



**Beacon Academy Trust**

A COMPELLING VISION FOR SUCCESS

# **Dignity at Work Bullying and Harassment Policy**

## CONTENTS

Title	Section
Dignity at work policy statement	3
Introduction	4
Who does the bullying & harassment policy apply to?	4
Responsibilities of the Headteacher/Principal, line manager, Employees & witnesses	5
What is bullying and harassment?	6
Monitoring and reviewing the policy	7

### **Dignity at Work Procedure**

Procedure for dealing with bullying and harassment	7
Mediation and Conciliation	8
Timescale for informal resolution	9
Formal action	10
Formal investigation	10
Process for formal investigation	11
When the formal allegation is against a member of the governing Body	11
Outcomes	12
Use of other procedures	13
Right of appeal	13
Victimisation	13
Flow chart detailing timescales in the procedures	15

## **1. DIGNITY AT WORK POLICY STATEMENT**

- 1.1 The Trust is committed to creating a positive and safe working environment for its workers in line with its core values. The Trust wants to create and maintain a working environment where individuals are treated with dignity and respect. The Trust is opposed to all forms of unlawful discrimination, bullying or harassment of any kind. The Trust, Local Governing Body, Headteacher/Principal and senior managers are firmly committed to the success of this policy and all steps taken towards its achievement.
- 1.2 Everyone has the right to be treated with respect and dignity in the workplace, irrespective of their level, status or position within the organisation.
- 1.3 The Academies have set clear standards of behaviour that it has communicated to all employees. On the whole, employees within the academies maintain high standards of professional conduct. If any individual believes that they are not being treated with respect in accordance with the Code of Conduct for Staff, they have the right to challenge such behaviour and/or to raise a complaint. All employees are encouraged to challenge unacceptable behaviour.
- 1.4 Bullying or harassment negatively impacts on the wellbeing, morale and creativity of not only individuals experiencing such behaviour, but on whole teams.
- 1.5 Bullying or Harassment, whether perpetrated by colleagues, parents/carers, visitors or service users, will not be tolerated. All allegations will be treated seriously and sensitively. They will be investigated promptly and a speedy resolution sought. Appropriate action, which may include disciplinary action, will be taken where an allegation of bullying and harassment has been upheld. Confidentiality will be maintained throughout the process.
- 1.6. This policy complements and is consistent with current and developing academy documents on:
  - Locally and nationally issued guidance on staff behaviour and professional conduct
  - Grievance Procedure
  - Disciplinary Procedure
  - Pay Policy
  - Performance Management Procedure
  - Capability Procedure
  - Whistle blowing Procedure

## **2. Introduction**

- 2.1 The Trust is responsible for taking all reasonable practical steps to promote dignity and to prevent and eliminate all forms of bullying or harassment. The Headteacher/Principal will ensure that all employees are aware of the Academy's policies and understand what standards of behaviour are expected.
- 2.2 The Trust is also responsible for ensuring that all employees know how to deal with bullying or harassment when it occurs. To assist, the Trust has produced procedures such as this, including appropriate support, for employees who are subject to harassment or bullying.
- 2.3 This policy aims to:
- Encourage early and speedy resolution of complaints of bullying and harassment
  - Encourage professional behaviour and a productive working environment.
  - Educate and develop our workforce to challenge and tackle bullying and harassment.
  - Ensure that all parties concerned are treated fairly.
- 2.4 Individuals considering putting forward a complaint under this procedure must consider whether the Academy's Grievance or Dignity at Work procedure is the most appropriate to use. It would not be possible to switch from one procedure to another once a formal complaint has been raised. Further advice can be obtained from your union or professional association.

## **3. Who does the Bullying and Harassment Policy apply to?**

- 3.1 The following policy applies to all Trust employees. This includes temporary and casual workers who are expected to comply with the standards of behaviour set out in the Code of Conduct for Staff.
- 3.2 External agency or supply staff are not employees of the Trust and should raise any incident of bullying and harassment with their Agency who may pursue the issue with the School.
- 3.3 The Trust expects that in raising concerns under this Procedure, staff will be acting in good faith. Accordingly, if on enquiry there has been a misunderstanding/ misinterpretation and concerns are not confirmed, no action will be taken. However, should it be established in any case that concerns have been raised or allegations made maliciously, frivolously, or for personal gain, disciplinary action could be taken in line with the school's disciplinary procedure.

