



Bullying & Harassment (Staff) Policy

Incorporating Aggressive Parent/Visitor Policy

1. Policy Outline

What is the policy about?

Sir Thomas Fremantle School recognises and accepts its responsibility as an employer to protect its employees from bullying and harassment.

We must develop positive values and a working culture that provides an environment where employees can develop as people who are motivated, productive and happy as well as being treated with respect and dignity.

Sir Thomas Fremantle School will not tolerate any form of bullying and harassment from any source, including from the leadership team, colleagues, students, governors, parents, guardians, carers, stakeholders, officers, councillors and contractors.

Sir Thomas Fremantle School wants all employees to feel confident about reporting complaints of bullying and harassment. All complaints will be taken seriously, treated fairly and without victimisation.

The aim of the policy is to:

- Ensure that every employee understands their right and responsibilities in relation to bullying and harassment.
- Provide an understanding of what to do if bullying or harassment takes place.

Sir Thomas Fremantle School will take a serious view of any complaint made regarding bullying or harassment.

Appropriate action will be taken against any individual where it is proven that they have bullied or harassed - this may include disciplinary action.

Sir Thomas Fremantle School will work jointly with the Trade Unions and Professional Bodies and they are fully supportive of the principles of this statement.

Who does the policy apply to?

This policy covers all school-based employees.

Where an employee feels they are being bullied or harassed by a Governor, the employee should discuss this with the Headmaster who should also seek advice from ASCL (HR).

Responsibility

All employees and governors have a duty of care to themselves and others. They must not act in any way likely to cause harm to others. For a breakdown of an individual's responsibilities please refer to page 7 of this document.

Monitoring

- Monitoring will include:
- A record of all complaints detailing the incident(s).
- Reviewing individual complaints to monitor outcomes.
- Identifying issues and appropriate action.
- Corporate record keeping in line with equalities monitoring.

All employees involved in a complaint must respect confidentiality.

Confidentiality

The School recognises that problems of bullying and harassment involve sensitive issues. To eliminate harassment from the workplace the school has adopted a policy of non-tolerance of any form of bullying and/or harassment. However, to eliminate bullying and harassment it is necessary to know when it occurs. The School is responsible for the actions of all its employees and therefore must be informed of any incidents.

The School has a duty of care to investigate all complaints and take action, including disciplinary measures where appropriate.

All information in relation to complaints will be handled sensitively and appropriately.

Confidentiality cannot however be guaranteed as information disclosed may have to be used in proceedings including disciplinary hearings and criminal cases if appropriate. Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action.

The School takes false or misleading accusations very seriously which may result in further action being taken through the Disciplinary Procedure. This will not include ill-founded allegations that were made in good faith.

Publicising/distribution of the policy

A copy of this policy is available from the Main Office and will be made available to employees on request. A copy can also be viewed via the School's website.

New employees will be informed of the existence of this policy in recruitment and induction information.

Reviewing the policy

The operation of this policy will be kept under review and changes to the policy will be made as deemed appropriate following necessary consultation with the trade unions.

Forms

Policy and procedure will be downloadable from the website. Reporting forms will be available from the Main Office or HR.

Important: Note Regarding Responsibility of Management of this Process

Within this guidance, reference is made to the Headmaster managing the process.

Where a claim of bullying or harassment is made against a Headmaster, then the process should be managed by the Chair of the Governing Body. If a Headmaster wishes to make a claim of bullying or harassment against the Chair of the Governing Body, then the Headmaster is requested to contact the Trustees.

Procedure

This procedure covers all types of bullying and harassment.

Standards of behaviour

This procedure identifies unacceptable forms of behaviour. The supporting procedure informs employees of the available options open to them should they be subject to bullying or harassment. All employees and governors are required to comply with this policy. Every individual has a responsibility to treat others with dignity and respect.

Legislation

It is important to remember that in law, once a member of staff is aware of the facts of a case, however informally, the organisation is deemed to know. It is not possible to make a direct complaint to an employment tribunal about bullying.

