



Coatham Church of England Primary School

Harassment and Bullying Policy

Reviewed November 2013
Next review November 2016

Chair of Governors.....
Date.....

Head Teacher.....
Date.....

1. INTRODUCTION

Redcar and Cleveland Borough Council and the governing bodies of maintained schools will not tolerate any form of harassment or bullying. All employees have the right to work in an environment free from harassment and bullying.

2. AIM

The aim of this policy is to prevent all forms of harassment and bullying and to ensure that every employee understands their right not to tolerate this kind of behaviour and how to deal with it if it occurs. The Council and the maintained schools are committed to ensuring that;

- All employees have a right to be treated with respect and dignity in the workplace
- Managers and Supervisors at all levels establish and maintain a workplace free from harassment/bullying
- Complaints of harassment/bullying will receive confidential, prompt and efficient response
- No employee need fear victimisation by management for bringing a harassment/bullying complaint

3. SCOPE

This policy applies to all staff employed by Redcar and Cleveland Borough Council. It is suitable for adoption by the governing bodies of all maintained schools.

4. HARASSMENT

Harassment in general terms is unwanted conduct or inappropriate language adversely affecting the dignity of men and/or women in the workplace. It may be related to age, gender, race, disability, religion, religious beliefs, sexual orientation or any personal characteristic of the individual and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

In general terms it can be described as unwanted behaviour or inappropriate language that a person finds intimidating, insulting, embarrassing, humiliating or offensive.

Examples of harassment include;

- Spreading malicious rumours or insulting someone (particularly on an equality issue)
- Unwelcome sexual advances (touching/physical contact, standing too close and display of pornographic/offensive materials)
- Unwelcome remarks on dress or physical appearance, age, race or marital status etc
- Exclusion or victimisation
- Ridiculing or demeaning someone

- Overbearing supervision or other misuse of power/position
- Excessive and repetitive criticism of an individual
- Inappropriate language (unwelcome sexual remarks, foul language)
- Unwanted physical contact
- Jokes, offensive language, gossip, slander, sectarian songs or letters
- Posters, graffiti, obscene gestures, flags, bunting and emblems

Third Party Harassment

Employers are also liable in cases of sex discrimination for harassment of their employees by third parties. Managers, Governors and Head Teachers should be aware that an employer will be treated as subjecting an employee to harassment where a third party harasses an employee in the course of their employment and the employer has failed to take such steps as would have been reasonably practical to prevent the third party from doing so. This only applies when the employer knows that the employee has been subject to harassment in the course of their employment on at least two other occasions by the third party. It is immaterial whether the third party is the same or a different person on each occasion.

5. BULLYING

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/individual to another group/individual. It is insidious and undermines the ability and confidence of the individual 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.

Examples of bullying include:

- A culture endorsing an aggressive and intimidating style of management
- Undermining, wearing down gradually and making unreasonable demands
- Criticising excessively
- Deliberately ignoring or excluding individuals from activities
- Overloading with work and setting impossible deadlines/unreasonable targets
- Making subjective and critical judgements about performance which are not substantiated
- Not offering support to address performance issues
- Overbearing supervision or misuse of power
- Blocking training or promotion opportunities
- Personal insults
- Cyber bullying e.g. emails/text messaging

The above examples are not exhaustive as bullying can occur in many different ways. Some types of bullying are obvious and easy to identify where as others are much more subtle and difficult to explain.

6. ROLES AND RESPONSIBILITIES

Overall responsibility for Policy lies with the Chief Executive of Redcar and Cleveland Borough Council and the governing bodies of maintained schools. However, it is the responsibility of the Executive Management Team and all managers to ensure that

the provisions of this policy are fully implemented and maintained within their specific areas. Other roles and responsibilities are as follows;

Management Responsibilities

- Maintain a workplace free from harassment and bullying
- Treat staff/colleagues with respect and dignity
- Take action to prevent harassment
- Support the reporting of all incidents no matter how minor
- Respond promptly
- Ensure the corporate policy is followed correctly and fairly
- Promoting an open, non threatening environment including at social gatherings
- Protect employees from third party harassment
- Provision of guidance and support to staff to improve behaviour
- Protect complainants from victimisation
- Setting standards
- Giving constructive feedback
- Referring to factual and objective evidence when dealing with performance issues
- Implementing an action plan to improve performance

Employee Responsibilities

- Challenge inappropriate behaviour
- Report instances of harassment/bullying to their Line Manager / a First Contact Officer or Trade Union representative
- Take action if they observe or have evidence that someone else is being harassed
- Treat colleagues with respect and dignity
- Every employee has a duty of care to themselves and others and must not act in a way likely to cause harm to others
- Individuals need to be aware that they can be personally liable to pay compensation and can be prosecuted under criminal as well as civil law.

