

Harassment and Bullying Procedure

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CONTROLLED

FOREWORD

The attached revised and updated model Local Authority recommended procedure for addressing Harassment and Bullying. The procedure has been the subject of formal consultation and agreement with the recognised trade unions and professional associations, at Schools' Joint Consultative Committee.

The procedure is grounded in the expectation that the school culture will promote dignity at work, fair treatment and respect for all. The informal stage of the process supports a positive and pro-active resolution of any issues that do occur, allowing the possibility that progressing to formal procedures may not be necessary.

Schools must adopt the procedure and ensure that any previous document is withdrawn. It is important to ensure that all staff are aware of, and have easy access to, the procedure.

CONTENTS

1 Purpose

2 Scope

3 Definitions

4 Key Principles

5 Exclusions

6 Roles & Responsibilities

7 Addressing a Complaint of Harassment or Bullying

8 Governors

9 Monitoring

1. Purpose

The purpose of this procedure is to develop a working environment where harassment and bullying are known to be unacceptable and where individuals have the confidence to complain in the knowledge that their complaint will be addressed fairly, promptly, and confidentially, and to provide a framework to process any such complaint.

The Trust is committed to maintaining a workplace that encourages and supports the right to dignity at work and all employees are expected to respect the rights of individuals to:

- Dignity in their working life
- Be treated fairly
- Be respected for their individuality and diversity

The School is committed to the well-being of staff and recognises the harmful effects of harassment and bullying which can include anxiety, distress, reduced job satisfaction and productivity, sickness absence, poor working relationships, high staff turnover, and is committed to implementing policies and procedures to:

- prevent bullying and harassment at work
- promote the provisions of this procedure
- actively measure staff satisfaction levels
  (An Ofsted questionnaire is appended which Governors are recommended to use)
- handle complaints seriously, fairly and confidentially
- ensure complainants do not suffer further treatment which could be considered to be bullying or harassment as a result of raising concerns regarding their treatment

Any form of intimidating behaviour including harassment and bullying may be treated as a disciplinary matter. This applies not only at the workplace during working hours but at other work-related activities – for example training courses, conferences and social functions.

It may also apply to conduct outside of work between two or more employees, for example the use of social media tools in relation to bullying and harassment.

2. Scope

This policy applies to all staff employed within the staffing complement of the school. However, the School expects a consistency in approach for all people who are working on the school site.

3. Definitions

Harassment is unwanted conduct, intentional or not, that violates an individual's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It is conduct that may (but not necessarily) be related to sex, race, religion or belief, disability, sexual orientation, age, gender reassignment, marriage or civil partnership, or pregnancy and maternity, or any other personal characteristic.

Bullying may be described as offensive, intimidating, malicious or insulting behaviour or, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

In both cases, it is behaviour that the recipient finds demeaning, offensive or unacceptable. It may be persistent or an isolated incident.

There are many forms of harassment and bullying and some examples are detailed below. This is not an exhaustive list.

- Spreading malicious rumours, or insulting someone
- Unwelcome personal comments or personal insults
- Offensive jokes, language or gossip
- Humiliation, for example criticising a colleague in front of others
- Failure to safeguard confidential, personal information,
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Aggression or intimidation including inability to control temper
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances or physical contact
- Coercion for sexual favours
- Making threats or comments about job security without foundation
- Persistent overloading, criticism or setting impossible deadlines
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Cyber bullying – such as posting inappropriate photographs, offensive or threatening comments or sensitive personal information on social media sites.

Bullying and harassment are not necessarily face to face – they may be written, verbal, visual, (displaying posters etc.), physical or electronic.

Employees should be aware that it is the effect of the behaviour that determines whether harassment has occurred; even if the alleged harassment is unintentional, this can still be considered as harassment.

It is recognised that medical conditions, in some cases, may be a contributory factor to behaviour which is considered as harassment.

An employee can submit a claim that behaviour amounts to bullying or harassment even if the behaviour is not directed at the employee who complains, but the behaviour creates an environment that any individual who witnesses the behaviour finds intimidating, hostile, degrading, humiliating or offensive.

4. Key Principles

This procedure has been developed in line with ACAS guidance and the School's Equality and Diversity Statement.

