

Harassment and Bullying Policy and Procedure



Approved by:	The Trust Board	Date: September 2020
Recognised unions have been consulted on this document via the Unity Schools Partnership Joint Consultation and Negotiation Committee. It was accepted by Unity Schools Partnership on:		Date: September 2020
Last reviewed in:	September 2020	
Next review due by:	September 2021	

Contents

1. INTRODUCTION3
3. CONFIDENTIALITY3
4. EXCLUSIONS.....3
5. ROLES AND RESPONSIBILITIES.....3
7. KEY TERMS: DEFINITIONS OF HARASSMENT AND BULLYING4
8. DEFINITION OF HARASSMENT4
9. DEFINITION OF BULLYING6
10. DEFINITION OF VICTIMISATION7
11. COMPLAINTS OF HARASSMENT OR BULLYING BY THIRD PARTIES7
Further Advice7

1. INTRODUCTION

The Unity Schools Partnership (“the Trust”) views any form of harassment or bullying towards any persons as unacceptable. Not only can it have a detrimental effect on the health and wellbeing of a person who suffers it, but it can undermine good working relationships, affect staff morale and reduce overall effectiveness in a working environment. The Trust is dedicated to providing a safe working environment for its employees and workers.

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

2. SCOPE

This procedure applies to all teaching and support staff across Unity Schools Partnership.

An employee working within the Trust but employed on another organisation’s terms and conditions of employment should have any grievance managed under their own organisation’s appropriate policy/procedure.

3. CONFIDENTIALITY

The material involved in a complaint of harassment or bullying is of a sensitive nature. All the 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 personnel file of the employee receiving the instruction or warning.

4. 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.

5. ROLES AND RESPONSIBILITIES

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

It is a disciplinary offence to victimise an employee who has made a complaint of harassment or bullying, or an employee who gives evidence in good faith about a matter under investigation.

Where an employee has raised a complaint of harassment or bullying it must be recognised that this is likely to be a very stressful time for the employee concerned and Headteachers, Governors and Central Team Directors must be mindful of this and consider what support may be necessary via school well-being programmes or similar. The same support should also be offered to alleged perpetrators who are being called upon to respond to such allegations.

6. USING THIS POLICY

This policy defines the key terms and expectations in this area. Complaints of bullying and/or harassment by colleagues should be made in accordance with the Trust's Grievance Policy and will be dealt with via the process set out in that policy. This should be read by employees, Headteachers, Governors and Central Team Directors in conjunction with this Harassment and Bullying Policy. The Grievance Policy sets out both informal and formal measures. It is hoped that conflict between employees can be resolved by quick intervention and the use of informal measures, rather than resorting to a formal process, although it is recognised that there may be no alternative in serious cases.

Where a complaint of harassment or bullying has been upheld, the perpetrator's actions will usually be addressed under the Trust's Disciplinary Policy.

7. KEY TERMS: DEFINITIONS OF HARASSMENT AND BULLYING

Harassment and bullying can take many forms. It can be directed at an individual, or a group, and examples include violence, abusive or offensive behaviour towards an individual or ignoring someone.

Employees can be subject to harassment and bullying on a wide variety of grounds, including their:

- age;
- gender;
- gender reassignment
- Non-binary gender identity
- marital or civilly partnered status;
- pregnancy and maternity;
- physical characteristics;
- race, ethnic origin, nationality or skin colour;
- religion, belief or political convictions, or none;
- sensory or physical impairments, learning difficulties, ill health or medical condition;
- sexual orientation;
- disability
- trade union membership, or non-membership;
- willingness to challenge harassment and bullying, leading to victimisation;

This list is not exhaustive. Employees are also protected on the basis of being perceived to possess the above protected characteristics, whether they have them or not. They are also protected on an associative basis (e.g. parents of a disabled child are protected from harassment on this basis). Job applicants, as well as current employees and workers, are also covered by the legislation.

8. DEFINITION OF HARASSMENT

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or offensive work environment.

The types of harassment set out in the Equality Act 2010 are as follows:

1. General: based on a protected characteristic
2. Conduct of a sexual nature
3. Less favourable treatment because of rejection of or submission to conduct of a sexual nature, or harassment based on sex or gender reassignment (including those whose gender is not defined)

The Equality Act 2010 protects employees from harassment because of: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity; race, religion or belief, and sexual orientation. It should be noted that behaviour does not have to be directed at a person in order for them to make a claim; they simply have to be able to demonstrate that the behaviour had the effect of creating an intimidating, hostile or offensive environment for them. For example, that derogatory terms were used as a joke, or that the perpetrator was unaware the complainant was of a particular protected group when they made the offensive remarks, or that they treat everyone equally badly. Harassment is defined not by the intention of the perpetrator, but by the negative impact on the recipient.

Harassment can take many forms including:

- physical contact, ranging from touching (this includes but is not limited to, being hugged or unwelcomed close proximity e.g. hand touching someone's arm) to serious assault;
- verbal and written harassment through jokes, offensive language, gossip, slanderous correspondence;
- graffiti or obscene gestures;
- sending offensive material by email, by post, by text, or via social networking media;
- isolation or non-co-operation at work; exclusion from social activities;
- coercion ranging from pressure for sexual favours to pressure to participate in particular activities;
- intrusion by pestering, spying, following;
- "outing" someone - to state openly and publicly someone's sexual orientation without their permission

The scope of the various forms of harassment is explained in more detail below.

