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Dignity at Work (anti-bullying and anti-harassment) Policy

Introduction

CST recognises the damage that bullying and harassment can cause to the health and wellbeing of employees and the duty of care that it has to all employees. We are mindful of our obligations under the Equality Act 2010 as well as our responsibilities for the health, safety and welfare at work of employees under the Health and Safety at Work Act 1974.

We are committed to promoting an environment where all employees can work without fear of intimidation, harassment, victimisation or bullying. Bullying and harassment will not be tolerated in the workplace.

This policy aims to:

- Provide a lawful, non-discriminatory and effective procedure for dealing with the concerns of employees who believe they have been subject to bullying or harassment.
- Enable all employees to raise grievances about bullying or harassment without fear of suffering discrimination, victimisation or other repercussions for doing so.
- Ensure that all employees respect each other and work in harmony together to achieve our aims and objectives.

This procedure does not form part of any employee's contract and may be amended at any time.

Scope

This policy applies to all staff employed by us, including directly employed central team staff, the Education Executive Team (this term includes the CEO, COO and Education Directors), headteachers, teachers, NQTs and school support staff.

For the purposes of this policy the term 'headteachers' includes headteachers and principals. In this policy, the term 'teacher' refers to classroom teachers, middle and senior leaders.

The policy does not cover issues raised by people who are not employed by us. Such issues should be raised under the complaints procedures.

Equality and accessibility

We are mindful of the obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff, with reasonable adjustments made for those with qualifying disabilities as appropriate.

A copy of this policy and a copy of all relevant documents will be made available for all staff. The policy is also available in hard copy on request and can be made available in large print or other accessible formats if required.

Definitions

If an employee has a complaint that they have been bullied or harassed, they have a grievance regardless of whether it matches a particular definition. The definitions provided below help to characterise the terms, but it should be remembered that similar behaviour may be exhibited under both definitions.

Harassment

Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It may be a single incident or more than one incident. It may be directed at an individual or at many people and may be based, for example, on personal characteristics.

Unlawful harassment may be of a sexual nature or related to protected characteristics as identified in the Equality Act 2010. It may be related to gender, age, disability, race, religion, belief, sexual orientation, gender re-assignment, marital/civil partner status, pregnancy or maternity.

Harassment may take many forms such as:

- unwanted physical conduct or invading personal space – ranges from touching, brushing past, pinching etc to serious assault
- unwelcome sexual advances or suggestive behaviour
- pestering, spying, following
- sending or displaying pornographic or offensive material – posters, emails, text messages, video clips
- offensive/intimidating gestures or comments
- insensitive jokes/pranks
- offensive gossip, language, slander, social media postings, emails, texts etc
- mocking, mimicking, belittling
- outing or threatening to out someone as homosexual.

A person may be harassed even if they were not the intended target of the behaviour. For example, someone overhearing a racist joke may be harassed if it creates an offensive environment for them. Harassment may be unlawful and result in criminal prosecution of individuals.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour that makes a person feel vulnerable, upset, threatened, humiliated or undermined.

Bullying is often associated with misuse or an abuse of power or authority e.g. someone in a position of authority bullying a subordinate. However, it can also include someone in a subordinate position bullying someone in a more senior role or bullying between people of equal positions.

Bullying may be verbal, non-verbal or physical conduct, such as:

- shouting/hostility
- sarcasm
- ridiculing/demeaning others
- threats – physical or psychological
- overbearing supervision/monitoring
- persistent and inappropriate criticism
- exclusion or victimisation

- cyberbullying
- spreading rumours
- blocking promotions, applications for leave, access to training
- deliberate exclusion, ignoring someone
- withholding information or excluding people from meetings without good reason
- bad treatment/victimisation of union representatives or due to union membership.

The above lists are not exhaustive.

Firm, fair and effective management

Reasonable instructions, legitimate, reasonable and constructive criticism of an employee's performance or behaviour given in the course of their employment is not bullying. Managers must be able to carry out their duties in a fair, firm and consistent manner without fear or threat of malicious or vexatious complaints. Effective management will get results whilst ensuring that employees are treated respectfully and with dignity.

Intention

The perception of the complainant determines if an action may be viewed as bullying or harassment. The actions must be viewed in terms of the distress they cause. The intention of the person accused of bullying or harassment is not key when deciding if the bullying or harassment occurred. People perceive situations differently, therefore managers should consider whether the behaviour is considered unacceptable by normal standards and/or could be reasonably considered to have caused offence. Furthermore, if an employee has made it clear to another that the conduct towards them was offensive or unwanted, then the behaviour must not continue.

Responsibilities

All staff

All staff are responsible for creating an environment that is free from harassment or bullying by treating colleagues with dignity and respect.

All staff can help to discourage harassment by making it clear to others that they find such behaviour unacceptable.

Employees

Employees should support colleagues who experience unacceptable behaviour and encourage them to take appropriate action under this policy.

Employees who witness incidents of bullying or harassment should report the incident and provide evidence as part of any investigation.

Managers

Managers will ensure this procedure is followed correctly, seeking advice from HR as necessary.

Managers will treat all complaints seriously, fairly, consistently and sensitively.

Managers will support employees who raise concerns under this procedure and ensure the employee does not suffer any detriment as a result of raising a complaint.

Generally, the decision whether to progress a complaint is up to the employee. However, as part of our duty of care to all employees, where we become aware of any harassment or bullying we will pursue the matter whether or not a particular individual complaint has been made.

Harassment at work by third parties

Employees may make a complaint in circumstances where they are harassed by someone who does not work for us. In such cases, once we become aware of such unwanted behaviour, we will take reasonable and proportionate action to address the issue.

Procedures

Informal action

Employees are encouraged to deal with incidents of bullying or harassment informally if possible. Sometimes people are not aware that their behaviour is unwelcome, and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

If an employee feels unable to approach the other person themselves, they should ask someone else to represent them e.g. work colleague, line manager, union representative.

If informal steps are not successful or the employee feels that the matter is so serious as to warrant formal action, they should follow the formal procedures.

Formal action

The formal procedures set out within the Grievance Policy should be followed.

Mediation

An independent third party or mediator may be appointed as a way of dealing with the situation, depending on the circumstances, and without prejudice, at either the informal or formal stage.

Appeals

If the employee is not satisfied by the outcome of the grievance decision they have the right to appeal the decision. They should follow the appeals procedure set out within the Grievance Policy.

Detriment

Provided that this procedure is used correctly, and the employee raises the concern in good faith, they will not suffer any detriment as a result of reporting the concern.

Malicious complaints

Where there is strong evidence that a complaint is vexatious or malicious and made without genuine basis it will be treated as a serious issue and may result in disciplinary action.

Confidentiality

The process will be treated with confidentiality. All related documentation will be stored securely and confidentially. Employees subject to investigations or proceedings must treat any related information communicated to them as confidential.

Record keeping

All records and materials relating to the procedures will be kept securely with the employee's personnel file in line with our retention policy.