



NORTH FERRIBY C E PRIMARY SCHOOL

HARASSMENT AND BULLYING POLICY (STAFF)

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| Date of New Policy: | Spring 2018 |
| Review Date: | Spring 2021 |
| Policy Type: | Corporate |
| Co-ordinator: | Russ Orr |
| Link Governor: | Derek Shepherd |
| Committee: | Personnel |

North Ferriby CE Primary School Mission Statement:

A Christian School with children at its heart.

Christian Values Statement:

At North Ferriby CE Primary School, we keep Christian values at the heart of our school community where we live, love and learn together.

Ethos Statement for North Ferriby CE VC Primary:

Recognising its historic foundation, the school will preserve its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice.

It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.

YORK DIOCESAN BOARD OF EDUCATION

Harassment/Bullying Policy and Procedure

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| Lead Directorate and Service: | Corporate Resources/Human Resources |
| Effective Date: | November 2014 |
| Officer/Number | HR Advice Centre/391221 |
| Approved by: | Personnel Sub-Committee 11 October 2000, Cabinet: 8 September 2004, Cabinet 18.1.11, CMT: 3.11.14, Min Ref 16021 |

Harassment/Bullying Policy

1. Scope

- 1.1 This policy applies to all employees of the Council except school based employees unless adopted by the respective school governing bodies.

2. Background

- 2.1 This policy supports the Council's commitment to its Equality in Employment Policy.
- 2.2 Harassment/Bullying is not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including:-
- Poor morale and poor employee relations
 - Loss of respect for managers and supervisors
 - Poor performance
 - Lost productivity
 - Absence
 - Resignations
 - Damage to Council reputation
 - Tribunal and other court cases and payment of unlimited compensation.

It is in every manager's interest to promote a safe, healthy and fair environment in which people can work.

3. Definitions

- 3.1 The Equality Act prohibits three types of harassment:-
- Harassment related to a 'relevant protected characteristic'
 - Sexual harassment
 - Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

Relevant 'protected characteristics' are:- Age
Disability
Gender Reassignment

Race
Religion or Belief including lack of belief
Gender
Sexual Orientation
Pregnancy and Maternity
Marriage and Civil Partnership.

Other characteristics:

In addition to the legal protected characteristics, the Council recognises that harassment/bullying can also occur for a wide variety of other personal characteristics, eg,
Social or cultural background
Ethnic origin
Skin colour
Political convictions
Membership or non-membership of a trade union
Status as an ex-offender
Real or suspected infection with HIV or other illness
Size.

Harassment:

Any unwanted conduct/behaviour related to a protected characteristic that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual Harassment:

Conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and less favourable treatment related to sex or gender reassignment that occurs as a result of a rejection of or submission to sexual conduct.

Harassment by Association:

Discrimination against or harassment of an individual who is associated with another individual who has a protected characteristic.

Harassment based on a perception:

Discrimination against or harassment of an individual based on a perception that he or she has a particular protected characteristic, even when they do not.

Bullying:

A particular type of harassment which is a health and safety issue because of its links with stress in the workplace. Bullying may 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.

Vicarious Liability:

Employers can also be responsible for the acts of harassment of their employees towards other employees and customers. Compensation claims can be made up to six years after the event. Personal claims may also be brought against an employee found guilty of harassment.

4. Examples of Harassment/Bullying

4.1 Harassment/bullying can include persistent (or a serious single incident), unwanted, unwelcome or unreciprocated physical, verbal and non-verbal conduct related to a wide variety of personal characteristics or association with them.

4.2 Examples of harassment/bullying could include:-

- Unwanted/upsetting physical contact ranging from touching to serious assault
- Unwanted/upsetting verbal and written contact such as jokes, banter, offensive language, gossip and slander, sectarian songs, letters, offensive flirtations, suggestive remarks, innuendoes or lewd comments
- Unwanted/upsetting visual display of posters, suggestive pictures or objects with sexual or racial overtones, obscene gestures, graffiti, flags or emblems, including inappropriate use of modern technology such as offensive E-mail messages, faxes, inappropriate screen savers or social media
- Isolation or non-co-operation at work, exclusion from social activities
- Unwanted/upsetting coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.

The above list is not exhaustive and could include any other action or incident in which the employee feels they have been subjected to harassment/bullying.

Harassment/Bullying can occur during work time or outside of work - or both. There could be a non-work related issue which is causing someone to harass someone outside of work - and they may both be Council employees.

Harassment/Bullying is not necessarily face to face, it may occur through written communications, visual images, email, phone, or social media.

