



# Harassment and Workplace Bullying Policy

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# Harassment and Workplace Bullying Policy

## Introduction

### 1 Statement

- 1.1 Ashcroft Technology Academy is committed to the elimination of discrimination on the grounds of gender, marital status, sexual orientation, race, colour, nationality, creed, ethnic or national origins, age, disability, trade union membership and health and safety representation. It is the right of every member of staff to work at the Academy without fear of harassment or bullying.
- 1.2 The Academy recognises the problems associated with harassment and with bullying and is committed to providing an environment in which all individuals can operate effectively, confidently and competently. If a complaint is brought to the attention of a member of the Academy's leadership group, it will be investigated fairly, promptly and with appropriate action taken where deemed necessary.

### 2 Definition of Harassment

- 2.1 Harassment is any conduct which is unwarranted towards and/or unwanted by the recipient or a group of recipients, and which affects the dignity of that individual, or group of individuals, at work. This can have an adverse effect on work performance, it can undermine job security and it can create a threatening and unpleasant work environment. Harassment may be repetitive or it may be an isolated occurrence against one or more individuals. It can take a number of forms from, for example, bullying and overt physical contact through to subtler forms and can be undertaken in person or through the use of social media.
- 2.2 Harassment may take the following forms:
  - i Physical: contact (touching, patting, assault), threat by intimidation or aggressive actions
  - ii Verbal: unwelcome remarks, suggestions and propositions, malicious gossip, insults, personal jokes, offensive or unwelcome banter.
  - iii Non-verbal: negative or aggressive body language, gestures, isolation or non-cooperation and exclusion from social activities, deliberately drawing attention to or referring to offensive literature, pictures and graffiti and/or images on a computer

### 3 Definition of Bullying

- 3.1 Bullying may potentially occur when an individual abuses a position of power and authority or could occur between professional peers.
- 3.2 Bullying may take the following forms:
  - i Being humiliated or openly criticised on a regular basis
  - ii Being repeatedly accused of errors, which the employee did not make or in a way that is inappropriate

- iii Being frightened by physical threats
- iv Being shouted at or verbally abused on a regular basis
- v Being regularly given tasks which it is known the employee lacks the skills to do
- vi Being regularly given tasks with unreasonable timescales, or without appropriate support and/or training
- vii Unreasonable and repeated exclusion from professional group activities
- viii Having information that is necessary or helpful to perform their duties deliberately withheld by colleagues

3.3 Bullying is, however, distinct from everyday fair management.

Examples of appropriate and acceptable discussions include:

- i Being told that a task has not been completed to an acceptable standard
- ii Being told that areas of performance are below standard
- iii Being asked to modify behaviour towards others so that professional behaviours are acceptable at all times
- iv Being asked to account for mistakes or missed deadlines that are within the employee's control and responsibility
- v Meeting with line management to discuss sickness or absence

## **4 Responsibilities**

- 4.1 It is the duty of every member of staff employed at the Academy to take responsibility for their behaviour and to modify it, if necessary, as neither harassment nor bullying are acceptable under any circumstances. In the event of a failure to behave in an acceptable manner, disciplinary action - in accordance with the Academy's disciplinary and dismissals procedure - may be necessary. Any individual found to be responsible for behaving in an inappropriate way which could be interpreted as harassment or bullying of another could be held personally liable should the staff member concerned pursue legal action.
- 4.2 In communicating this to staff, managers are required to ensure that the policy is applied fairly and consistently and that harassment and/or bullying do not occur. Failure to do so could result in disciplinary action, in accordance with the disciplinary and dismissals procedure.
- 4.3 Anyone experiencing harassment or bullying has the right to avail themselves of the complaints procedure detailed in this document, irrespective of the right which may exist to pursue the matter through an Employment Tribunal or a Court of Law.

## **5 Training**

- 5.1 Training will be made available, as appropriate and through the Principal or Vice-Principal, to managers in the Academy, in order to ensure that they gain the knowledge, skills and awareness necessary to operate the Academy's policy efficiently and effectively.

