

# HASSENBROOK SCHOOL Specialist Technology College



# HARASSMENT AND BULLYING POLICY



## INDEX

	Page No:
A. Harassment, Bullying and Victimisation Policy	3
B. Harassment, Bullying and Victimisation Procedure	8
Appendix A The legal Framework	14
C. Managers' Guidance	
Part I: Managing the procedure	16
Part II: Effective management strategies to identify and combat harassment, bullying and victimisation	21

## **A. Harassment, Bullying and Victimisation Policy**

### **1. Introduction**

- 1.1 The school has an equal opportunities in employment policy and a race equality policy, in which the governing body asserts its commitment to an employment culture in which people can feel confident of being treated with fairness, dignity and tolerance, irrespective of their individual differences.
- 1.2 To maintain such an environment, harassment, bullying and victimisation will not be tolerated and could constitute gross misconduct under the school's disciplinary procedure. Incidents which may be categorised as a crime will be reported to the Police.
- 1.3 Harassment and bullying are often based on prejudice but may equally arise from ignorance or intolerance. They can take many forms, from overt physical or verbal abuse to more subtle psychological ill-treatment such as ostracism. The effects of bullying and harassment on an individual's mental and physical wellbeing, and ultimately on their performance are often profound. Bullying and harassment have emerged as significant factors in workplace stress and organisational efficiency.
- 1.4 Bullying and harassment at work may be illegal on a number of grounds (summarised in Appendix A), but the prevention of harassment and bullying is about more than compliance with the law.
- 1.5 The governing body has a range of policies and procedures designed to support fair and effective staff management. This procedure is intended to complement these processes. It is concerned specifically with the prevention of harassment, bullying and victimisation in the workplace and with providing a mechanism whereby staff can feel safe and confident in raising complaints of this nature. Nothing within this procedure prevents the exercise of reasonable and effective management, nor the reasonable exercise of personal freedoms.
- 1.6 In accordance with its race equality policy, the school will record all racial incidents; produce a report for governors and parents on the number, nature and action taken and will report the pattern and frequency of incidents to the LEA.
- 1.7 The school is committed to ensuring that training and induction is provided for staff on general and specific equalities issues, and this will include enabling them to recognise what constitutes harassment and bullying and thereby to hopefully avoid it, but otherwise to deal with it.
- 1.8 The governors and management of the school will seek to monitor the behaviour and conduct of staff and thereby identify and deal with any harassment and bullying. However, harassment and bullying are often covert and it is difficult for the school to address individual cases or institutionalised behaviours if they are not made aware of their existence. Staff are therefore expected to report all incidents of harassment, bullying and victimisation, whether as a victim or a witness and to co-operate fully with the spirit and letter of this policy.
- 1.9 In addition to harassment or bullying by staff, the school takes extremely seriously any incident of harassment and bullying of members of staff by any member of the

school community or anyone connected with it. The procedure therefore includes how complaints about harassment or bullying of employees by persons other than employees might be addressed. The school will exercise its duty of care to protect staff and will employ all appropriate means available to it to deal with such behaviour and/or conduct.

- 1.10 The school is committed to dealing sensitively, professionally, fairly and speedily with all allegations of harassment and bullying.

## **2. Definitions of harassment and bullying**

2.1 Harassment and bullying by their very nature are 'experiential', which means that the same behaviour may be interpreted in different ways by different people. It may also be that the same behaviour, practised by different people, will be interpreted quite differently. For example, what is acceptable from a close friend or colleague, may not be acceptable from another person.

2.2 It is also important to remember that at times we all feel harassed in its colloquial sense i.e. hassled, for example by pressures at work or outside or perhaps because we are unwell or unable to cope for other reasons. It is therefore appropriate to examine our feelings and perceptions carefully to distinguish between genuine and intentional harassment by others and those issues which relate to personal or professional management of time, workload, etc. In the latter case there are other procedures and processes in place to support staff and employees should discuss these concerns with their line manager.

2.3 Harassment and bullying take on many forms and are thereby relatively difficult to define. However, broad definitions and some examples are given below. These are not intended to be exhaustive.

2.3.1 Harassment may be described as unwanted behaviour, practice or conduct which cause an individual to feel uncomfortable, distressed, stressed, alarmed, humiliated or frightened or affects their dignity or confidence.

2.3.2 Bullying, is an extreme form of harassment and will often involve persistent, maybe deliberate, harm, intimidation or humiliation. Bullying is often, although not always, related to the misuse or abuse of power or position.

