to be given as to whether or not the case may be regarded as gross misconduct and therefore require that an employee or employees are suspended to allow the case to be investigated.)
- vi.** other appropriate action should be taken for example, dealing with the matter as a malicious complaint as detailed in the Malicious Complaints section of this document
- vii.** the complaint is unfounded and therefore there is no case to answer.

**12.7** The Head Teacher will consider the findings and recommendations of the investigating team and take appropriate action.

**12.8** It is recommended that an investigation into a complaint is carried out as quickly as possible, this should normally be within 15 working days of its receipt. However, it must be recognised that some cases will be more complex than others and they may take longer to investigate because of this. An investigation should be impartial and if necessary, the Governing Body may wish to consider approaching Personnel or the Diocese for support with this.

**12.9** If either the alleged harasser/bully or the complainant is not happy with the decision the Head Teacher has made and/or the action he/she has taken following the investigation, then he/she may appeal to the Chair of the Governing Body. If either the alleged harasser/bully or the complainant is not happy with the way the investigating team carried out the investigation, he/she should lodge a grievance through the Grievance Procedure adopted by the school.

**12.10** If the complaint involves a partnership organisation and its employees, the Governing Body will seek full co-operation from the partner and will encourage the partner to deal with the matter in accordance with best practice and the principles of this policy.

**12.11** If the partner refuses to co-operate, the investigation should still be carried out and the partner should be advised of the action that the Governing Body wishes to take to safeguard the interests of the workforce and the school.

## **13.0 MALICIOUS COMPLAINTS**

**13.1** Following an investigation it may be evident that a complaint has been made maliciously, in this event the complainant will be subject to disciplinary action. It must be stressed however that this is extremely rare and it should not deter individuals from making genuine complaints of harassment and bullying as these will be dealt with sympathetically, with a view to a constructive outcome.

## **14.0 CONFIDENTIALITY**

**14.1** Harassment and bullying is such a sensitive and controversial issue and everybody involved in a case in which harassment and bullying has been alleged must maintain the appropriate level of confidentiality.

**14.2** An occasion when confidentiality may be breached is when an individual talks about a serious allegation of harassment but he/she does not wish to make a complaint. He/she should be made aware at the outset that discretion will be used to determine whether or not other individuals may potentially be at risk in the future from the alleged harasser/bully. If this is the case, the allegation will be reported because of the duty to protect individuals.

## **15.0 MONITORING**

**15.1** Head Teachers and Governing Bodies will be responsible for monitoring the policy in their own schools in order to measure its effectiveness and to identify any improvements that can be made.

**15.2** It should be noted however that the identity of individuals must not be disclosed in order to maintain confidentiality in accordance with the requirements of this policy.