4.3 Disability Harassment

4.3.1 Disability harassment is any purposeful behaviour (eg derogatory remarks, personal questions, patronising behaviour, staring, ostracising, mimicking) which leaves a disabled person or group of disabled people feeling threatened or compromised. Examples (non-exhaustive) of disability harassment are given below.

4.3.2 Non-verbal:-

- Mimicking the effect of a disability
- Disregarding wishes or feelings
- Ostracising or freezing out
- Ignoring
- Staring.

4.3.3 Verbal:-

- Making fun of a disability
- Mimicking a speech impairment
- Use of inappropriate terms (eg 'cripple' or 'spastic')
- Inappropriate personal questions/comments about a disability
- Belittling or patronising comments/nicknames.

4.3.4 Physical:-

- Moving a wheelchair without the user's agreement
- Practical jokes (eg hiding a disability aid)
- Touching a visually impaired person (to annoy).

4.3.5 The actions may or may not be deliberate, but cause offence to the person concerned and the perpetrator knew or should have known that they would cause offence.

4.4 **Gender (Sex), Sexual Orientation, Gender Reassignment Harassment**

4.4.1 Examples of the sorts of behaviour which might be on the grounds of sexual orientation or gender reassignment:-

- Actual verbal or physical abuse, including name-calling
- Threatened physical abuse
- Circulating offensive material threats to 'out' gays or lesbians
- Threats to reveal confidential information relating to gender reassignment
- Negative remarks about people of a certain sexuality - this could be general or specifically about a friend or relative of the employee.

4.4.2 Pregnancy, maternity, marriage and civil partnerships are not protected directly under the harassment provisions. However, pregnancy and maternity harassment would amount to harassment related to sex, and harassment related to marriage or civil partnership would amount to harassment related to sexual orientation.

4.5 **Religion or Belief Harassment**

4.5.1 Examples of the sorts of behaviour which might be on the grounds of religion or belief (including lack of belief) are:-

- Actual verbal or physical abuse, including name-calling
- Threatened physical abuse
- Negative remarks about people of a certain religion or belief - this could be general or specifically about a friend or relative of the employee.

4.5.2 The Equality Act 2010 does not allow discrimination, on the grounds of sex or sexual orientation to be justified on the grounds that it is contrary to an employee's religion or belief.

4.6 Age Harassment

4.6.1 Employees can become targets of harassment because of their age. Harassment could take the form of:-

- Inappropriate comments, such as suggesting someone is too old ('over the hill') or too young ('wet behind the ears')
- Offensive ageist jokes
- Exclusion from informal groups such as social events because of assumptions made that they are too old or young to enjoy it.

4.7 Bullying

4.7.1 *Bullying is a particular type of harassment which is a health and safety issue because of its links with stress in the workplace. Bullying is often an abuse of power, position or knowledge and may be perpetrated by the victim's manager, peers or even subordinates.*

4.7.2 *Managers have the right to manage employees in accordance with operational requirements and Council policies.*

4.7.3 In order to carry out their role it is necessary for managers to:-

- Issue instructions to employees
- Set work-related targets and objectives for employees and monitor their achievement.
- Set standards of workplace performance and behaviour for their employees and monitor compliance with these
- Address poor performance or unacceptable behaviour on the part of employees, using the disciplinary procedure where appropriate.

These managerial functions should be carried out in a professional way which does not undermine the dignity of employees

4.7.4 The following are examples of unacceptable behaviour by managers which may constitute bullying:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying correspondence that are critical about someone to others who do not need to know
- Ridiculing, put downs or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- 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
- Not sharing essential information
- Removing areas of responsibility
- Inflicting menial tasks
- Talking only to a third party to isolate another
- Turning down leave for no discernible reason
- Refusal to delegate
- Including in public but ignoring in private.

4.8 Perception of Recipient

- 4.8.1 Bullying and harassment can often be hard to recognise - symptoms may not be obvious to others, and may be insidious. Those on the receiving end may think it is normal behaviours for the organisation or anxious that others will consider them weak, or not 'up to the job' if they find the actions of others intimidating.
- 4.8.2 They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint and colleagues may be reluctant to come forward as witnesses.
- 4.8.3 In determining whether or not the unwanted conduct has the effect referred to above, the factors which must be taken into account are:-
- The perception of the complainant
 - The circumstances of the case
 - Whether or not it is reasonable for the conduct to have that effect.