2.3.3 Examples of harassment and bullying

- Physical contact ranging from touching to physical assault.
- Visual displays e.g. sexually explicit posters, graffiti, emblems or obscene gestures.
- Verbal and written e.g. offensive language or jokes, gossip, slander, sectarian songs, letters, emails etc. ridiculing, name-calling/insults, lewd remarks, sexual innuendo, unjust or public criticism, destructive sarcasm, shouting/'bawling out'.
- Isolation or non-co-operation at work, ostracism, removing responsibilities, withholding information.
- Intrusions e.g. spying, pestering, following, constant observation, staring/leering.
- Coercion e.g. pressure to participate, keep quiet, support.

- Pressure e.g. impossible deadlines, constantly changing work demands/expectations, pressure to return from sick leave, blackmail.

2.3.4 Sexual and Racial harassment are perhaps the most common, widely acknowledged and legislated against forms, but harassment and bullying occur for innumerable reasons, for example:

- Gender, sex, sexual orientation, marital or parental status;
- Race, ethnic origin, nationality, skin colour;
- Religion, political convictions etc.
- Disability, sensory impairment, learning difficulties, intellect, education;
- Physical appearance, e.g. size/weight;
- Health, hygiene, HIV/AIDS;
- Trade union or other organisation activity/membership;
- Criminal record;
- Age (or youth);
- Addiction (drugs, smoking, alcohol);
- Social or work position/status.

2.4 Bullying and harassment will most often come from colleagues and managers at work. However, staff may also be the victims of bullying and harassment from other members of the school community including pupils and parents.

### **3. Harassment and bullying v. discrimination**

- 3.1 It can be difficult to draw a line between discrimination and harassment/bullying but is important to make the distinction so that appropriate action can be taken. Discrimination is treating someone in a particular and usually detrimental way because of their sex, race etc. whereas sexual or racial etc. harassment is more direct and personally targeted. For example a woman may be *discriminated against* by not being given a promotion because her manager has certain prejudices about her perceived abilities because she is 'not male', whereas she may be *harassed* if her manager consistently makes remarks about her abilities in relation to her sex.
- 3.2 Discrimination should be dealt with through the school's equal opportunities policy.

### **4. Victimisation**

- 4.1 This may occur when a person is treated less favourably than another person because they have made, or supported, a complaint of harassment, bullying or discrimination. The Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995, provide legal protection from victimisation. However, the school views victimisation of any sort extremely seriously and it is likely to regard such action as an offence under the school's disciplinary procedure.

### **5. Responsibilities**

- 5.1 It is in everyone's interest for there to be a working environment which encourages harmonious, respectful and dignified working relations and as with all matters of equal opportunities, the responsibility for preventing and dealing with harassment and bullying lie with the whole school community.
- 5.2 Interpretations of situations, words and actions differ and we can all misread signals at times and we all say things that came out 'the wrong way'. However, harassment is defined in terms of how it makes the recipient feel and common sense should be used by all to avoid situations which could lead to accusations of harassment.
- 5.2.1 The governing body has responsibility for:
- adopting, maintaining and monitoring relevant policies and procedures;
  - ensuring that cases are dealt with effectively;
  - setting standards of behaviour and conduct which do not allow harassment, bullying or victimisation to occur;
  - ensuring governors and staff have appropriate training.

5.2.2 The headteacher and other managers have a responsibility to:

- promote an environment free from harassment;
- implement relevant policies and procedures in a reasonable and timely manner;
- ensure staff have appropriate training and are aware of and have access to relevant policies and procedures;
- manage staff in a fair and professional way;
- provide adequate support in respect of complaints;
- prevent victimisation.

5.2.3 All staff have a responsibility to:

- treat colleagues and other members of the school community in accordance with the school's equal opportunities policy;
- challenge and report instances of harassment or bullying, involving themselves and others, including visitors to the school.

5.3 Both individual perpetrators and employers can be liable for prosecution where employees are harassed or bullied. Managers may be personally liable where they knew, or should have known, about any incident in areas under their control and took no action.

## **B Harassment, Bullying and Victimisation Procedure**

### **6. Introduction**

6.1 Whether you are the victim or a witness, it is recognised that you may be uncertain or apprehensive about how to deal with an incident of harassment/bullying and may tell yourself that you have imagined it or that the harasser did not mean it. You may feel that it would be disproportionate to pursue the matter and not want to get the harasser/bully into trouble or you may feel scared about the consequences of raising the matter. Alternatively, you may feel harassed but be unsure about the cause of those feelings.

6.2 The school does not accept any form of harassment or bullying, however trivial it may seem and actively encourages staff to confront instances. The procedure is specifically designed to provide a vehicle to deal effectively with incidents of harassment and bullying without fear of victimisation or detriment. As part of the procedure where appropriate, the manager will discuss with you any support you may need. This may include:

- Counselling.
- A period of leave of absence without detriment.
- Additional management support for a period.
- Assignment of a mentor.
- Assertiveness training.