4. **Responsibilities of the Headteacher/Principal, line manager, employees, and witnesses**

- 4.1 All managers have a responsibility to familiarise themselves with this policy and procedure and the Code of Conduct for Staff and ensure that they are distributed and understood by all employees.
- 4.2 Managers must not underestimate the effect on the individual's feelings. They must maintain confidentiality and deal effectively and speedily with any incident of bullying or harassment brought to their attention.
- 4.3 For an employee with a disability the Trust's HR Service can provide advice on the progression of cases involving disabled employees, including employees with learning disabilities. In particular HR Service can advise on the reasonable adjustments that should be made to the procedure to ensure that employees with disability are fairly treated.
- 4.4 Employees are responsible for promoting a positive working environment free from bullying or harassment.
- 4.5 Employees are encouraged to challenge and discourage offending behaviour and supporting colleagues who are experiencing bullying or harassment.
- 4.6 Any individual named as a witness will be expected to co-operate at all stages. In particular, they are expected to provide their statements in a timely manner and make themselves available to attend meetings in order to facilitate the case proceeding in accordance with the timescales set out within the Dignity at Work procedures.
- 4.7 All parties' involved need to respect confidentiality at all times. Information must not be shared with anyone except those directly involved. This does not preclude a confidential consultation with a friend, colleague, trade union or HR service provider representative for support.
- 4.8 The Trust's HR Service is available to provide Headteacher/Principal and line managers with advice and guidance throughout the bullying or harassment process. This will include advice on how to initiate and investigate the complaint; assess the evidence and take appropriate action to remedy the situation.

## 5. What is Bullying and Harassment?

5.1 The definitions of bullying and harassment as outlined by ACAS are as follows:

### 5.1.1 Bullying

“Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”

### 5.1.2 Harassment

“Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, sexual orientation, race, disability, religion, national 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.”

5.2 Examples of bullying and harassment are as follows:

- Spreading malicious rumors, or insulting someone (for example on the grounds of race, sex, age, disability, sexual orientation and religion or belief).
- Copying correspondence, whether manual or electronic, which is critical about someone to others, who do not need to know.
- Ridiculing 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.
- Unwelcome sexual advances – touching, standing too close, display of offensive materials.
- Telling jokes that may be offensive on any grounds including, but not limited to, those listed under the definition of “Harassment” above.
- 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.

5.3 Individuals should challenge any behaviour they find unacceptable to give the opportunity for the person bullying or harassing to stop.

## **6. Monitoring and reviewing the Policy**

- 6.1 This policy will be continuously monitored and regularly reviewed to ensure that it is effective for dealing with employment matters and supporting employees during any allegations of bullying or harassment. The Trade Unions and professional associations will be consulted on any changes arising from reviews.

## **DIGNITY AT WORK – BULLYING AND HARASSMENT PROCEDURE**

### **1. Procedure for Dealing with Bullying and Harassment**

- 1.1 Employees should refer to the following procedure if they have concerns with regards to bullying or harassment rather than using the Academy's grievance procedure.
- 1.2 It is preferable for all concerned to try to resolve matters informally if possible. This is likely to produce solutions that are speedy, effective and restore positive relations in the workforce. It will also help to minimise embarrassment and the risk of breaching confidentiality.
- 1.3 Informal or formal actions are options available to the employee who feel that they have been the subject of bullying or harassment, or have witnessed it.
- 1.4 There may be a situation where someone is in a position of authority over others, such as a manager, who becomes the target of bullying by a number of staff. This can happen to any manager, supervisor or individual with responsibility for others in the workplace. Such group behaviour may include refusal to carry out jobs in the exact way in which they have been told to do so but will still perform the job, or working at a slower rate than they do for other managers. The Trust takes any situation of such bullying seriously and will not tolerate such behaviour in the workplace. Such matters will be dealt with promptly in line with the Trust's disciplinary procedure.
- (a) Informal Action**
- 1.5 Where possible, the employee should tell the person who is causing the problem that the conduct in question is unwanted and/or offensive and must stop. This may be all that the victim of bullying or harassment wants.

- 1.6 If the behaviour is causing distress, embarrassment or hurt and as a result the employee does not feel able to approach the colleague or has tried without success to deal with the issue, then in order to proceed with the matter informally they should seek the support of their line manager or Headteacher/Principal in the first instance, unless their line manager or Headteacher/Principal is implicated. Support may also be sought from another work colleague, trade union representative or HR Services adviser/provider.
- 1.7 Employees should be protected from victimisation after raising concerns or seeking resolution of a genuine complaint whether the complaint is upheld or not.