5. Policy Statement

- 5.1 All employees are entitled to work in an environment which assists them to reach their full potential and retain their dignity at work. The East Riding of Yorkshire Council intends to ensure that the full and effective contribution of employees is not prevented by harassing/bullying forms of behaviour as defined above.

6. Statutory Obligations

- 6.1 The definitions under the Equality Act 2010 are explained above.

7. Policy Aim

- 7.1 The aim of this policy is to ensure that managers and employees are aware of what constitutes harassment/bullying and their responsibilities to promote an environment where everyone feels able to work effectively and which is safe and free from harassment/bullying.

8. Strategy

- 8.1 This will be achieved by:-
- Recognition and compliance with the Council's legal obligations under the relevant legislation.
 - Ensuring that all employees, particularly those responsible for the management of employees, are aware of the Policy and understand their responsibilities for its implementation.
 - Including harassment/bullying in any equality training programmes.
 - Ensuring that complaints under this procedure are dealt with fairly, promptly, confidentially and sensitively.
 - Provision of access to support and counselling via the Occupational Health Unit.
 - Provision of a confidential "bullying hotline" (01482 391229) where employees are provided with information on seeking confidential counselling and support.
 - Seeking to resolve harassment/bullying problems informally where incidents are less serious, or where the harassment/bullying has not been persistent.
 - Provision of a procedure to investigate and resolve formal complaints of harassment under this Policy.

9. Responsibility - Managers

- 9.1 It is the responsibility of managers throughout the Council to promote the principles contained within this Policy so that the workplace is safe from harassment and bullying.
- 9.2 Managers have a responsibility:-
- To inform all employees clearly of what is and what is not acceptable behaviour at work
 - To inform all employees of the actions they can take if they feel they are being harassed/bullied
 - To investigate complaints promptly and objectively
 - To inform employees that harassment and bullying will not be tolerated under any circumstances and that if claims are substantiated, disciplinary action will result.
- 9.3 If managers become aware of harassment/bullying involving employees and do not take immediate action, this in itself will be viewed as collusion under the policy and such inaction may itself require investigation and appropriate action.

10. Responsibility - Employees

- 10.1 It is the responsibility of every employee to avoid harassing and bullying forms of behaviour themselves and also to discourage such forms of behaviour in other employees.
- 10.2 Employees should inform an appropriate manager if they feel that they have been subject to or witness to harassing and/or bullying behaviour.
- 10.3 At times an employee may confide in a friend/work colleague about harassment and/or bullying. Whilst the information may be given in confidence the reality is that the alleged victim is asking for help and support. Until someone in the Council is aware of the issues no action can be taken and the friend/work colleague must notify an appropriate manager/senior manager. They should encourage the employee to contact their manager, the Occupational Health Unit, Human Resources and/or their trade union representative.
- 10.4 Employees should discourage harassment and bullying by making it clear that they find such behaviour unacceptable by refusing to collude in any way when it occurs and by supporting colleagues who suffer such treatment.

11. Monitoring

- 11.1 All Directors and managers are responsible for ensuring that the Personal Harassment/Bullying Policy is adhered to.
- 11.2 The Director of Corporate Resources will monitor the effectiveness of this Policy in ensuring that discrimination does not occur. This will include analysis of complaints and an annual report as part of the Workforce Information Report, to the Corporate Management Team.

12. Review of Policy

- 12.1 The Council will review this policy in line with its programme of policy reviews or legislation.

13. Reference Policies/Procedures

Corporate Equality Policy
Equality in Employment Policy (O1)
Attendance at Work Policy (K1a) and Guidance Notes (K2)

Bullying and Harassment: Guide for Employees (Occupational Health Unit)

Disciplinary Policy and Procedure (G1)

Procedure for resolving conflict between employees and Council members (H2a)

Employee Code of Conduct (G4)

Grievance Policy

Whistleblowing Policy

Harassment/Bullying Procedure

1. Introduction

- 1.1 Employees have a right to complain if they feel they are treated in a manner that they believe constitutes harassment or bullying. Sometimes employees are unsure whether or not the way they are being treated is acceptable. There are a number of things employees should consider, before raising an allegation of harassment/bullying including:-
- Has there been a change of manager or organisational style to which employees need time to adjust?
 - After consulting the definitions in this policy, the Council's Code of Conduct for employees and the Equality in Employment Policy, has there been a breach of standards of behaviour which are expected?
 - Will agreeing changes to workload or ways of working resolve the issues?
 - Can issues be discussed as part of the management of wellbeing in the work place?
 - Is the harassment and/or bullying by a party outside of the organisation?
 - Has the issue already been addressed through another policy/procedure?
- 1.2 Employees who raise a genuine complaint under this policy will not be subjected to any unfavourable treatment or victimisation as a result of making a complaint.
- 1.3 If a manager identifies behaviour which is in breach of the Council's Equality/Harassment/Bullying/Code of Conduct policies eg.an allegation raised under this policy, a referral from Occupational Health or their own observations, appropriate reasonable and proportionate managerial action must be taken.