6.3 It is in everyone's interest for harassment and bullying to be dealt with quickly and easily, but this is not to negate the validity of complaints or the seriousness with which they are viewed.

6.4 Clearly, the desired outcome of the implementation of the procedure is that the harassment or bullying ceases. However, whatever stage the procedure reaches, and without presupposing the outcome of any formal proceedings, there is a range of possible remedies where a complaint is upheld.

- Formal apology.
- Training.
- Mediation.
- Counselling.
- Changes to work methods/styles.
- Redeployment within the school.
- Formal disciplinary sanctions.
- Removal from the school.

Employees who believe they are being bullied or harassed should pursue one or more of the following steps:

- Personal resolution
- Informal action
- Formal action

## **7. Preliminary steps**

- 7.1 Ideally, you should deal with any incidents of harassment or bullying when they first occur. However it is recognised that it is often the cumulative effect of another's conduct or behaviour that constitutes harassment or bullying rather than a single incident.
- 7.2 It is advisable to keep details of all incidents – dates, times, locations, what happened, witnesses.
- 7.3 As a first step, you might find it helpful to talk to someone you trust about your situation. An objective perspective may:
- help to clarify your perceptions and/or the root of your feelings;
  - help you to identify any personal issues which need to be addressed;
  - enable you to articulate your concerns, feelings etc.;
  - give you confidence to deal with the harassment/bullying;
  - provide the support you need to move forward.
- 7.4 Some timescales are included in the procedure below, but in any case, all incidents of reported harassment, bullying or victimisation will be dealt with without undue delay.

## **8. What to do if you feel harassed or bullied by another member of staff**

### **8.1 Step 1 – personal action**

Harassment and bullying are best resolved informally and at source and in the first instance you should aim to deal with the harasser directly. However, it will assist the school in fulfilling its responsibilities if all cases of harassment and bullying are reported (all racial incidents must be recorded) and this will not prejudice your attempts to resolve matters directly and personally.

- 8.1.2 Speak to the harasser calmly and make it clear that the conduct complained of is unwelcome and unacceptable. Tell them precisely what was offensive and that you want it to stop. Alternatively put it in writing and keep a copy.
- 8.1.3 If you feel anxious about doing this on your own ask a friend or trade union representative to accompany you: after all it may be advisable to have a witness. It is worth noting that in 70% of cases where harassers are asked to stop, they do so.

### **8.2 Step 2 Informal action**

Informal action is designed to conciliate rather than punish. If a personal approach fails or is deemed inappropriate, informal action may be more effective. If you really feel unable to approach the harasser directly or your initial approach does not result in the harassment stopping, you should report the matter to your line manager, or other appropriate manager (where your line manager is the harasser) or chairman of governors (where the Headteacher is the harasser).

- 8.2.1 You should have a meeting with your manager at which you should explain the nature of your complaint. You should provide him/her with full details of the complaint and bring with you any written records you have. You should include details of the steps you have taken so far to try and resolve the matter. You may take a friend or representative with you if you feel more comfortable doing so. This meeting will normally be held within 5 working days of your report being made.
- 8.2.2 The meeting will be held in an atmosphere of confidentiality. However, you should be aware that in order to deal with the matter, the manager will almost certainly need to speak to the harasser and to share details/copies of your complaint. Where the allegations are sufficiently serious, the manager may be obliged to pursue the matter, even where you are reluctant for him/her to do so. While every effort will be made not to call upon witnesses where this is not desirable, it may on occasion be necessary to call for other evidence at this stage.
- 8.2.3 The manager will discuss your concerns with the other member of staff. If appropriate, and following consultation with you, a joint meeting will be arranged.
- 8.2.3 The manager will keep confidential notes on the meetings and any action taken. In the case of racial harassment/bullying a formal record will be made and passed to the appropriate manager and the LEA for monitoring purposes.
- 8.2.4 Where the harassment or bullying is sufficiently serious, disciplinary procedures may be instigated at this stage
- 8.2.5 Once the manager has spoken to the other employee he/she will feed back to you. This will normally be possible within 2 weeks of your initial meeting the line manager, but this will depend upon the exact nature and extent of the concerns.
- 8.2.6 As appropriate, the manager will follow up his/her meetings with you to ensure that the harassment/bullying has stopped. The manager is also responsible for ensuring that there is no victimisation to or by either party or others. You have a responsibility to report any victimisation to your manager.