- The School believes that harassment, discrimination, bullying or unfair treatment of any kind is unacceptable and is committed to promoting dignity and respect at work. Accordingly, any such act may be considered to constitute an act of misconduct in accordance with the School's disciplinary procedure.
- The primary focus should be on attempting to resolve such matters at the earliest opportunity, with the aim of achieving early conciliation between those concerned.
- High performance and productivity are dependent on effective working relationships, and the fair and reasonable handling of complaints is an important element in creating and maintaining those relationships.
- Managers and employees should approach complaints constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions
- Harassment and bullying are to be distinguished from a manager making reasonable requests to a member of staff.
- The employee has a right to be accompanied at meetings, normally by a colleague or trade union representative.
- Mediation should be considered where accessible and appropriate. The Local Authority offers a Mediation Service for situations where it would be helpful or advantageous for it to be undertaken by mediators external to the school. The Trade Union representative may suggest this as a useful way forward via the school management.
- Behaviour can still amount to harassment in the absence of any deliberate intention – the key issue is the effect on the person on the receiving end of the behaviour.
- Neither party is allowed to electronically record meetings held as part of this procedure, unless agreed by all parties. The use of recording

equipment by either party without consent may constitute a disciplinary matter.

5. Exclusions

The harassment procedure may not be appropriate:

- Where there are separate, specific School procedures to address an issue e.g. Grievance Procedure, Confidential Reporting Code, Recruitment and Selection Procedure.
- Where the complaint is found to be frivolous, malicious or vexatious, this should be treated as misconduct and lead to disciplinary action.
- For personal differences between employees related to personal matters outside of school.

Employees are strongly encouraged to raise concerns in a timely way preferably within 3 months of the incident occurring, to ensure colleagues/managers are aware of the issues and early consideration can be given. However, flexibility should be exercised when circumstances (e.g. absence or accumulation of concerns, or if the employee has needed time to build up the confidence to disclose their concerns) mean that relevant evidence refers to incidents which occurred prior to 3 months before the submission of the harassment or bullying claim.

Further advice on whether or not a complaint is covered by or outside the scope of this procedure can be sought from the School's HR Provider.

6. Roles and Responsibilities

Employees have a responsibility to:

- Protect the dignity of colleagues
- Avoid behaviour that may cause an individual to feel the subject of harassment or bullying
- Challenge where feasible and not condone inappropriate behaviour from other employees
- Familiarise themselves with the harassment and bullying procedure
- Attend an investigation meeting when required to do so by an investigating officer

Managers have a responsibility to:

- Familiarise themselves with the harassment and bullying procedure and ensure it is complied with
- Protect their employees from harassment and bullying
- Take prompt action to stop any harassment or bullying they become aware of, whether a complaint has been raised or not
- Ensure their staff are aware of the School's policy on harassment and bullying

- Ensure the workplace is free of offensive posters, documents or use of language which may constitute harassment or bullying
- Attempt to resolve such complaints fairly, promptly, and confidentially
- Promote a working environment in which harassment and bullying cannot flourish.

Manager guidance supplements this procedure.

7. Addressing a Complaint of Harassment or Bullying

Informal Stage
Employees and their managers should aim to settle any complaint informally before implementing the formal procedure as an informal approach can often resolve matters quickly and effectively. Where this is not possible, the formal process should be followed. The employee may wish to seek the advice and support of their trade union.

If possible, the complainant should make it clear to the person against whom the complaint is being made that their behaviour is inappropriate and ask the harasser to stop. If the employee feels unable to do this, they may ask their manager, colleague or trade union representative to act on their behalf, or to accompany them. Employees may also contact the Trust Employee Assistance Program, SAS through the dedicated APP.

If the complaint is about the employee's manager, another manager should be involved. If the Headteacher is the alleged harasser, the employee should approach the Chair of the Local Governing Committee.

Initial steps should be taken to resolve the matter through face-to-face discussion and mediation, if necessary, to determine the most appropriate course of action.

Where complainants wish to attempt to resolve the issue informally, they should be supported in this wherever possible and may approach their Trade Union representative for advice. However, if the investigation shows that an informal approach is inappropriate, due to the seriousness of the allegations, or fear that the complainant may be at risk, formal action should be considered.

Mediation
The purpose of mediation is to find a solution acceptable to each party. Mediation is a voluntary process and both parties must agree to it. Either party may choose to withdraw at any point. The mediator is impartial and cannot impose a decision – the resolution must be reached by voluntary agreement between the two parties so parties to mediation cannot be accompanied.

Mediation is most successful when both parties:

- understand what is involved,
- enter into the process voluntarily,
- are prepared to attempt to repair the working relationship

It can be particularly helpful in cases where the person against whom the allegation has been made is unaware of the impact of their actions and also in situations where, whether the allegation is proven or not, there is a need to restore the employment relationship.

Formal Stage 1 – Meeting

Employee

If the employee considers that they wish to make a formal complaint about an incident either because:

- their complaint has not been resolved to their satisfaction informally; or
- their complaint is so serious that an informal approach is not appropriate;

They should submit their complaint in writing to the Headteacher* preferably within three months of the alleged incident, where possible. The longer the time between the incident and it being raised the more difficult it is to investigate and resolve the matter satisfactorily. Details of the complaint should include:

- Name/s of the individuals concerned.
- Details of the allegation/s including relevant dates, locations and nature of the incident
- Details of any witnesses or supporting evidence.
- Details of what efforts the employee and others have made to resolve the complaint.
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure, or why the informal procedure is inappropriate
- Details of any outcomes sought

*Where the Headteacher is the alleged harasser, the employee should submit their complaint in writing to the Chair of Governors or the Strategic Director of Children's Services or representative (or equivalent role for a non-Local Authority School).