## **6 Supportive Framework**

- 6.1 The Academy recognises that making a complaint of harassment or bullying is likely to be a distressing experience and that it may be difficult for individuals to raise complaints directly with line managers. In view of this, the Principal shall designate the Vice-Principal to act as the Academy's Welfare Manager. Individuals may approach the Vice-Principal, or a member of the leadership group, who will pass the matter to the Vice-Principal for investigation.
- 6.2 The Vice-Principal will provide support and assistance to the complainant during this challenging time. Support and assistance will also be extended to the alleged perpetrator, if requested.
- 6.3 The Vice-Principal will have no role in formal investigations, nor will he provide evidence in any proceedings. All discussions between the Vice-Principal and the individual(s) will be confidential. The Vice-Principal may not reveal any matters discussed with another member of the Academy staff other than with the Principal, or with the Chair of the Finance and Resources Committee, should a complaint relate to the Principal.
- 6.4 In the event that a complaint relates to the Vice-Principal, the Principal will adopt the role of Welfare Manager or he will delegate the role to another member of the Leadership Group.

## **7 Time Limits**

- 7.1 Under Equal Opportunities legislation, individuals may bring Employment Tribunal claims within three months of an alleged incident. Individuals who do submit an application should ask the Employment Tribunal to defer any proceedings pending the outcome of the Academy's investigation.

## **8 Counter allegations**

- 8.1 On occasion, counter allegations may be made by people when they are informed that complaints have been lodged against them. For example, they may claim to have been harassed by the other person or they may claim that their behaviour has been provoked by them. In these eventualities both parties' allegations will be dealt with as separate complaints (i.e. with separate investigations and hearings) under this procedure.

## **9 False allegations**

- 9.1 Making an untrue and malicious allegation will likely result in disciplinary action against the complainant.

# Harassment and Workplace Bullying Complaints Procedure

## 1 Dealing with Complaints of Harassment or Workplace Bullying

- 1.1 The following procedure has been designed to deal with complaints of harassment or workplace bullying which need to be handled in a sensitive manner. The procedure therefore seeks to ensure minimal stress for the complainant, timely resolution of complaints, and a degree of flexibility appropriate to individual circumstances.
- 1.2 At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.
- 1.3 If at any stage in this procedure an individual does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is deemed inadequate or inappropriate, the individual is entitled to raise the matter under the Academy's grievance procedure.

## 2 Details of Events

- 2.1 It is important that anyone who believes they have suffered or are suffering from harassment or bullying should keep notes of the details outlined below for each incident and that the notes are made as soon after the event as possible.
- 2.2 Detailed notes should include the following:
  - i date, time and place(s)
  - ii name of person allegedly harassing or bullying them
  - iii what actually happened or happens on a regular basis
  - iv how the victim actually felt at the time
  - v name(s) of any witness(es)
  - vi action taken and whether reported to management
- 2.3 Any correspondence relating to the incidents and subsequent complaints should also be retained.

## 3 Informal Resolution - Stage 1

- 3.1 Every effort should be made to resolve the issue informally in the first instance, if this is possible and appropriate. As soon after the incident as possible, the individual should discuss the incident with the alleged perpetrator in order to indicate that the incident is not welcomed and should stop. If the complainant is too uncomfortable to speak directly to the alleged perpetrator, this could be done by writing to them. The complainant should make a note of the action taken and if direct words have been exchanged with the perpetrator, the Vice-Principal should be appraised, in confidence at this stage, of the fact that an unwelcomed aspect of behaviour has been requested to stop. Alternatively, the complainant may seek the help of the Vice-Principal in their capacity as the Academy's Welfare Manager to convey such a request.