### 8.3 Step 3 – Formal Action

If you continue to feel harassed or victimised, or are dissatisfied with the way your complaint has been dealt with you should raise the issue in writing, formally to your manager. Reference should be made to the relevant stage of the schools grievance procedure for full details of the formal stage, including associated forms. To summarise, the formal procedure consists of three key steps:

- Letter to manager - Instigation of the formal procedure occurs by sending a letter to your manager outlining the nature of the complaint and explaining the redress sought.
- Meeting - The manager will invite you to a formal meeting to discuss the complaint, within 5 days of receipt of the letter. You should make every attempt to attend this meeting. This meeting will be attended by yourself and your representative, the employee against who the complaint is against and the employee's representative and chaired by the manager or nominated Governor. The decision of the Chair will be confirmed in writing to both parties within 5 working days of conclusion of the meeting.
- Appeal - The employee has a right of appeal and must confirm his/her intention in writing to the Chair of Governors within five working days of the written notification to the employee of the outcome of the formal meeting.

## 9. **What to do if you feel harassed or bullied by an adult other than a member of staff**

### 9.1 Stage 1

9.1.1 If you experience bullying and harassment by adults other than members of staff, you should discuss this with your line manager before taking any action. It could be that there is a background or particular circumstances that will best dictate how the matter should be approached.

9.1.2 If you wish to approach the perpetrator directly in the first instance and this is agreed with your line manager, speak to them calmly and make it clear that the conduct complained of is unwelcome and unacceptable. Refer them to the school's mission statement and equal opportunities policy. Tell them precisely what was offensive and that you want it to stop. If appropriate put it in writing and keep a copy.

9.1.3 If you feel anxious about doing this on your own ask your line manager, a friend or union representative to accompany you: after all it may be advisable to have a witness.

9.2 Stage 2

- 9.2.1 If you feel unable to approach the harasser/bully directly or it was inappropriate for you to do so or if your initial approach does not result in the harassment stopping, you should report the matter back to your line manager to deal with.
- 9.2.2 You should provide him/her with full details of the complaint and any written records you have. You should include details of the steps you have taken so far to try and resolve the matter.
- 9.2.3 The manager will keep confidential notes on the meetings and any action taken.

9.3 Stage 3

- 9.3.1 Once the manager has dealt with the matter under Stage 2, he/she will feed back to you. This will normally be within 2 weeks of your initial report, but this will depend on the nature and extent of the concerns.
- 9.3.2 As appropriate the manager will follow up his meetings with you to ensure that the harassment/bullying has stopped. The manager is also responsible for ensuring that there is no victimisation to or by either party or others. You have a responsibility to report any victimisation to your manager.
- 9.3.3 If you are dissatisfied with the way your complaint has been dealt with at this, or any stage, it would be open to you to pursue the matter under the school's Grievance Procedure.

**10. What to do if you feel harassed or bullied by a pupil**

- 10.1 If you feel harassed or bullied by a pupil you should challenge the behaviour/conduct immediately and deal with it in accordance with the school's behaviour management policy and other relevant procedures.
- 10.2 Racist incidents should be recorded immediately in accordance with the school's race equality policy and all incidents should be reported to your line manager/the Headteacher/other appropriate person.
- 10.3 It is anticipated that the behaviour/conduct will cease if challenged but if it persists, the matter should be referred to the appropriate person responsible for pupil behaviour who will deal with it in accordance with the relevant behaviour/disciplinary procedures.
- 10.4 If you are dissatisfied with the way your complaint has been dealt with at any stage, it would be open to you to pursue the matter under the school's grievance procedure.

**5 What to do if you witness harassment or bullying but are not the victim yourself**

- 11.1 All employees have a responsibility to challenge harassment and bullying, even where they themselves are not directly involved. You will need to make a judgement about how to deal with the matter, which could be in one of the ways listed below. In all cases however, particularly where the issue is racial, you must report the incident to an appropriate manager
- 11.1.1 If appropriate and you feel confident to do so, e.g. in the case of pupils, you could approach the perpetrator directly and challenge their behaviour.
- 11.1.2 Where you have the appropriate relationship with the victim, you may wish to discuss the matter with them. Explain that you have observed something that you felt uncomfortable about and discuss their perceptions with them. Where appropriate, you should refer them to the procedure and encourage them to follow it.
- 11.1.3 Report the matter to your own, or another appropriate manager to deal with.

## **Appendix A**

### **The legal Framework**

Bullying and harassment at work are illegal on a number of grounds. Any employer who fails to take sufficient steps to protect employees against the detrimental effects of bullying and harassment could face claims for compensation or, in certain cases, criminal prosecution.

#### Common Law

Employers can be sued for damages under common law where an employee suffers personal injury because of bullying or harassment by any member of staff, unless they can satisfy the court that the individual acted “outside the course of [his] employment”. An employer may be directly vicariously liable for harassment of staff by non-employees/pupils where it fails to take action in the light of the harassment/bullying or fails to support the employee.