However, employees might be able to bring complaints under laws covering discrimination and harassment or unfair dismissal. For example:

- Sex: Sex Discrimination Act (1975), Employment Equality (Sex Discrimination) Regulations (2005), give protection against discrimination, harassment and victimisation on the grounds of sex, marriage, pregnancy, maternity leave or because someone intends to undergo, is undergoing or

has undergone gender reassignment. They also give protection against unwanted verbal, non-verbal, visual or physical conduct of a sexual nature which is offensive, humiliating or degrading.

- This covers one off episodes as well as repeated behaviour.
- Race: Race Relations Act (1976) gives protection against discrimination and victimisation on the grounds of colour and nationality. The regulations that amended the Act (Race Relations 2000) also give a stand-alone right to protect from harassment on grounds of race and ethnic, or national, origin.
- Disability: the Disability Discrimination Act (1995 and 2005) gives protection against discrimination, harassment and victimisation.
- Sexual Orientation: the Employment Equality (Sexual Orientation) Regulations (2003) give protection against discrimination, harassment and victimisation on the grounds of sexual orientation.
- Religion or Belief: the Employment Equality (Religion or Belief) Regulations (2003) give protection against discrimination, harassment and victimisation on the grounds of religion or belief.
- Age: the Employment Equality (Age) Regulations (2006) give protection against discrimination, harassment and victimisation on the grounds of age.
- In addition to this there are a range of codes of practices, which inform this policy and procedure.

Constructive dismissal

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between the employer and employee is broken, e.g. through bullying and harassment at work, then an employee may be able to resign and claim 'constructive dismissal' on the grounds of breach of contract.

However, before such a claim can be made by the employee at any tribunal, they need to raise a formal grievance within the organization. Within schools, this procedure would have to be utilised if the problem was related to bullying or harassment.

Employers are usually responsible in law for the acts of their workers.

Health and safety

Breach of contract may also include the failure to protect an employee's health and safety at work, e.g. Bullying and Harassment can include physical attack or mental distress. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

Responsibilities

The responsibilities of the Governing Body are to:

- Promote the School's values and the importance of a positive working culture.
- Comply with their responsibilities under the Code of Conduct.

- Be aware of their own behaviour and the effect it may have on other people thus ensuring that their behaviour does not contribute to bullying or harassment.

The responsibilities of Headmaster and employees who manage other staff are to:

- Take all reasonable steps to prevent bullying or harassment by considering their own management style and behaviour and ensuring that they support the values of the School.
- To provide a work environment where it is clear to all staff that behaviour which may potentially cause offence is not acceptable.
- Challenge all inappropriate behaviour.
- Take all reasonable steps to satisfy their proactive duty to acknowledge and act upon any potential bullying or harassment behaviour.
- Take appropriate action if bullying and harassment occurs and ensure that complaints are treated effectively, sensitively and seriously in accordance with the procedure.
- Ensure records are kept of all incidents.
- Ensure that all documented procedures are adhered to.

The responsibilities of employees are to:

- Be aware of their own behaviour and the effect it may have on other people, treat everyone with respect and dignity thus ensuring their behaviour does not contribute to incidents of bullying and harassment.
- Be aware of the problems which bullying and harassment can cause.
- Bring to the attention of colleagues that certain behaviour or conduct can cause offence.
- Take appropriate action if they observe any bullying or harassment.

What is harassment?

Harassment is unwanted conduct affecting a person's dignity. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristics of the individual. Harassment may be persistent or an isolated incident.

It is not what may have been intended by the perpetrator that is key in deciding whether harassment has occurred; it is whether the actions and comments are viewed as demeaning and unacceptable to the person being harassed.

Examples of unacceptable conduct:

- Unwanted physical contact ranging from touching to serious assault or threats.
- Suggestive comments or body language.

- Verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters etc.
- Visual display of posters, graffiti, obscene gestures, etc.
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.
- Intrusion by pestering, spying, following etc.
- Unwanted attention of a sexual nature.
- Isolation or exclusion from work.

What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour as well as misuse of power through means intended to undermine, humiliate, degrade, criticise unfairly or injure someone.