2. Informal Resolution of Harassment/Bullying

- 2.1 Before raising a formal complaint, the employee is encouraged in the first instance to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. The examples of bullying/harassment given at para 4.2 above can be referred to. Often an individual may be unaware that his or her behaviour is unwelcome or causing offence and a direct approach can resolve the issue without the need for formal action.
- 2.2 The employee should record all details of any harassment/bullying ie the date, times, nature of incident(s) and the names of any witnesses present.
- 2.3 Support for the employee could be obtained from a workplace colleague, trade union representative, or manager.
- 2.4 If the manager's support is requested, the manager will speak to the harasser/bully to remind them of what is and is not acceptable behaviour at work.
- 2.5 Where both parties are willing to participate with a view to resolving issues, the manager may offer an opportunity to resolve any issues in a confidential and informal way. Human Resources may provide a neutral third party role to facilitate discussion.

- 2.6 Where the harassment/bullying is by a party external to the organisation, the employee's manager will explain to the external party that the behaviour is inappropriate/is causing distress and request that it does not continue in order to protect the employee's dignity.
- 2.7 Where an informal resolution cannot be achieved or the matter is too serious to raise informally the employee or manager should proceed to the formal stage.

3 Formal Stage

- 3.1 The employee should set out the facts of their complaint in writing (the form at Appendix A can be used) to their manager detailing:-
- The name of the person whose behaviour he/she believes amounts to harassment or bullying
 - The type of behaviour that is causing offence, together with specific examples
 - Dates and times when incidents of harassment or bullying occurred, and where they occurred
- The names of any employees who witnesses any incidents, or who themselves may have been the victims of harassment or bullying by the same person
- Any action that the employee has already taken to try to deal with the harassment, and
 - What, in the employee's opinion, would be a satisfactory remedy.
- 3.2 If the complaint is about the manager it should be addressed in writing with the line manager's immediate manager or other appropriate manager.
- 3.3 Where the complaint is against a Head of Service, or Director, then the Chief Executive and Director of Corporate Resources will be informed.
- 3.4 The manager will:-
- Acknowledge in writing receipt of the facts of the harassment/bullying allegation, as outlined in 3.2 above (see Appendix B)
 - Investigate the issue as appropriate
 - Arrange a meeting with the employee to explore the problem and any possible resolutions, notifying the employee of the date and the right to be accompanied by either a work colleague or trade union representative. This will normally be done within 14 calendar days of the date of acknowledgement of the harassment/bullying allegation; and
 - Respond to the employee within 14 calendar days of the meeting describing the action which they propose to take and the timescale. If this is not possible, an explanation will be given with an estimated response date.
- 3.5 Any employee accused of harassment or bullying will be informed of the exact nature of the complaint against him/her and afforded a full opportunity to challenge the allegations and put forward an explanation for his/her behaviour in a confidential interview with the right to be represented by a workplace colleague or trade union representative.
- 3.6 The timing and location of meetings must be appropriate and a minimum of 48 hours' notice of a meeting will be given. Meetings must allow the employee to explain their case

and for further investigation where necessary. The employee's representative can address the hearing to put and sum up the employee's case, however does not have the right to answer questions on the employee's behalf. The employee must make every effort to attend the meeting. If the work colleague or trade union representative cannot attend on the proposed date, the employee can suggest an alternative date and time so long as it is reasonable and it is not more than five working days after the original date. Human Resources may be in attendance at formal and appeal stage meetings.

- 3.7 The manager will ensure that the complainant, alleged harasser/bully and any other affected parties are aware that they have access to support during the investigation from the Occupational Health Unit, including confidential counselling.
- 3.8 If no response is received by the complainant at the formal stage, the employee can raise the matter by writing to the line manager's immediate manager enclosing a copy of the original form.
- 3.9 As soon as possible following the conclusion of the investigation, the manager will inform the employee suspected of bullying or harassment as to the outcome. The manager will decide at that point whether or not it is appropriate to instigate disciplinary action against the employee. Any disciplinary proceedings will be conducted in line with the Council's Disciplinary policy by a different manager from the person who conducted the investigation but a separate investigation will not be undertaken.