#### Criminal Justice and Public Order Act 1994

The Act makes intentional harassment in the workplace a criminal offence punishable by law where the perpetrator in speech, writing, sign or other visible representation, uses threatening, abusive or insulting language or behaviour, or disorderly behaviour so that the other person feels harassment, alarm or distress.

#### Disability Discrimination Act 1995

The Act provides protection where harassment and bullying can be shown to cause a detriment. This Act also provides protection from victimisation whereby a person discriminates against a disabled person if s/he treats him/her less favourably than he treats another because he/she has brought proceedings under the Act or given evidence in connection with such proceedings.

#### Employment Rights Act 1996

Under the Act an employee may claim constructive dismissal to an employment tribunal where he/she considers that the harassment or bullying has left him/her no alternative but to leave the organisation. Employees must have resigned in order to make such a claim. An employee may also claim unfair dismissal if he/she is dismissed because he/she asserted a statutory right to make a complaint under legislation.

#### Equalities Bill 2002

The Bill defines harassment and victimisation and makes them unlawful in relation to colour, race, nationality, ethnicity, religion or belief; sex, sexual orientation or gender reassignment; marital or family status; age and disability. At present harassment has been linked to the Race and Sex Discrimination Acts through case law.

#### Health & Safety at Work Act 1974

The Act places a duty on all employers to ensure the health (including mental health), safety and welfare of all employees and to create safe and healthy working systems. Breaches of the Act are a criminal offence and may provide evidence in personal injury (e.g. stress) claims.

Human Rights Act 1998

The Act confers a number of rights such as respect for family and home life and protection from degrading treatment and discrimination.

Management of Health & Safety at Work Regulations 1999

The Regulations oblige employers to carry out an assessment of the risks to the health (including mental health) and safety of employees and to take preventative and protective measures to address the risks identified.

Protection from Harassment Act 1997

This Act makes provision for protecting people from harassment and similar conduct. A person must not pursue a course of conduct, which amounts, to harassment and to which he knows or ought to know amounts to harassment. A person who pursues a course of conduct in breach of this prohibition commits a criminal offence. This Act also provides a civil remedy for victims of harassment where damages may be awarded for (among other things) any anxiety caused by the harassment and any financial loss as a result of the harassment.

Race Discrimination Act 1976 – Race Relations (Amendment) Act 2000

Racial harassment or bullying may constitute unlawful race discrimination under the Act. Employees can claim victimisation if they are treated less favourably because they have asserted a right to racial equality under the Acts.

Sex Discrimination Act 1975

Sexual harassment or bullying may constitute unlawful sex discrimination under the Act. Employees can claim victimisation if they are treated less favourably because they have asserted a right to sexual equality under the Act.

NB claims for constructive dismissal and/or discrimination must be made within 3 months of the detrimental act. A minimum of one year's service is required to claim unfair dismissal. Employees should seek advice from their trade union/professional association.

## **C. Managers' Guidance**

### **12. Part I Managing the harassment, bullying and victimisation procedure**

12.1 Employers in general and individual managers have a duty of care to their employees to protect them from harassment and bullying at work. This is an implied term in all contracts of employment. It includes a duty to take every reasonable step to protect staff from inappropriate behaviour or conduct by parents, pupils, visitors, governors and other users of the premises as well as by other employees.

12.2 There are a number of routes, outside of the school's own internal procedures, whereby an employee can make a complaint in respect of harassment and bullying as outlined in Appendix A. In order to defend such claims an employer must demonstrate and evidence that they took all reasonable steps to protect the employee. It is essential therefore, that all complaints of harassment, bullying or victimisation are taken seriously and dealt with effectively and robustly and in accordance with the procedure.

### **13. Recording incidents of harassment, bullying or victimisation**

13.1 All observed and reported incidents of harassment, bullying and victimisation should be recorded, whatever stage of the procedure is implemented and should be reported to the Headteacher or other appropriate nominated person. All racial incidents must be recorded and reported in accordance with the school's race equality policy.

13.2 Records should include:

- date of complaint;
- name of complainant (and if different, victim) and perpetrator;
- details including times of incident(s);
- nature of complaint;
- names of any witnesses;
- details of action taken;
- feedback and follow up.

13.3 Records should be kept confidentially. Where a formal process is followed, a copy of relevant written documentation should be shared with the both parties. Any direction given to an individual should also be confirmed in writing.

### **14. Harassment, bullying or victimisation of an employee by another member of staff**

All complaints/reports of harassment, bullying or victimisation should be dealt with as quickly as is possible without impeding thoroughness and fairness. The procedure contains some guideline timescales.