## **2. Mediation and Conciliation**

### **2.1 Mediation**

- 2.1.1 Mediation is the unbiased and objective intervention by an independent third party to help in the full discussion of a problem and the agreement on an outcome. Mediators do not take sides or lead the parties into any particular course of action; they will ensure that all the issues have been raised and that there is no misunderstanding between the parties. It is the Trust's policy to resolve grievances as far as possible through the informal stage and expects both the employee and the Headteacher/Principal or line manager to exhaust the early stages of the procedure.
- 2.1.2 Mediation is carried out by an independent person, who talks to all parties concerned with the objective to seek satisfactory resolution. The cost of any mediation will be met from the school's budget.
- 2.1.3 Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying or harassment. However it will be at the discretion of the Headteacher/Principal (or if the Headteacher/Principal is one of the parties involved then the chair of Local Governing Body) to determine whether mediation would be a suitable option to deal with the matter.
- 2.1.4 Both parties must agree to mediation. If either of the parties does not agree to mediation, mediation cannot be used to resolve the issues.
- 2.1.5 If the parties are able to resolve the matter through mediation, no further action will be taken.

2.1.6 If any party does not agree to mediation they should state their reasons, in writing, to the Headteacher/Principal (or chair of Local Governing Body if the Headteacher/Principal is one of the parties involved) within 5 school days of their refusal to participate in mediation (in this procedure school days is taken to mean the 195 day school calendar that all maintained schools are required to have each year).

## **2.2 Conciliation**

2.2.1 Conciliation takes place where an agreement has been reached and a conciliator will monitor the resolution and help restore a positive working relationship. The conciliator outlining the details will provide a written statement.

2.2.2 Conciliation is the process of assisting all parties to return to an effective working relationship once a decision has been made.

2.2.3 Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues. It will at the discretion of the Headteacher/Principal (or chair of Local Governing Body/chair of the Trust if the Headteacher/Principal is one of the parties involved) to decide whether conciliation would be a suitable option to deal with the matter.

2.2.4 The person providing mediation or conciliation will provide the parties with a written statement outlining the issues addressed and agreed action to be taken by the parties to resolve the issue.

2.2.5 Where a complaint has not been substantiated, but the complaint was genuinely raised, conciliation may be offered to restore working relationships. Conciliation will also be used to restore working relationships within the workplace where a case has been substantiated. A list of trained conciliators can be obtained from the Trust's HR Service.

## **3 Timescale for Informal Resolution**

3.1 In most instances parties should attempt to resolve their issues within 20 school days. Where mediation is being used the issues may take longer to resolve. However, if not resolved within 40 school days, with mediation, any of the parties can refer the matter to the formal procedure.

#### **4. Formal Action**

- 4.1 If the complainant decides to continue formally under the Bullying or Harassment procedure, the matter should be raised with the Headteacher/Principal in writing by providing full written details of the complaint, including details of attempts to resolve the matter informally and the outcome of any mediation. If the Headteacher/Principal is involved, either as the complainant or the other party, the issues should be brought to the attention of the chair of Local Governing Body/chair of Trust, again in writing as above.
- 4.2 The Headteacher/Principal or chair of Local Governing Body/Trust will appoint an Investigating Officer to investigate the complaint. The Investigating Officer must not have had any previous involvement with the case.
- 4.3 Formal complaints should normally be made within 10 school days of the failure to reach a satisfactory outcome informally or within 10 school days of the behaviour causing serious concern where this could not be raised informally.
- 4.4 In the case of a series of events, the complaint should be brought within 10 school days of the last event, unless there is good reason for the delay, for example, attempts to resolve the issue with the other party, illness or other good reason.
- 4.5 Where an employee is bringing a formal complaint they must outline what attempts have been made to resolve the matter informally, or give clear reasons for invoking the formal procedure immediately. Where the action complained of raises serious misconduct issues or may demonstrate a possible case of gross misconduct, the Headteacher/Principal (or chair of Local Governing Body/Trust if the Headteacher/Principal is one of the parties involved) should seek advice from HR Services for consideration under the disciplinary procedure.