- A Trade Union Representative may bring a complaint on behalf of the employee.

Manager/Headteacher

Potential Misconduct
At this stage the Headteacher should consider the best and swiftest means of resolution and also the view of the employee in determining whether the nature of the allegation constitutes potential serious misconduct, according to the School's disciplinary procedure.

It is recommended that advice is sought from the School's HR provider at this stage.

If so, from this point, the School's disciplinary procedure should be followed and the complainant should be advised of this decision.

Further Investigation Required
If the complaint does not appear to concern behaviour which could be considered to be serious misconduct, but it is felt by the Headteacher that further investigation will be required to clarify the issue and to determine what action should be taken, then an Investigating Officer will undertake that investigation.

- It is recommended that advice is sought from the School's HR provider at this stage.
- Separate meetings should be held with the complainant and the person against whom the allegation has been made, as soon as practically possible, but within seven calendar days of receipt of the employee's written complaint.
- Both the complainant and the person against whom the complaint has been made may choose to be accompanied at these meetings.
- If necessary, other witnesses should be interviewed, if this is considered necessary, to ascertain facts which may have a bearing on the case
- Should the relationship between the two parties create an unworkable situation, alternative working arrangements can be considered, if this appears to be the only option. It is recommended that advice from the School's HR Provider is sought in these cases and this step should only be considered as a short-term temporary measure.
- Having concluded interviews, if the allegation is found to be unsubstantiated, attempts should be made to conciliate between the two parties. Following satisfactory conciliation, the process is complete.
- Where the complaint is found to be frivolous, malicious or vexatious, this should be treated as misconduct and lead to disciplinary action.
- Where the allegation is found not to be substantiated, but it is not possible to reach conciliation (the complainant remains aggrieved) there is a right of appeal. In these cases, both employees may need further support to successfully re-establish good working relationships.
- Where the claim appears to be substantiated, (i.e. harassment has occurred) then the Headteacher/manager should consider either,

management intervention and guidance or to pursue the allegations of misconduct derived from the findings of the investigation under the disciplinary procedure. In these circumstances, it may not always be necessary to conduct a separate investigation.

All parties should be notified in writing of the decision taken and of any actions to be put in place.

Formal Stage 2 – Appeal

- If the complainant is not satisfied with the outcome of the formal stage, there is a right of appeal to the CEO which must be registered in writing to the Chair of the Local Governing Committee within 10 working days of receipt of the written notification of the outcome of the formal Stage 1.
- The grounds for appeal are that the Claimant believes that:
  - new substantial and relevant evidence has come to light;
  - there is evidence that the complaint was not adequately or properly investigated in accordance with the procedure;
  - there is evidence that the complaint was not fairly investigated
- The grounds of the appeal should be set out in the appeal letter and the employee or their representative will use those grounds to establish their case at the beginning of the appeal.
- The Chair of the Local Governing Committee will reply to the appeal letter within 10 working days of receipt, acknowledging the registering of the appeal and arrange the hearing as soon as practicable. The appeal committee will be comprised of at least three governors/Trust representatives. There will be a minimum of 10 working days' notice of the appeal date.
- Any statements of case or evidence on which either management or the employee intends to rely should be provided to the Appeals Panel and other party at least 5 working days prior to the hearing.
- The employee has the right to be accompanied at the appeal.
- The employee will be informed of the outcome in writing within 5 working days.

That outcome is the final stage within the School's procedures.

There is no right of appeal for the complainant regarding sanctions imposed on the harasser following disciplinary action.

The Local Governing Committee may choose to delegate the responsibility of hearing an appeal to the Headteacher where there are sufficient line managers in the school staffing structure to be able to fulfil the informal and formal stages in the procedure. In this case the Local Governing Committee would only hear an appeal where the alleged harasser is the Headteacher.

Governors who have been involved in the case will be precluded from hearing the appeal.

Further Guidance

For advice on what constitutes harassment or bullying and for examples, please see Manager Guidelines to Harassment.

Harassment by third parties

There may be circumstances in which an individual is subjected to unwanted conduct from a third party such as a parent, client or contractor. Abusive, offensive or threatening behaviour will not be tolerated.

If an employee makes a complaint about a third party, an investigation should be carried out and action taken to prevent a reoccurrence. When a complaint is upheld, consideration should be given to actions necessary to rectify the situation. This may include mediation, conciliation and restrictions on access to the school where appropriate.

The notice in Appendix 3 should be displayed prominently in the school's reception area.