Human Resources

- Provide advice and guidance to managers
- Refer staff to Staff Support Network/First Contact Officers/ Trade Union representative
- Provision of staff support network service
- Respect employee confidentiality
- Provide Occupational Health support if required
- Referral to Workplace Mediation Service

7. PROCEDURE

In complaints of harassment/bullying the following procedure will be followed;

Stage 1 - Informal

- An employee who feels they are subject to any form of harassment/bullying should speak to their Line Manager, or if the issue involves the Line Manager to the Line Manager's manager (second Line Manager).
- Alternatively the employee can speak to a First Contact Officer or Trade Union representative.
- If the alleged harassment/bullying can be resolved on an informal basis this will end the matter.
- Mediation may be appropriate at this stage and should be considered. (More details regarding mediation are set out below).
- The Line Manager will make a file note of the discussions in case of reoccurrence.

Employees being investigated for potential harassment/bullying issues will also have access to either a First Contact Officer or the Staff Support Network and their Trade Union representative.

Stage 2 - Formal

If the issue cannot be solved at Stage 1 and the employee wishes to make a formal complaint they should raise the issue with their Line Manager/Head of Service.

The Manager/Head of Service should seek advice from the relevant Human Resources Adviser.

Following written receipt of the formal complaint a meeting will be arranged to discuss the issues with the individual, any representative, the Line Manager and the HR Adviser.

Mediation may be appropriate at this stage and should be considered. If mediation does not resolve the situation the individual can revert back to the formal process.

Following the meeting if the employee making the complaint still wishes to proceed, the complaint will be investigated under the Disciplinary Procedure. The nominated Officer for the Department or Head Teacher will appoint an investigating officer to undertake the investigation. The Disciplinary Procedure and Management Guidance provide information on the investigation and the disciplinary procedure. The recommendations within the investigation report submitted to the nominated officer may include the following;

- Administrative Action (e.g. The Harasser given informal guidance or transfer to different section/department if agreed by all parties)
- Disciplinary Hearing convened
- Harassment not proven

All complaints of harassment/bullying will be dealt with fairly, confidentially and sensitively. The investigation will be concluded as quickly as reasonably possible.

Employees who make a complaint about any form of harassment/bullying will not be subject to victimisation from management.

In cases where harassment/bullying are not proven, disciplinary action may be considered if an unfounded complaint has been brought vexaciously or with malicious intent.

8. FIRST CONTACT OFFICERS

First Contact officers are appointed from within the existing workforce to provide advice and support for complainants. The Staff Support Network Counsellors are responsible for allocating cases to First Contact Officers.

The First Contact Officer will be permitted to take time away from the workplace in order to deal with harassment/bullying issues.

The role of the First Contact Officer is to;

- Help the claimant to deal with harassment/bullying in an informal manner in the first instance giving confidential advice and guidance.
- Make specific provisions for problems to be discussed confidentially and informally before a formal complaint is made
- Act as a 'listener' or 'sounding-board' for anyone who feels subject to harassment/bullying
- To provide liaison and support to the complainant until the matter is resolved either informally or formally

Once the complaint is referred into the formal investigation process, the First Contact Officer will have no official role in the formal procedure but may continue to provide informal support as required.

The First Contact Officers appointed will be offered initial training and will have access to regular meetings/training through the Staff Support Network.

Trade Union representatives are also able to offer support as well as having the training and ability to represent employees throughout the whole procedure

9. MEDIATION

Redcar and Cleveland Borough Council has a number of workplace trained mediators available. This service is coordinated by the Staff Health and Wellbeing Team. Individuals concerned about harassment/bullying can make contact through the relevant HR Adviser or cases can be referred by the Staff Support Network.

Mediation is a voluntary process whereby the trained independent mediator meets with both parties separately before facilitating a meeting between both parties.

Mediation can be very effective when harassment or discrimination is alleged but the behaviour does not appear too serious. However when allegations are serious, a formal investigation is more appropriate; although the outcome of the investigation may include a recommendation that mediation is considered by the parties involved.

There may be occasions where mediation is considered the most appropriate method to enable the parties involved to work together again. This will involve a neutral third

party working with the individuals involved. Mediation is a voluntary process but individuals will be encouraged to participate if it is felt that this might provide the best outcome.

If mediation does not resolve the situation the individual can revert back to the formal process.

10. MONITORING

The Council will monitor this policy and the staff subject to it in accordance with the specific Employment Equalities Legislation as set out in the Diversity and Equality Policy.