#### **5. Formal Investigation**

- 5.1 Deciding the Approach
  - 5.1.1 The Investigating Officer will deal with the matter in a confidential manner and make recommendations to the Headteacher/Principal (or chair of Local Governing Body/Trust if the Headteacher/Principal is one of the parties involved), who will then decide on the most appropriate course of action. This may include:
    - Advising that a formal investigation is/is not appropriate

- Attempting to resolve the issue between the parties with their consent
- Referring the matter to mediation, with the agreement of the parties, if this has not already been attempted
- Advising or recommending at the instigation of action under the disciplinary procedure
- Instigating a formal investigation of the complaint under the bullying and harassment procedure

5.1.2 The Investigating Officer will provide the complainant and the other party with a written statement of the way in which the complaint is to be progressed, within 15 school days from receipt of the complaint.

## **6. Process for Formal Investigation**

6.1. The Investigating Officer who may be supported by a HR Services representative, will investigate the complaint, ideally within 30 school days from receipt of the formal complaint. All parties, and their witnesses, are expected to make every effort to comply with the timescales set out in this procedure. Both parties will have the right to representation by a fellow employee of their choice or by an accredited trade union representative.

6.2 Care must be taken to protect the rights of all parties concerned and to ensure that the parties receive a fair hearing and that presumptions about the parties or the complainant are not made.

6.3 The Headteacher/Principal will keep a record of all complaints received.

## **7. When the formal allegation is made against a member of the governing body**

7.1 The governing body's aim is that at all times Local Governing Body behave in accordance with the code of conduct agreed by the governing body. Also, that Local Governing Body and staff work in a spirit of support and challenge and behaviour at meetings is above reproach.

7.2 However the governing body recognises that it is possible that a Headteacher/Principal or member of staff may feel that they have been subjected to bullying and /or harassment from an individual governor.

- 7.3 In such cases the Headteacher/Principal or member of staff will make the formal complaint to the chair of Local Governing Body (unless they are the subject of the allegation, in which case it will be made to the chair of the Trust).
- 7.4 The chair of Local Governing Body (or Trust) will then appoint another governor to carry out the role of investigating officer as set out below and report their findings to them.
- 7.5 If the chair of governors (or chair of Trust) considers that the complaint is substantiated and warrants serious action they will bring the matter to the full governing body with a recommendation for action, in accordance with the procedures for suspending a governor. Any suspension would then be a decision for the full governing body.

## **8. Outcomes**

- 8.1 If the complaint is substantiated, the Investigating Officer, together with HR advisor will make recommendations to the Headteacher/Principal (or chair of Local Governing Body/Trust if the Headteacher/Principal is one of the parties involved) for them to decide on a course of action.
- 8.2 Once the Headteacher/Principal (or Chair of Trust) has reached a decision they should notify the complainant within 40 school days of the formal complaint being received.
- 8.3 Where the Investigating Officer forms the view that the complaint is potentially of a serious nature requiring further investigation, this will be reported to the Headteacher/Principal (or chair of Local Governing Body if the Headteacher/Principal is one of the parties involved). If the disciplinary procedure is initiated any evidence used in the bullying and harassment investigation will be made available to the Disciplinary Investigator.
- 8.4 In the event of a resolution of the complaint, the Headteacher/Principal (or chair of Local Governing Body/Trust if the Headteacher/Principal is one of the parties involved) will keep a record of the complaint, the discussions between the parties and of any witnesses' statements, and any agreements for action made between the parties. The record will be kept for 12 months.

## **9. Use of Other Procedures**

- 9.1 Where allegations are so serious that it is not appropriate to deal with them under the Bullying or Harassment procedure, the line manager should instigate the School's Disciplinary procedure.
- 9.2 The whistle blowing procedure can be used where bullying or harassment is being witnessed. For example, where a member of staff is being subjected to bullying or harassment and feels too intimidated to raise a complaint under the Bullying or Harassment procedure, or where a colleague observes an individual being subjected to bullying or harassment.

## **10. Right To Appeal**

- 10.1 Either party can ask for a review of the findings of the investigation, setting out their reasons for their request. Appeals will only be considered due to:
- A serious breach of the procedure
  - Any significant new evidence which has come to light
- 10.2. A request for an appeal on any of the grounds specified above should be lodged with the clerk to Local Governing Body within 10 school days of the notification of the decision. The clerk will acknowledge receipt of the request.
- 10.3 Arrangements for the appeal should be set up within 20 school days of the request being received by the clerk to Local Governing Body.
- 10.4 The chair of Local Governing Body (or chair of the Trust if the chair has been previously involved in the case will appoint a committee of three governors (not previously involved in the case) to consider the appeal. The committee is advised to seek the advice of the HR advisor during this process. The committee will then review the reasons put forward for the appeal and all of the evidence, statements and other paperwork considered at the formal stage. The decision made by the committee will be final.