Social Media and Bullying

Social media has presented opportunities for bullying in a different form – through the internet. This form of bullying may not be so tangible, as the victim may not see it personally, though colleagues may, and it can carry on away from the workplace. Cyber bullying will be dealt with in the same way as other forms of bullying, as it can be as damaging to the individual as any other form of bullying.

8. Governors

Where the alleged harasser is a Governor, the complaint should be raised with the Chair of the local governing committee.

The complaint will be investigated by the Chair of the local governing committee and the Headteacher who will respond in writing direct to the complainant detailing their findings. This will normally be within 15 working days of being called upon to investigate the matter.

If the claim of harassment is found to be substantiated, appropriate disciplinary action will be taken by the Chair of the local governing committee, with subsequent appeal by the Governor involved against sanction(s) imposed being heard by the CEO.

Applications for appeal must be made in writing to the CEO within 14 days of receipt of notification of the decision.

9. Monitoring

The Headteacher should be kept informed and keep confidential records of all harassment cases.

Cases of harassment or bullying will be monitored by the local governing committee by means of confidential reports from the Headteacher on at least an annual basis, reporting in line with Public Sector Equality requirements as required.

INSERT SCHOOL

LOGO

Harassment & Bullying Procedure - Advice & Guidance

Contents

Flowchart

1 Introduction

2 What is Harassment & Bullying?

3 **Addressing Harassment & Bullying**

3.1 Preventing Harassment & Bullying
3.2 Handling Cases of Harassment & Bullying Informally
3.3 Handling Cases of Harassment & Bullying Formally
3.4 Carrying Out an Investigation
3.5 Possible Outcomes

4 **Support**

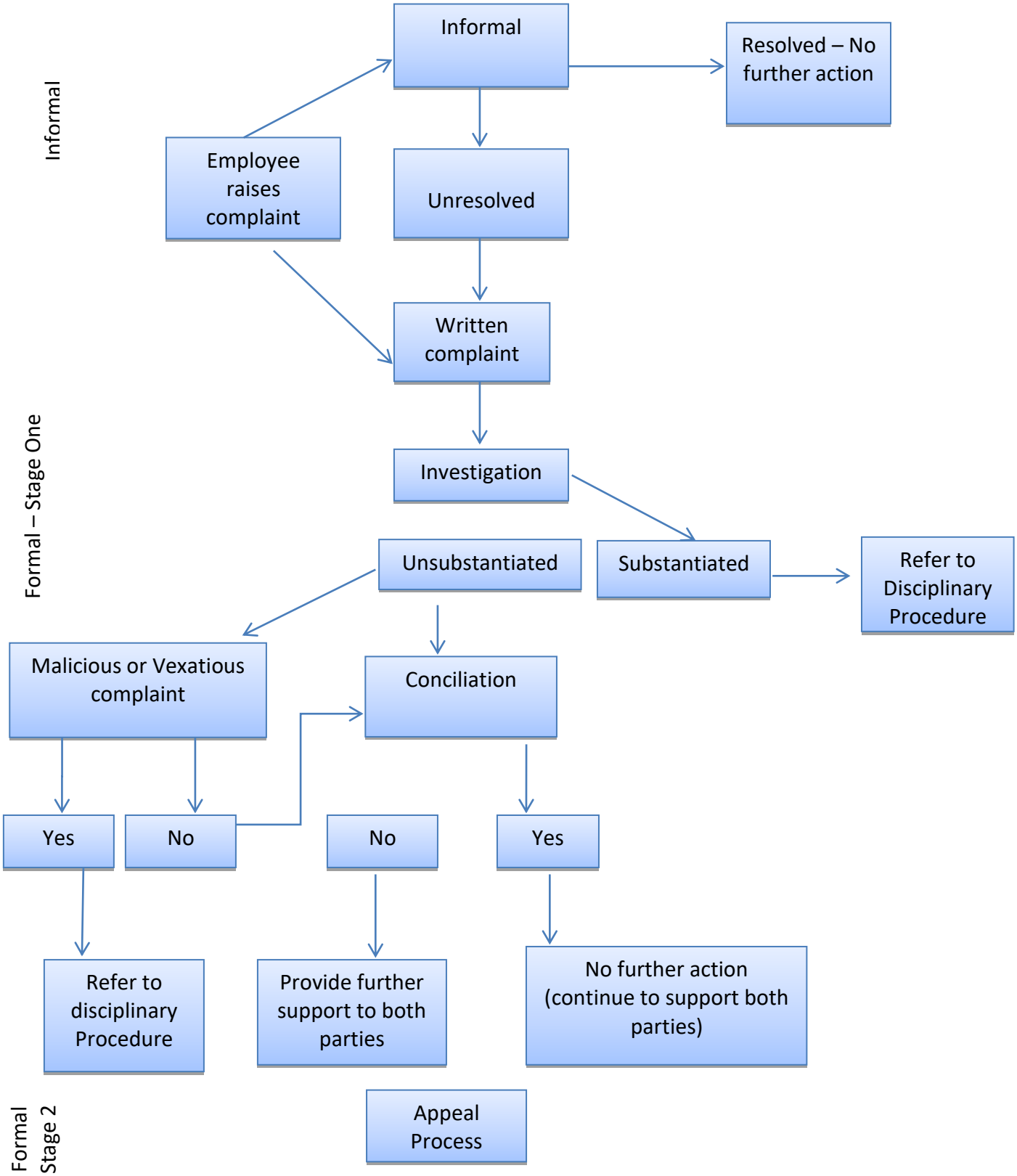
4.1 Mediation
4.2 Counselling
4.3 Trade Union