- 3.2 If the individual is unable to resolve the problem, either personally or with the assistance of the Vice-Principal, he or she may contact his or her line manager for advice. If the line manager is the person against whom the complaint is being made, the individual may refer the matter to the next level of management above. Where the individual indicates that he or she would prefer to discuss the matter with a person of the same gender and/or race, this will be arranged by the Vice-Principal when possible.
- 3.3 Any discussion will be confidential and no further action will be taken without the consent of the individual concerned. In some cases, however, the allegation may be so serious as to require immediate action; for example, it involves a criminal offence or serious misconduct. In such circumstances, the Academy may be compelled to take action irrespective of the individual's wishes.
- 3.4 The courses of action open to an individual following an attempt to resolve a problem informally include:
- i to take no further action at this stage but to record any future incidents, as recommended above, and to keep the situation under review, enabling the individual to seek further advice in the future if necessary;
  - ii if the perpetrator has not already been approached, to ask the person to stop the offending behaviour and again keep the situation under review; or
  - iii to make a formal complaint as outlined in Stage 2 below.

#### **4 Formal Complaint - Stage 2**

- 4.1 This may be used where:
- i the complainant, with reasonable cause, regards an attempt at informal resolution as inappropriate; or
  - ii the informal attempts at resolution have been unsuccessful.
- 4.2 An individual wishing to make a complaint of harassment or bullying should put it in writing and submit it to the Principal. The letter should specify that it is a formal complaint and it should give details of the incident(s). This may be done using the template document (Appendix A) included at the end of this procedure.
- 4.3 Once an individual has instituted a formal complaint, the Principal should appoint a member of staff to conduct a formal investigation. That person should not be connected to the complaint in any way. It may be necessary for the Principal to appoint a second person to assist in the investigation to reflect the nature of the complaint in terms of race, sex or disability.

#### **5 Involvement of external parties**

- 5.1 In cases of an alleged assault or alleged behaviour that is considered to be criminal in nature, the Academy may make immediate contact with the Police or seek other professional external input.

## **6 Investigating a complaint**

- 6.1 The investigator is required to protect the rights of both parties involved and to guarantee that both parties have a fair opportunity to submit their version of events.
- 6.2 The person against whom the complaint has been made should be informed of the nature of the complaint and should be sent a copy of the complainant's letter. They should also be given details of the procedure involved and advised on their right of representation.
- 6.3 Line managers will ensure the release of staff from their normal duties to participate in the investigation, as required.
- 6.4 Strict confidentiality will be maintained throughout the investigation by all parties concerned, including any witnesses. The complainant, the person against whom the complaint is made and witnesses will be interviewed separately and a detailed record of all interviews will be kept. These records should be signed by the relevant parties.
- 6.5 The investigation will be carried out thoroughly, impartially and with due sensitivity to the nature of the complaint. A key aim of the investigation will be to determine whether the conduct being complained of is reasonably capable of being categorised as offensive.
- 6.6 The investigation should normally be completed within twenty working days of the complaint being received. On occasions, it will not be possible to keep within this timescale. In such cases, the complainant and the alleged perpetrator must both be kept informed of any need for an extension, and of the likely timescale for completion.

## **7 Possible Suspension or Redeployment during an Investigation**

- 7.1 In order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents and to prevent victimisation, it may be necessary:
  - i to suspend the alleged perpetrator, or both parties;  
(suspension under this procedure would be a neutral action on the part of the Academy and would not constitute disciplinary action and therefore any such suspension would be on full pay).
  - ii to redeploy temporarily one or both parties if at all possible; or  
(the complainant should be given the choice, though normally the alleged perpetrator would be redeployed first).
  - iii to grant special leave of absence

## **8 Right of Representation**

- 8.1 Both the complainant and the alleged perpetrator may be accompanied and represented by a work colleague or trade union representative throughout the formal consideration of a complaint.

## **9 Meeting with Witnesses**

- 9.1 Those investigating the complaint should meet anyone else who was present at the time of the alleged incident or who has relevant information. Notes of these meetings should also be taken and signed by the witness(es). Further interviews may need to take place to clarify or elicit more information. Those investigating the complaint also need to ensure that they have collected all relevant written materials.