Although this list of bullying behaviours is not exhaustive, some common examples in the workplace could include:

- Spreading malicious rumours or insulting/humiliating someone.
- Copying memos that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone shouting at the individual in front of others.
- Exclusion or victimisation/being ignored.
- Unfair treatment and criticism.
- Excessive supervision or other misuse of power or position.
- Deliberately undermining a competent worker by overloading them with work and subjecting them to constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Setting up a person to fail
- Giving impossible deadlines or tasks or withholding information necessary for them to carry out the task.
- Unreasonable assignments of duties, which are obviously unfavourable to one individual.
- One off events.

Bullying and harassment instances are not always face-to

What is victimisation?

Victimisation may arise when one or more people receive less favourable or unequal treatment compared to others. This could be because they are suspected or known to have complained, or may have given evidence about behaviour, which has resulted in an allegation of bullying and harassment. Victimisation arising from a case of bullying or harassment is a conduct issue and will be dealt with under the DCC Disciplinary Procedure.

Effects of bullying and harassment

Bullying and harassment can have a detrimental effect on the individual's home and work life; for example, depression, anxiety, stress, loss of confidence. In the workplace this can result in poor working relationships, increased absenteeism and reduced efficiency.

In the event of an employee becoming absent due to bullying or harassment -and consequently suffering from stress, anxiety or depression-it is essential that reasonable adjustments are made to their

workplace in order to ease their way back into work. For further guidance please refer to the School's policy on sickness absence management or the extranet.

What do you do if you think you are the subject of bullying and harassment?

Any employee who feels that they are being bullied or harassed in the workplace may wish to resolve the situation informally in the first instance. If the situation cannot be dealt with informally then the formal procedure will need to be applied.

In the case of an employee being bullied or harassed by a Governor the employee should report this to the Headmaster who will then seek advice from Human Resources.

In the case of an employee being bullied or harassed by a Headmaster, the employee should report this to the Chair of the Governing Body, who will then seek advice from Human Resources.

In relation to members of the public, employees should make the Headmaster aware of any incidents.

Depending on the circumstances of each case, a range of actions will be considered in the case of a member of the public who bullies or harasses any School employee while carrying out their duties. In extreme case this may lead to:

- Taking action to exclude the individual from the School premises
- Taking legal action against the person bullying or harassing the employee.

In the case of an employee being harassed or bullied by a contractor, a person working for or representing a voluntary organisation, the Headmaster should speak to the person involved. However, Headmasters should seek further advice from Human Resources before approaching the representatives of external agencies.

Anyone who witnesses harassment or bullying can also raise concerns with their Headmaster (or Chair of Governors, in the case of witnessed harassment or bullying by a Headmaster)

If, during the course of the investigation, it is established that a malicious complaint has been made then appropriate action will be taken -this may include disciplinary action (please refer to the Disciplinary Procedure for further guidance). This will not include unproven allegations, which were made in good faith.

Who can provide help? -Informal procedure

The informal procedure is designed to address bullying or harassment when it takes place and to help all employees to work together in a professional and dignified manner in order to eradicate it from the workplace. Employees may not be aware that their actions cause offence to others and once it is highlighted this may resolve the situation.

In most cases of inappropriate behaviour the employee should attempt to resolve the issue informally by approaching the alleged perpetrator directly. It should be explained to the alleged perpetrator what behaviour is being complained of, how that behaviour is causing offence and that it needs to stop. If they feel unable to do this they can seek support from:

A professional Colleague, Trade Union Representative, Headmaster or Chair of Governors, (in the case of inappropriate behaviour of a Headmaster).

However in certain situations, particularly serious incidents, the formal procedure must be followed.

Headmaster

Employees can report behaviour to the Headmaster and ask them to speak to the alleged perpetrator on their behalf.

It is important that Headmasters keep a written record of all queries or informal complaints, the nature of what was discussed and the action agreed to be taken, using the Headmaster's log sheet. A copy of the log sheet must be sent to the individual who raised the query, a copy kept by the Headmaster and the Head of the School's Human Resources (for monitoring purposes only). It should be noted that the Headmaster cannot guarantee confidentiality.

Trade Unions

Trade Union members who are raising a complaint or have a complaint made against them can talk confidentially to a representative of their trade union for advice and support.