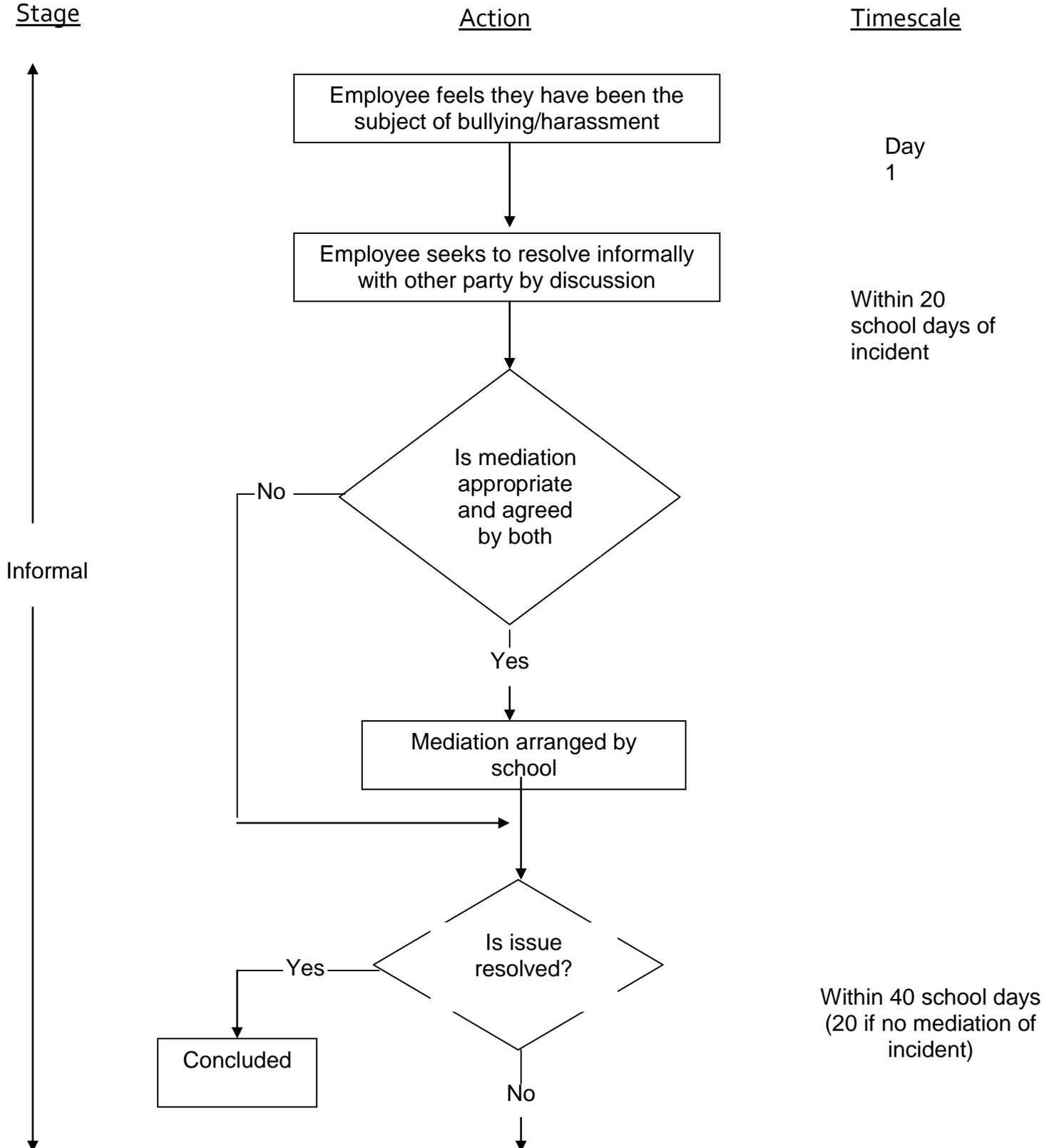
## **11. Victimisation**

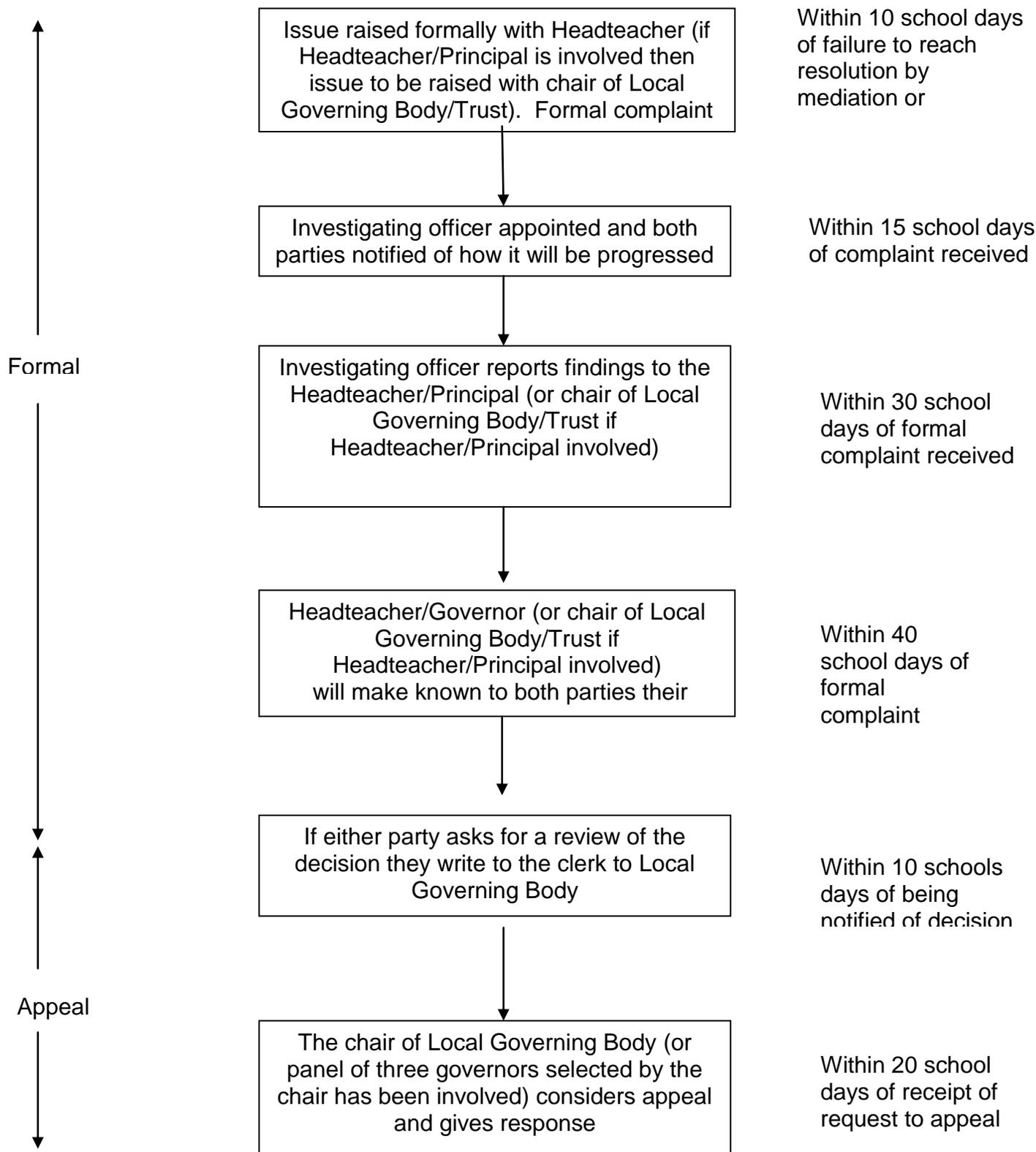
- 11.1 Challenging bullying or harassment can be difficult and distressing and is not undertaken lightly. Employees with a genuine belief that they or a colleague have been subjected to bullying or harassment and who make attempts to deal with the issue should not receive less favourable treatment as a result. Victimisation occurs where less favourable treatment is given to those who bring proceedings, give evidence or information or allege breach of this Policy or of the

Code of Conduct for Staff. Victimization may also contravene the Disability Discrimination; Age Discrimination; Race Relations, Sex Discrimination or Employment Equality Acts if the issues relate to matters covered by these Acts.

# Bullying and Harassment Procedure Flow Chart

## Timeline for formal and informal stages





There is no further right of appeal against the decision of the person(s) considering the appeal.