5 **Other Considerations**

5.1 Confidentiality
5.2 Time Limits
5.3 Managing Performance

Appendix 1 Examples of Unacceptable Behaviour
Appendix 2 Inspection questionnaire for school staff
Appendix 3 Sample 'Acceptable Behaviour' notice

Process for Dealing With Complaints of Harassment & Bullying



1. Introduction

The School supports the right of every employee to be treated fairly and with dignity and respect. It is committed to ensuring that all staff treat others

appropriately and to promoting an environment that ensures employees are not subjected to harassment, bullying, discrimination or victimisation. All employees are responsible for maintaining such an environment.

The School is committed to the wellbeing of its workforce and to enabling individuals to recognise their full potential at work. This includes treating everyone as we would expect to be treated, being sensitive in our relationships with others, and providing leadership in a positive, non-dominant style.

Workplace harassment and bullying has a detrimental effect on individuals and consequently on operational efficiency. An environment free of harassment and bullying can:

- Improve morale and employee relations
- Improve performance and productivity
- Reduce absence levels and staff turnover rates
- Establish a reputation as a good employer

2. What is Harassment and Bullying?

Harassment: Is unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. ACAS/Equality Act 2010.

Harassment tends to be focused on a particular characteristic, it may be a single incident or a series of incidents, and it is linked to anti-discrimination law. An individual may complain about offensive behaviour even if it is not directed at them

Discrimination: Is treating someone less favourably or making a decision based on a relevant protected characteristic.

These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Where an employee believes that they are the subject of discrimination this may be raised and addressed under a specific policy covering the particular issue. (eg Recruitment and Selection, Pay etc)

Bullying: Is often described as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”. ACAS

It is not necessarily linked to any particular characteristic and tends to be an on-going series of incidents, aimed at one or more individual.

The terms bullying and harassment are often used interchangeably and involve similar behaviour. Key to whether bullying or harassment has occurred is that the behaviour is unwanted.

For practical examples of behaviour which may be considered to constitute either harassment or bullying, see Appendix One.

3. Addressing Harassment & Bullying

3.1 Preventing Harassment & Bullying

As a manager, you have a responsibility to promote and support a culture where inappropriate behaviour is not tolerated and where people feel able to be themselves at work. You can prevent bullying and harassment, by demonstrating positive behaviour yourself, and ensuring employees understand such behaviour is unacceptable. Some examples of expected behaviours which you should aim to promote are:

- Treat colleagues fairly, courteously and respectfully
- Value your employees for their diversity and the different qualities and contributions they can make
- Be aware of how your behaviour impacts on others
- Ensure staff feel able to challenge inappropriate behaviour and alert others where necessary
- Ensure staff cooperate with investigations following complaints

You can further encourage such a culture by demonstrating appropriate behaviour yourself:

- Lead by example by following high standards in your own behaviour
- Manage staff fairly, effectively and consistently.
- Provide advice and guidance to staff on the harassment & bullying procedure
- Ensure individuals are able to complain without fear of repercussions
- Be aware of behaviour which may cause offence and challenge it where necessary – raising issues early will prevent habits forming
- Intervene quickly if office dialogue starts to become unacceptable

- Remind employees of expected standards if necessary, and have examples of what they have done that is unacceptable

Harassment and bullying can be difficult to recognise and not apparent to others. This can be because it is done subtly, or employees think it is part of the "culture", or individuals may be too frightened to report an incident. Therefore it is important that you are aware of possible indications of harassment and bullying and take action at an early stage. Causes for concern could be:

- An increase in absenteeism – longer periods or more frequent (either on an individual or organisational basis)
- High staff turnover in a particular area
- Employees suffering from stress symptoms
- Unexplained changes in behaviour or performance

3.2 Handling Cases of Harassment & Bullying Informally

An informal resolution to incidents of harassment and bullying is often more satisfactory to both parties. It can minimise damage to working relationships, and allow these to be repaired, and so should be encouraged wherever possible. If you become aware of an issue or feel someone's behaviour could be construed as 'inappropriate', early intervention can prevent things escalating into a complaint.