#### 14.1 Stage 1

Although the procedure suggests that staff initially try to deal with harassment, bullying or victimisation directly, they are actively encouraged to report any experienced or witnessed incidents.

14.1.1 If an incident(s) is reported at any stage, managers should:

- ensure that the employee understands the procedures;
- encourage the employee to record their concerns in detail as well as any steps they take;
- be sympathetic and supportive, but be careful not to make value judgements about the complaint prior to any discussion with the alleged perpetrator or any investigation;
- be clear about what the complainant wants/expects of the manager at each stage;
- ask to be kept informed where the employee decides to deal with the matter themselves at the initial stage; and of course,
- keep records and report the matter to the appropriate person if it is a racial incident.

#### 14.2 Stage 2

Where the manager is asked to deal with the matter, or needs to deal with it as the first stage has been unsuccessful he/she should take the following action.

14.2.1 Meet with the complainant, within 5 working days of receiving the complaint. They should be allowed to bring someone with them if they feel more comfortable doing so. At this meeting the manager should:

- elicit details of their concerns, including any written records the employee may have;
- explore whether the employee has any perceptions or ideas about the basis for or cause of the treatment they are receiving;
- be satisfied that there are not other causes of the employees feelings (see 2.2) and if so, discuss appropriate measures to address these and end the harassment and bullying procedure;
- be clear about the steps the employee has already taken;
- discuss the employee's preferred outcome, but not make any commitment regarding this;
- ensure the employee is clear about the next stages of the procedures.

- 14.2.2 Meet with the employee against whom the allegations have been made as soon as possible. It is not normally expected that an employee needs to be accompanied at an informal meeting, but any such requests should not normally be refused. At this meeting the manager should:
- explain the purpose of the meeting and its status within the procedure;
  - clearly outline the allegations made;
  - explain the feeling they have elicited in the complainant;
  - invite the employee to make a response;
  - if the allegations are denied, explore any explanation the employee may have for them being made;
  - ensure that the employee is familiar with the school's equal opportunities and other relevant policies and procedures;
  - if appropriate, allow the employee time to reflect and arrange a further meeting;
  - ensure that the employee is clear about the next stages of the procedure.
- 14.2.3 It is not normally appropriate at this stage to undertake a full scale investigation. While there are a range of possible outcomes at this stage, the optimum is for the harassment to cease and/or the complainant to be satisfied with the outcome. At this point, therefore, the manager will need to make a judgement about the case.

#### Stage 2 - Possible Outcomes

- 14.3 Where the manager judges that harassment/bullying has occurred, but that it does not warrant disciplinary action, he/she should meet with the perpetrator as soon as possible to:
- explain why their behaviour is unacceptable and give them any appropriate advice and guidance (e.g. to revisit the relevant policies, arrange training);
  - instruct them to desist in their behaviour/conduct;
  - explain the consequences of not altering their behaviour/conduct;
  - outline any remedy that is required (e.g. formal apology);
  - counsel against victimising the complainant;
  - advise them that the situation will be monitored.
- He/she should put the key points from the meeting in writing. The manager should then feedback to the complainant. The manager should aim to do this within 10 working days of the original meeting to discuss the complaint.
- 14.3.2 Where the manager judges that the matter is unclear or that harassment/bullying has not occurred, the manager should meet with both parties, separately or together as appropriate to propose a way forward.

- Where the truth of the matter remains unclear, the manager should mediate, or engage others to mediate. This may involve a meeting of all the parties to air their views, concerns etc. and to look at ways of working comfortably together.
- If it is necessary to advise a complainant that their concerns could not be supported this should be done sensitively and supportively. The manager should further explore the root of the employee's concerns and suggest strategies for dealing with them. It is of course open to the complainant to raise a grievance if they are dissatisfied with the process.

14.3.3 In all cases, all parties should be kept informed of decisions and processes. Managers must also ensure that they follow up on all complaints to ensure that matters have been resolved in the long term.

#### 14.4 Stage 3

In cases where the harassment/bullying does not desist or is sufficiently serious as to potentially constitute misconduct, or where victimisation occurs, the manager should implement the school's disciplinary procedure.

If the harassment/bullying continue after informal action, or the employee is unhappy with the way in which the complaint has been dealt with he/she may raise the matter formally under the schools grievance procedure. Both the school and the employee have set obligations and timescales that they must adhere to ensure they meet their statutory requirements.

#### 15. Harassment, bullying or victimisation of an employee by someone other than a member of staff

##### 15.1 Adults

Members of staff may be harassed, bullied or victimised by other adults e.g. parents/carers, governors, hirers.