Investigation

The Headmaster will instigate an investigation into the incident

This may mean that the Headmaster chooses to appoint an investigating officer or may wish to assume the role of investigating officer him/herself. If a separate investigating officer is appointed, the investigating officer should not be party to the complaint itself.

The School Business Manager should also be made aware of the situation so that they can offer support to the Headmaster and advise on appropriate action. The investigation should normally be carried out within 10 working days of receiving the complaint. This includes meeting the complainant, taking statements from the complainant, any witnesses and the alleged perpetrator.

Investigating officers should deal sensitively with all those involved, including any witnesses.

If, in exceptional circumstances, the investigation is unlikely to be completed within 10 working days an alternative timescale should be discussed with the complainant.

The investigating officer will interview the complainant, who may be accompanied by a work colleague or trade union representative.

Interviews will also take place with the alleged perpetrator, who may also wish to be accompanied by a work colleague or trade union representative and named witnesses. It is important that any accompanying person must not be party to the complaint. Any other supporting evidence will also be obtained. The objective of this investigation is to clarify and discuss all relevant issues in as short a time scale as is possible.

The investigating officer will then compile a report based on all relevant information, statements, records of interviews and corroborating evidence. This report will consequently clarify whether the complaint is upheld and whether formal consideration by the Headmaster is warranted.

A copy of the report should be retained in the School.

The Headmaster will notify both the complainant and alleged perpetrator in writing within 10 working days of receiving the report, along with any other line manager involved in the investigation.

Disciplinary Procedure

Where it is clear that a conduct issue exists and there is a case to answer a disciplinary hearing may then be arranged. However, there may, in some instances, be the need for further investigations within the School's Disciplinary Procedure. These investigations may then lead to a formal disciplinary hearing. For further information, please refer to the school's Disciplinary Procedure.

Where the investigation reveals that a complaint may have been malicious or mischievous the Headmaster or their representative) will decide whether appropriate disciplinary action will be taken against the complainant.

If action is taken short of dismissal after any disciplinary hearing, the perpetrator will be told about the standards of behaviour expected in future. It will also be explained that if the recipient is victimised for bringing this complaint, or if the behaviour continues, there will be further disciplinary action, which could ultimately result in dismissal.

Appeal

If disciplinary action is taken against the alleged perpetrator they may appeal in accordance with the School's Disciplinary Procedure.

If the complainant is not satisfied with the outcome of the bullying or harassment investigation they may appeal, in writing, to the Headmaster within 10 working days of receiving the decision, to request a hearing by the Appeals Committee of the School's Governing Body.

The complainant will be invited to attend a meeting of the Appeals Committee, normally within 28 days of receipt of the request. A trade union representative or a work colleague may accompany the complainant. Notification of the outcome of the meeting will be issued in writing within 10 days.

The Appeals Committee is the final forum for such consideration in the School.

Agreed by the Full Governing body

Signed by: Glenn Smith; Chair of Governors

Date

Signed by: Darren J Lyon; Headmaster

Date

Allegation of Bullying/Victimisation/Harassment at work reporting form.

Name of Complainant		Date	
Position			

Name of alleged perpetrator	
Nature of Complaint	

Does the employee consider that they have been subject to harassment due to their:			
Gender		Religion	
Race		Personal Beliefs	
Age		Ethnic Origin	
Disability		Position in the Organisation	
Sexual Orientation		Personal Appearance	
Political Beliefs		Other	

Names of witnesses:
1.
2.

Action taken so far:
Further action agreed:

Signed		Dated	
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Date received by Headteacher (or other investigator)	
Signed by investigator	

Sir Thomas Fremantle School

AGGRESSIVE BEHAVIOUR FROM PARENTS AND VISITORS

Incident Reporting Form

Aggressor	Parent		Visitor		M		F	
Name								
Victim	Staff		Student		Parent		Other	
Name								

Nature of incident

Verbal abuse		Intimidating behaviour		Refusal to co-operate		Physical assault	
Racist comment		Sexist Comment		Incitement of others		Other	

Brief description of the incident

Action taken

Signed

Dated.....