This approach allows employees to retain control of the process and therefore the outcome. Sometimes, alerting the implicated person to the issue may enable a solution to be reached, if they are unaware that their behaviour is causing offence. Often the complainant is seeking an apology and an assurance that the inappropriate behaviour will cease. If an employee raises an issue with you, try to discuss it with them informally before it is taken further. Actions they can consider include:

- Direct approach (Personal). If they feel able, the complainant can raise the problem personally with the other party, making it clear that their behaviour is unwelcome and ask for it to stop. Try to encourage this approach in the first instance. It may be helpful to assist the employee in preparing for this conversation.

- Direct approach (Supported by manager). This is suitable if the complainant feels unable to meet with the other party alone, but able to take this approach if you, as their manager, were to facilitate the meeting, either in terms of moral support or mediation.

- Indirect approach (by manager). Sometimes, you may need to intervene on the complainant's behalf if they feel unable to approach the other party directly. For example:- If you judge that the issue can be resolved quickly and effectively by holding a discussion with the other party - it may be they are unaware of the effect of their behaviour and will accept positive suggestions. In some cases you are in the best place to make such a judgement.

If it is established in the conversation that there has been a problem, then you should discuss:-

- That the behaviour must stop
- The impact their behaviour has on the complainant and colleagues
- That their behaviour is contrary to the harassment & bullying procedure
- The potential consequences of continuing with this behaviour
- That the discussion is confidential
- That the situation will be monitored

3.3 Handling Complaints of Bullying & Harassment Formally

A formal investigation is generally reserved for cases of a serious nature, or those cases that cannot be resolved through following an informal approach. Commonly this is where:

- A problem reoccurs having already been dealt with via the informal process.
- The incident is of such a serious nature that the informal route is inappropriate, for example, physical assault.
- The complainant considers that their complaint has not been dealt with satisfactorily via the informal route.
- The complainant opts to make a formal complaint in the first instance.

3.4 Carrying Out an Investigation

- Hold meetings in a timely manner, as a swift conclusion is desirable.
- Prepare your questions in advance
- Meet separately with the complainant and the person being complained about, reminding both that they may be accompanied
- Meet with any witnesses - other employees have a responsibility to cooperate in the elimination of harassment and bullying and are obliged to attend.
- Stress the need for confidentiality to all those involved and ensure they understand that events must not be discussed outside of the meeting.

- Explain the purpose of the meeting and remind the person complained about of the allegation.
- Advise employees that notes will be taken and possibly used to produce witness statements. Notes should be signed and dated by the employee and a copy provided at the end of the meeting.
- Questions to clarify the facts and explore the issue should be phrased sensitively and objectively, and not give the implication that you have already come to a conclusion about the issue.
- You will need to distinguish between matters of fact and matters of opinion, and bear in mind that it is the effect of the behaviour on the complainant and not the intention behind it that constitutes harassment or bullying.
- Do not be afraid to point out and question any discrepancies or to challenge what the employee is saying.
- At the end of the meeting, confirm what has been discussed, check understandings, and agree what will happen next.

Once the investigation is complete, you will need to decide whether the behaviour complained of occurred, and if so, does it constitute either harassment or bullying. You will also need to make recommendations on what action to take next.

You should normally inform all parties of your decision as soon as possible after the investigation is complete and confirm this in writing within ten working days. You should include an explanation of what action has been or will be taken, or if no action is to be taken, an explanation of your reasons for this.

If you find an employee's complaint is not upheld, you should ensure that the reasons are fully explained to them and that they understand why there will be no further action. However, you should continue to monitor the situation to ensure working relationships are not damaged.

There may be occasions when it is necessary to make amendments to working arrangements whilst the investigation is carried out. This may involve temporary relocation of one or both parties. However, the complainant should only be relocated if it is at their specific request. Other options are changing reporting arrangements or work allocation.

3.5 Possible Outcomes

The possible outcomes of an investigation are:

- The complaint is upheld and harassment or bullying occurred. In these cases you will need to follow the Disciplinary Procedure from this point. If the formal procedure has been followed, it may not always be necessary to conduct a further investigation.

- The complaint is not upheld but parties are conciliated (i.e. complainant accepts the decision of the investigator that harassment or bullying has not occurred).
- Complaint is not upheld but complainant remains aggrieved

In any of these scenarios it is unlikely that the two parties will be able to continue working together without some support to assist this, and it may be necessary to seek further advice from your HR Provider. Even where parties appear to be conciliated, you should continue to monitor the working situation. If no evidence is found of inappropriate behaviour, the impact on all individuals concerned can be far reaching and employees will need support to ensure the working relationship can be rebuilt.