4. Appeal Stage

- 4.1 If action taken at the formal stage does not resolve the problem the employee can submit an appeal, in writing, within 14 calendar days of receipt of a written reply from the manager who dealt with the formal stage detailing:-
 - The basis of the harassment/bullying allegation
 - Why the employee is dissatisfied with the response provided during the formal stage
 - What in the employee's opinion would be a satisfactory remedy?
- 4.2 The manager dealing with the appeal will convene a meeting within 14 calendar days and reply to the employee as set out in the formal stage at paragraph 3.3 above.
- 4.3 The reply as a result of the conclusion of the appeal stage of the procedure will be the final response by the Council.

Where a complaint of harassment/bullying is dealt with under this procedure there will be no further right to raise the allegation under the grievance policy.

5. Other Considerations

- 5.1 Harassment/bullying allegations will be treated confidentially and records will be kept no longer than necessary in accordance with the Data Protection Act 1998.
- 5.2 An allegation raised by an employee under this policy, who is subject to an investigation of conduct/capability/disciplinary, must be raised with the line manager in the normal way. An allegation related to another process being followed will be dealt with in parallel to or as part of the same process.

- 5.3 Employees who abuse the Harassment/Bullying Policy and Procedure by making numerous claims or claims deemed to be vexatious and or in bad faith may be dealt with under the Council's Disciplinary Policy and Procedure.
- 5.4 Any employee who makes a complaint under this procedure, or who provides information in relation to a complaint will not be victimised for his/her actions.

**EAST RIDING OF YORKSHIRE COUNCIL
HARASSMENT/BULLYING FORM- FORMAL STAGE 1**

NAME OF EMPLOYEE:

JOB TITLE:

NAME OF LINE MANAGER/HEADTEACHER:

DIRECTORATE:

.....

DEPARTMENT:

WHAT IS YOUR ALLEGATION?

(Describe the basis of the concern, problem or complaint)

(Continue on a separate sheet if necessary)

DESCRIBE YOUR INFORMAL ATTEMPT(S) AT RESOLVING YOUR ALLEGATION. (Who has considered it? What discussion/mediation has taken place? What was the result?) If not raised informally, explain why not.

Describe what, in your view, would resolve your issues to your satisfaction?

Signed:

Date:

Dear *

Harassment/Bullying

I acknowledge receipt of your harassment/bullying allegation form.

*In accordance with the Council's Harassment/Bullying Policy and Procedure your allegation will be investigated and I will contact you again shortly to arrange a meeting to investigate.

*However, before I arrange a meeting I would like you to provide me with some further information as follows:-

*In accordance with the Council's Harassment/Bullying Policy and Procedure your allegation will be investigated. In order to explore your allegation and any possible resolutions I would like you to attend a meeting with me at * (time), * (date) in * (place).

*The meeting will be chaired by myself and you have the right to be represented by either a work colleague or trade union representative at the meeting. There may also be a minute taker in attendance.

*Please confirm your attendance at the meeting by * (date) by telephoning/e-mailing *.

I attach a copy of the Harassment/Bullying Policy and Procedure for your information.

Yours sincerely

Manager/Headteacher

Enc

*Use or delete as appropriate.

PROCEDURE FOR HEARING HARASSMENT/BULLYING APPEALS

1. Introduction by the Chair and a reminder to all present of:-
 - (a) The Procedure under which the meeting has been called and the nature of the appeal
 - (b) The manner in which the meeting will be conducted as set out
 - (c) The degree of confidentiality
 - (d) Those present and the purpose of the hearing
 - (e) A brief outline of the allegation
 - (f) The supporting evidence (check that all present have same papers).
2. The employee or his/her representative to put their case and may call witnesses to corroborate salient points.
3. Questions by the Chair and/or the manager.
4. The manager or other nominated person to put their case and may call witnesses where appropriate.
5. Questions by the Chair and the employee and/or his/her representative on the information presented by the manager.
6. Brief summing up by firstly the employee or his/her representative followed by the manager.
7. Withdrawal of all parties with the exception of Human Resources if present whilst the Chair considers the matter.
8. Consideration of the matter by the Chair. In the event that further information or clarification is needed from any of the persons who have left the meeting then all persons should return to the meeting when the information is obtained. An opportunity should be given to each party to question or comment upon this additional information.
9. Where possible a decision will be verbally communicated by the Chair to the employee after the meeting.
10. The decision will be confirmed in writing by the Chair.

Harassment/Bullying Procedure Flow Chart