9.2 In some cases, there will be no witnesses and it will be one person's word against another's. In these cases, consideration should be given to whether, on the balance of probabilities, the incident(s) actually occurred.

## **10 Report by Investigating Officer**

10.1 Those investigating the complaint should, on completion of the investigation, review the material collected and summarise the findings on whether the complaint is substantiated. The complainant's appearance, sexual orientation and ethnicity must not be considered as relevant information. The report should be submitted to the Principal who will be the final arbiter on the subsequent action which could lead to any of the following outcomes.

## **11 Outcomes**

11.1 The action to be taken following the investigation will depend on the conclusions reached after due consideration of all of the facts.

11.2 If the allegation has not been substantiated, the investigator(s) should issue a statement outlining their conclusions. Where the investigation of the complaint has irreparably damaged working relationships, the Principal should consider transferring or rescheduling the work of one of the employees concerned - if this is deemed possible - rather than requiring them to continue working together if it would be against the wishes of either party.

11.3 If the investigator decides that disciplinary action is justified, the matter should be referred to the Principal for a hearing under the disciplinary and dismissals procedure. This will replace the investigation stage in the disciplinary and dismissals procedure. The stages that follow, including any appeal against action taken, will be as set out in the disciplinary and dismissals procedure. The alleged perpetrator will then be entitled to a full hearing in accordance with the disciplinary and dismissals procedure. If the recommendation made is that disciplinary action should be taken, and the Principal accepts that recommendation, such action should be taken without delay. If the Principal decides not to accept such a recommendation by the investigating officer, the Principal should put the reasons in writing for his decision.

11.4 If the investigator upholds the complaint, but considers that disciplinary action would not be justified, the investigator may recommend that:

- i one of the parties should be transferred, if this is deemed possible; (The complainant should, wherever practicable, be allowed to choose whether they wish to be transferred to another department on either a temporary or permanent basis. If the complainant wishes to remain in his or her current post, the perpetrator should be transferred.)
- ii the perpetrator should be required to attend an appropriate training course or receive appropriate counselling or coaching;
- iii arrangements should be made for both parties to work as separately as possible; or
- iv the complainant should be granted a period of compassionate leave.

11.5 If a complaint is considered to be untrue and malicious by the investigating officer, the investigating officer's report will recommend further investigation, which could lead to disciplinary action by the Principal against the complainant.

## **12 Monitoring**

- 12.1 If a complaint is upheld, the Vice-Principal should monitor the on-going situation to ensure that the harassment/bullying has stopped.

## **13 Recording Information**

- 13.1 After the complaint has been heard, the following storage arrangements should be followed:
- i if the complaint is a stage one, informal complaint, no record will be kept on personal files but the central Academy record will be updated for monitoring purposes;
  - ii if the complaint is unsubstantiated, no record will be made on the alleged perpetrator's file. However, documents collated during the course of the investigation will be stored by the Vice-Principal;
  - iii if the complaint results in a disciplinary hearing, the storage of records should be in accordance with the disciplinary and dismissals procedure.

## **14 Action if the Complainant is Dissatisfied**

- 14.1 If the complainant disagrees with the decision, or feels that procedures were not followed properly, he or she may refer the matter to the Principal who may seek to appoint another investigator or seek external advice in confidence.
- 14.2 The Principal's decision on the outcome of such a referral will be final.

## **15 Review of Policy and Procedure**

- 15.1 The Finance and Resources Committee will review this policy on a regular basis and assess its implementation and effectiveness. The policy will be shared with Academy staff.

**Appendix A**

To: .....

In accordance with the Formal Stage of the Harassment and Workplace Bullying Complaints Procedure, I wish to submit the following complaint, relating to my employment, for your consideration.

**Details of Complaint:**

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.....  
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.....  
.....  
.....

**Effect on me:**

.....  
.....  
.....  
.....

**Outcome/Redress sought:**

.....  
.....  
.....

Name (Please print) .....

Signed..... Date .....

**Note:** If you require assistance in completing this form please ask your representative to help you.