If you find the complaint is upheld, you will need to follow the disciplinary procedure. Even if the behaviour complained about was unintentional and the distress caused is regretted, the disciplinary process will be followed. It may be appropriate in some circumstances to implement Formal Management Intervention and Guidance Procedure contained within the Disciplinary Procedure.

Where you find the complaint is not upheld but the complainant remains aggrieved, they may appeal, as detailed in the Harassment & Bullying Procedure. Again, it is likely both parties will need support. It is also possible that the complainant will consider whether raising a grievance is appropriate.

4. Support

4.1 Mediation

Mediation involves a third party assisting those in dispute to reach an agreement and, is particularly beneficial when seeking to repair working relationships. The mediator controls the process, but not the outcome.

Although helpful in resolving differences, mediation should not be used as a first resort, or to avoid your managerial responsibilities. You should encourage informal resolution and not rely on mediation ahead of your own skills and day to day responsibility for managing conflict.

Benefits include:

- A high success rate and corresponding reduction in formal complaints.
- Individuals resolve their own issues, rather than having solutions imposed on them.
- It helps rebuild relationships by reaching mutually acceptable outcomes
- It allows for communication and a practical solution both parties feel is fair

- It is both faster and more efficient than traditional dispute resolution processes

To work, both parties must be committed to repairing the working relationship, the process must be voluntary, and to maintain confidentiality, neither party would be accompanied. It should not be used if the employee has made a formal complaint that they wish to be investigated.

4.2 Counselling

The counselling service is SAS – accessed via the SAS App. They will not advise either party on what action to take and they do not form part of the harassment and bullying procedure.

Counselling can however play a vital role in complaints about bullying and harassment by providing a confidential avenue where employees can talk about what is happening to them, and how they are feeling, with a counsellor who is not involved in their situation. The counsellors may be able to explore alternative courses of action which may resolve the issue in a different way rather than going down the formal route.

Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. It may resolve the issue or help support the person complained about as well as the complainant.

Counselling can also be offered to those individuals whose behaviour is deemed as unacceptable and may have been complained about. Simply punishing those responsible for harassment or bullying does not help them understand how their behaviour may impact on colleagues. Counselling can also assist both parties on reintegration to work following a complaint with the support of the occupational health team.

4.3 Trade Unions

Recognised trade union representatives are a source of support for their members facing harassment or bullying.

They can provide confidential support and discussion and provide advice on courses of action open to individuals. Discussion with the trade union does not automatically mean a complaint has to be made. Employees can feel uncomfortable about raising a complaint of harassment or bullying with a senior colleague and may choose to be accompanied by their representative.

The trade unions will also provide representation for members accused of harassment or bullying and ensure that the correct process is followed, whilst

bearing in mind that all employees have a responsibility to participate fully in investigations if required.

However, the emphasis on resolving complaints remains a manager's responsibility.

5. Other Considerations

5.1 Confidentiality

Complaints of bullying or harassment must be treated in the strictest confidence. This applies whether at an informal level or through more formal procedures, such as obtaining relevant information at investigatory or disciplinary stages and the requirement for confidentiality should be stressed to all participants. This includes the complainant, the person complained about, and any witnesses. Information to those other than the main parties should be strictly limited to the basic essentials required for investigating the allegations.

Make clear that a failure to respect confidentiality may result in disciplinary action. It may become obvious to colleagues that there is an issue, particularly if changes to working arrangements have been made, but any speculation should be nipped in the bud to avoid further stress to the parties involved and to avoid undue damage to reputations. It may only be possible to say that "the changes are important because of a confidential matter".

5.2 Time Limits

Preferably complaints regarding harassment and bullying will be raised within 3 months of the incident occurring. Concerns should be raised as soon as possible. The longer the matter if left unaddressed, the less likely it is that a positive resolution can be achieved.

While recognising that complaints should preferably be raised as quickly as possible, there are exceptions to this. For example, where it is alleged that there has been a long term pattern of bullying or harassment and the event that triggers the complaint is the latest incident, or, where the incident complained of is of such a serious nature that it would be in the interest of the school to continue with the complaint. There are also circumstances where the employee has been absent from work, either because of the alleged harmful behaviour or for other reasons and been unable to raise their concerns within 3 months. It may also be the case that an employee has needed time to build up the confidence to raise their complaint.

5.3 Managing Performance

As a manager, you have a responsibility to manage employee performance, and to make reasonable requests of staff. Fair observation on an employee's performance or behaviour or encouraging staff to meet objectives, do not constitute bullying or harassment. Nor do legitimate actions taken within formal procedures e.g. disciplinary procedures.

However, it is not acceptable to condone bullying behaviour under the pretext of management style.