- Harassment on age grounds can affect people of any age
- Harassment on disability grounds affects people with physical and sensory impairments, learning difficulties and mental health conditions.
- Harassment on gender grounds affects people of any gender.
- Harassment on gender reassignment grounds affects people as soon as they manifest their transgendered status (e.g., by dressing in the clothes of the opposite sex).
- Harassment on marriage or civil partnership grounds affects those who are currently married or civilly partnered. There is no legal protection for previous or future relationships.
- Harassment on pregnancy or maternity grounds affects female employees who are pregnant or on statutory maternity leave.
- Harassment on race grounds affects people of all races, and includes race, colour, nationality, citizenship, caste, and ethnic or national origins.
- Harassment on religion or belief grounds affects people from all religions and religious groups; people with certain belief systems and also people who have no religious belief.

- Harassment on sexual orientation grounds affects people of all sexual orientations, whether they are heterosexual, lesbian, gay or bisexual.
 - Sexual harassment refers to unwelcome conduct of a sexual nature. If an incident of perceived sexual harassment persists once it has been made clear that it is regarded by the recipient as offensive or unwelcome, this is deemed to be harassment. In certain cases, however, one incident of harassment may constitute sexual discrimination if sufficiently serious. It is the unwanted nature of the conduct that distinguishes sexual harassment from friendly behaviour that is welcome and mutual. People are also protected from less favourable treatment because of rejection of or submission to conduct of a sexual nature. Further details as to the forms it can take are given below.
- (i) Physical contact of a sexual nature is commonly regarded as meaning unwanted physical contact, ranging from unnecessary touching of a colleague, to sexual assault and coercing intercourse.
 - (ii) Verbal conduct of a sexual nature may include unwelcome sexual advances, offensive flirtations, continued unwelcome suggestions for social activity outside the workplace, suggestive remarks, and lewd comments.
 - (iii) Non-verbal conduct of a sexual nature refers to the display of pornographic or sexually suggestive pictures, objects or written materials; leering, and/ or making sexually suggestive gestures.

Third party harassment – please see section 11.

9. DEFINITION OF BULLYING

Bullying is often the misuse of power or position to criticise and condemn unreasonably; to humiliate and undermine an individual's professional ability. It is accepted however, that there can be 'peer on peer' bullying and, on occasion, bullying by a junior colleague of their supervisor, manager, or other senior colleague.

In terms of legislation, an employer's duty to prevent bullying comes under the health and safety provision of a "duty of care".

Obvious bullying may include:

- shouting at employees
- displaying instantaneous rages
- using personal insults and name-calling e.g. unwanted 'nicknames', stereotyping, or anything that is perceived by the perpetrator as 'harmless banter', and unwelcomed by the recipient.
- criticising unreasonably
- humiliating publicly
- threatening with demotion

Less obvious bullying may include:

- setting objectives with impossible deadlines
- removing areas of responsibility
- setting menial tasks
- changing working guidelines
- ignoring or excluding an individual

- talking only through a third party
- refusing reasonable requests
- blocking a person's promotion
- stealing credit for the work of the victim
- subjecting the employee to excessive scrutiny or 'micromanagement'
- excessive / relentless email or telephone messages, particularly outside normal working hours
- persistent, unjustifiable complaints, criticisms and/or unreasonable demands
- Persistent, unjustified challenging of senior colleagues / peers' actions or decisions in relation to matters outside the individual's remit

It is the pattern of such events that determines if bullying 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, however, will consistently use one or more of the above methods to harass and intimidate the victim.

10. DEFINITION OF VICTIMISATION

Victimisation is treating someone less favourably than others because they have reported harassment (whether formally or otherwise), or supported someone in making a complaint, for example by giving evidence as a witness in relation to a complaint. It includes when A *believes* B has made, or may make, a complaint or support another's complaint.

In these situations, the employee can use this policy or report the incident to their Line Manager, or to their Line Manager's Manager if they wish to report that individual. If they choose not to report the issue formally, then it may not be appropriate for any further action to be taken. However, if the offence was very serious, the school would consider that it was failing in its duty to provide a safe working environment, free from unlawful discrimination, if it did not act. In this situation, where the school is aware of the incident, formal action could be taken without the employee's permission, although they would be informed.

11. COMPLAINTS OF HARASSMENT OR BULLYING BY THIRD PARTIES

The Trust does not condone any harassment or bullying from third parties towards its employees. Any complaints made will be taken very seriously and dealt with swiftly. In order to avoid any instances such as these, the Trust ensures that third parties are made aware of this policy and its expectations of treatment of its employees.

Employees should report any complaint relating to bullying or harassment by a third party e.g. parents / contractors to their Line Manager or Headteacher who will determine, with appropriate assistance where required, what action may be taken. In some cases, it may be appropriate to report incidents via the incident reporting procedure.

Further Advice

If any staff, contractor or visitor requires any further information regarding this policy or support they should either ask their Headteacher or contact the HR Helpdesk at hrhelpdesk@unitysp.co.uk or telephone 01440 333401.