While employers do not have the same 'control' over other adults, as they do over employees, there are a range of strategies that can be employed to protect staff from inappropriate and unacceptable conduct and behaviour by them. These include:

- communicating the schools equalities policies to parents and others connected with the school or who use the premises;
- raising awareness of equalities issues in all activities;
- informal discussion and advice to adults about their behaviour/conduct by the headteacher;
- formal correspondence from the governing body;
- legal mechanisms e.g. to control parents' access on the premises;
- not making the school available for hire or other use, to groups or individuals who do not subscribe to the schools ethos and policies in terms of equalities.

15.2 Pupils

The school has in place policies and procedures for dealing with pupil behaviour and misconduct and these should be used to their full effect where pupils harass or bully staff, in the same way as when they commit these offences against other pupils.

16. Harassment, bullying or victimisation of an employee reported by a third party

- 16.1 Where harassment, bullying or victimisation are reported by a third party, the procedures are very similar. Managers should take the following steps:
- elicit details from the witness, preferably in writing;
  - be supportive and encouraging to the witness and ensure that they receive feedback as appropriate;
  - ensure that the witness is aware that they should report any victimisation;
  - speak to the alleged victim to establish their perception of the reported matter and establish, where appropriate, whether there is a history or any other relevant background;
  - where the alleged victim supports the report, explain the harassment and bullying procedure and where appropriate encourage and support them to approach the perpetrator directly;
  - otherwise the manager should deal with the matter in accordance with the procedure;
  - where the alleged victim disagrees with the perceptions of the witness, and unless the witness evidence is compelling on its own, it will be difficult to pursue the matter. You should however record and monitor the situation carefully.

**17. Part II Effective management strategies to identify and combat harassment, bullying and victimisation**

17.1 The key to eradicating and preventing harassment and bullying, is to raise awareness of what they are and to create an environment where people feel confident to challenge inappropriate or unacceptable behaviour. Ideally the challenge should come at the first occurrence and the culture of the organisation needs to encourage this. A bullying and harassment procedure will go some way to raise awareness and encourage employees to challenge inappropriate behaviour.

17.2 However, managers have particular responsibilities. In addition to dealing with incidents as described in Part I, managers also have a responsibility to:

- identify inappropriate behaviours and conduct;
- lead by example;
- monitor and evaluate.

18. Identifying inappropriate behaviours and conduct

While some forms of harassment and bullying may be quite overt e.g. verbal abuse, offensive behaviour, these are probably less common. Most harassment and bullying are subtle or hidden and often very hard to see from the outside. However, there are a number of ways in which they may manifest, thereby enabling managers to identify a problem.

18.1 The following symptoms and consequences related to individuals or the organisation may result from harassment or bullying, although it is accepted that they may also have other causes e.g.

- lack of/disturbed sleep;
- increased sickness or absence levels;
- loss/reduction in confidence and/or motivation;
- withdrawal or avoidance of certain situations/people;
- increased levels of stress and/or depression/anxiety;
- low morale and confidence in management;
- mirroring the behaviour/acting aggressively;
- reduction in efficiency and effectiveness;
- increased staff turnover;
- loss of training, development or promotion opportunities.

18.2 In addition, by being aware of the particular behaviour of some harassers and bullies and of the reasons that individuals may be reluctant to acknowledge, admit or confront harassment and bullying, managers are better able to create a culture in which staff are empowered.

18.3 Victims of harassment and bullying may be reluctant to speak out because:

- Although not exclusively, harassers and bullies will prey on those who are less able or willing to ‘answer back’ and it is perhaps not surprising therefore that victims of harassment and bullying will often be reticent about their treatment.
- Some forms of harassment are so extreme that no matter how ‘strong’ the victims, they feel too embarrassed or scared to speak out. This is common in cases of physical sexual harassment or bullying by senior members of staff where people may fear for the security of their jobs.
- It is very difficult to challenge unacceptable behaviour, even where you are not the victim. For example, a manager continually criticises staff at meetings. It takes considerable strength to stand up and say that you do not think that the behaviour is acceptable and to explain how it makes you or others feel.
- There can often be a collective acceptance or tolerance of an individual’s behaviour. For example, a long standing male member of staff constantly comments on the outfits of his female colleagues. This makes them feel uncomfortable but its “not too bad”. He has been there a long time, and has always been the same so everyone just makes a joke of it or ignores it, talks about him behind his back and warns new members of staff to “watch out for John”. It is neither acceptable for existing staff nor for new staff coming in to be ‘expected’ to put up with it.
- Harassment and bullying are not always recognised for what they are. What is perfectly acceptable to some may be offensive or upsetting to others. For example, most people might laugh at the ‘Irish jokes’ regularly told in the staff-room, genuinely finding them funny. But what about the one member of staff who doesn’t think they are funny and leaves the room. He or she may find the jokes offensive and feel isolated or humiliated by the depiction of what may be members of their own country of origin. The rest of the staff may not even notice or feel that it inconsequential, but at best they are guilty of ignorance about what constitutes harassment and bullying and at worst they are part of the harassment.