Appendix 1

Examples of Unacceptable Behaviour

There is no absolute definition of what constitutes unacceptable behaviour. Often it is the effect on the recipient that makes the behaviour unacceptable even if there was no intent to cause offence, and it is likely that an individual making a complaint will illustrate the behaviour they have found to be unacceptable. Below are some suggestions regarding behaviours that may be deemed "unacceptable". This is not intended to be an exhaustive list.

Harassment

Typical behaviours that might be considered harassment, whether actual, perceived or through a person's association with others:

- Exclusion from normal workplace conversation / activities / interaction / ostracising of individuals
- Making assumptions about lifestyle / interests / capabilities
- Sending or displaying information containing offensive content
- Intrusive or inappropriate personal questions about an individual's personal life / lifestyle choice / abilities
- Stereotyping
- Using derogatory or inappropriate terms / names
- Making inappropriate comments or jokes
- Unwanted comments on dress or appearance
- Denial of opportunities
- Actual or threatened disclosure of someone's prior gender identity or sexuality
- Excluding same sex partners from social events

Behaviours directly linked to specific areas could be:

- On age grounds by considering someone as "too old" or "too young".
- On disability grounds – by refusing to make reasonable adjustments or holding events at inaccessible venues
- Gender reassignment grounds such as refusing time off for treatment for gender reassignment
- Refusing to address a person by their preferred name or new gender.
- On gender grounds – unwelcome sexual advances, sexually explicit jokes

Bullying

May be physical, verbal or non-verbal conduct and is not always obvious. It is generally not about an occasional angry response, but is about persistent and deliberate behaviour. Obvious examples could be:

- Abuse of power, coercing others by fear
- Singling out, demeaning, or humiliating and de-valuing an individual publically
- A culture that endorses a "macho" style of management.
- Shouting, using abusive language, aggressive behaviour or body language
- Public reprimands / picking on individuals / ridicule or demeaning others
- A gradual wearing down process through undermining, discouraging, behaviour
- Personal insult, name calling, sarcastic remarks
- Instantaneous rages often over trivial matters.
- Ignoring or excluding someone from activities / meetings
- Allocating unachievable tasks or deadlines, forcing someone to fail
- Allocating trivial or meaningless tasks
- Constantly undervaluing someone's work performance
- Physical or psychological threats
- Overbearing / intimidating supervision

Victimisation

To treat someone less favourably because they have made or supported a complaint, or raised a grievance, under the Equality Act 2010, or because they are thought to have made such a complaint is unlawful and both the individual and the school can be held liable for such actions.

Examples are

- Ignoring someone
- Blocking opportunities – training or promotion
- Refusing a reference
- Not offering them a post

Appendix 2

[Insert school name]

You are invited to let us know your views about the school by completing this questionnaire. Completion of the questionnaire is voluntary.

Please provide only one answer to each question, by putting a tick in the relevant box to the right of the question. If you are unable to answer a question, please leave it **blank**. Completed questionnaires will be **confidential** to the inspectors. You do not need to include your name on the form. We will not disclose your identity, but the inspectors may discuss any issues with the school that you raise in your response.

Inspectors will weigh up responses and, where significant, may refer to them in the published inspection report. If responses are not referred to in the report, it does not mean that the views of the staff have not been considered. Where concerns are raised about child protection, we may have to pass any information we receive to the social services or the police. Please complete and return your questionnaire in a sealed envelope, marked 'Confidential - for the attention of the Ofsted inspection team' **by 1pm** on the first day of inspection, where practicable.

(Optional) My role in this school is best described as (please circle):

Member of senior leadership team	Middle leader	Teacher	Support staff – teaching	Support staff – other

	(please tick)	**Strongly agree**	**Agree**	**Disagree**	**Strongly disagree**
1	I am proud to be a member of staff at this school.				
2	Children are safe at this school.				
3	Behaviour is good in this school.				
4	The behaviour of pupils is consistently well managed.				
5	The school deals with any cases of bullying effectively (bullying includes persistent name-calling, cyber, racist and homophobic bullying).				
6	Leaders do all they can to improve teaching.				
7	The school makes appropriate provision for my professional development.				
8	The school successfully meets the differing needs of individual pupils.				
9	I know what we are trying to achieve as a school.				
10	All staff consistently apply school policies.				
11	The school is well led and managed.				
12	If you wish to explain any of your answers, or add any further comments about the school, please give details here. If you are making a disclosure about child protection, you are advised to contact your local authority designated officer within children's services. If you record a disclosure on this questionnaire, you must include your name.				

Appendix 3

Acceptable Behaviour Towards our Staff

We are committed to treat you with respect and courtesy at all times.

Please treat our staff with the same respect and courtesy as you would expect from us.

Our staff have the right to work in a safe environment and will not tolerate behaviour which is abusive, offensive or threatening.

In such instances we will take firm and effective measures to support any member of staff who is subject to unacceptable behaviour including prosecution should that be appropriate.