19. Leading by example

Managers should never shy away from exercising their managerial duties, but it is important to recognise that because of their ‘authoritative’ position they are certainly more likely to be perceived as harassers and bullies; are perhaps more likely to inadvertently harass others and are best placed to harass and bully by design.

19.1 The following table details styles, behaviours and actions that are likely to give rise to accusations of harassment or bullying and ways of avoiding misunderstanding and misinterpretation.

## 19.2

<p>Forming special relationships or singling out individuals on a regular basis for praise or the 'best' jobs, courses etc. Favouritism may lead others to feel excluded or ignored.</p>	<p>All staff at different times form close working relationships with individuals e.g. due to circumstances or compatibility and team working is key to the success of schools. However, managers must ensure that they retain a distance in their relationships. Managers need to allocate work or development according to school and individual needs in accordance with relevant policies and procedures. All staff are encouraged by appropriate recognition of their achievements</p>
<p>Manifesting one's own stress/pressure etc. Pressure can make anyone feel threatened or inadequate and it is all too easy to 'take it out' on others.</p>	<p>Managers, like all staff, are subject to pressure both within and outside of work and they should ensure that they employ appropriate strategies to manage these, as they would advise their staff to do.</p>
<p>Expectation within the culture to act in an authoritarian way.</p>	<p>Staff in schools generally work as a team in a co-operative way. However, where an unnecessarily directional and status driven structure exists, all managers should work together to examine the effects of this on the workforce and where necessary make appropriate changes.</p>
<p>Perception that punishment is more effective than reward – management style.</p>	<p>It is generally easier to identify when things have gone wrong or are not to the required standard than to celebrate achievement and success. Generally staff respond better to positive and constructive feedback, accompanied by support and encouragement than to criticism and punitive measures.</p>
<p>Inconsistency.</p>	<p>Inconsistency generates confusion and loss of confidence. As well as treating staff in an equitable manner, managers should endeavour to adopt a consistent style in all aspects of their work.</p>
<p>Time management and consideration of others.</p>	<p>Managers need to be conscious of work-life balance issues and not arrange meetings with individuals at inappropriate times. Managers should also be aware of location and timing of meetings to both consider individual confidentiality but also to avoid staff feeling isolated or uncomfortable.</p>

Threaten/inappropriate use of procedures e.g. discipline, capability.	It is essential to deal with all issues of poor performance and misconduct promptly and fairly. If the issues are isolated or minor they are best dealt with informally and at the first occurrence with appropriate use of training and support mechanisms. Poor performers in particular, rarely improve as a result of punitive action alone. Moreover, the longer issues are left untackled in the right way, the more frustrated and less objective managers can become.
Short staffed – a ‘need’ to know when someone who is off sick/maternity is coming back	Employees may, from time to time be off sick, on maternity or other leave and are entitled to be so. Such absences however, do raise logistical issues for managers and these can become difficult when the duration or timescale for return is uncertain. However, there are clear guidelines and policies governing contact with sick and pregnant employees which should be followed and in particular, these staff should not be pressurised during their absence.

20. Monitoring and evaluating.

Monitoring of the harassment and bullying procedures is essential to ensure consistency, fairness and effectiveness of operation and to identify further action in this area which might be needed by the school.

20.1 However, this alone will not necessarily identify the extent of harassment and bullying. Other ways in which incidents or patterns might be identified include the following.

- Monitoring the application of other policies and procedures – inconsistent application by a particular manager or against an individual may be an indication of harassment or bullying;
- Monitoring sickness levels and conducting return to work interviews – harassment is only one possible cause but remains a potential source of data.
- Exit interviews – people may be more willing and likely to admit that they have been harassed or bullied after they have left and their perceived (or real) fear of reprisals has gone.
- Appraisal/Performance Management – this is the key management tool for identifying a whole range of issues from ambitions, to training needs and sources of discontent. It is an opportunity for manager and employee to discuss the whole range of employment issues informally and privately – discuss how to move forward. The manager is afforded the opportunity, if concerns of harassment and bullying are raised to

support the employee and where appropriate to deal with it through the appropriate procedures.

- General management – managers who interact regularly and informally with their staff will notice changes in demeanour, behaviour e.g. in meetings etc. which could be an indication of harassment or bullying. Such day to day contact with staff will also give managers a better chance of identifying harassers and bullies for themselves.