

**BUCKINGHAMSHIRE COUNTY  
COUNCIL**

**ANTI-HARASSMENT AND  
ANTI-BULLYING  
AT WORK**

**POLICY & PROCEDURE  
FOR SCHOOLS**

## **1. Introduction**

- 1.1 This document sets out the Anti-Harassment and Anti-Bullying at Work policy for Schools and provides a structured mechanism for employees to raise any concerns.
- 1.2 The Council/Governing Body recognises the damage that harassment and bullying can cause to the health and welfare of staff in Schools and the duty of care the Council/Governing Body has toward those staff.
- 1.3 The Council/Governing Body seeks to promote a culture of fairness, ensuring that all employees respect each other and work in harmony to achieve the aims and goals of the organisation.

## **2. Scope**

### **2.1 This policy applies to:**

- The policy and procedure set out in this document applies to all Teachers on Teachers pay and conditions and Buckinghamshire County Council employees employed in schools under the terms of Bucks Pay Employment Conditions.
- All Governors are expected to conduct themselves in a way consistent with both the provisions of their Code of Conduct and, where applicable, the contents of this Policy.

## **3. Roles and Responsibilities**

- 3.1 Both Teachers/Headteachers/Line Managers and employees have a responsibility within this procedure.

Teachers/Headteachers/Line Managers will:

- Ensure the Anti-Harassment and Anti-Bullying procedures are followed correctly, seeking advice from HR where they are unsure.
- Treat any grievances arising from this policy seriously, dealing with each complaint fairly, consistently and sensitively.
- Support employees who raise concerns under this procedure to ensure that they do not suffer detriment as a result of their action e.g. loss of status/income/conditions of employment.
- Protect the identity of an employee who raises concerns and does not want their name revealed, by only telling those who need to know and asking them to respect the confidentiality of this information.
- Take action when they become aware of any harassment within his/her team, whether or not a particular individual raises a complaint.

### 3.2 Employees will:

- Comply with all reasonable management instructions during any investigation/grievance that may arise from the complaint.
- Work with the Teacher/Headteacher/Line Manager to genuinely seek resolution.
- Act in good faith and not instigate a complaint of harassment or bullying for personal gain or with malicious intent.

3.3 In relation to employees in Community and Voluntary Controlled Schools with delegated budgets, the obligations of the employer reside with the Governing Body as agent of the County Council.

3.4 In relation to employees in Foundation and Voluntary Aided Schools with delegated budgets, the obligations of the employer reside with the Governing Body.

## 4 Principles

4.1 The policy and procedure contained within this document is founded on the following principles:

- To support the Council/Governing Body to maintain a working environment where employees are treated with respect and dignity.
- To enable cases of harassment and/or bullying, whether from governors, parents, pupils or colleagues, to be resolved quickly and consistently across the School in order to maintain good working relationships. If the Chair of Governors feels they are being subjected to bullying or harassing behaviour should inform the Divisional Manager School Improvement.
- To ensure that all managers know how to deal with situations where employees believe they are suffering harassment and/or bullying.
- To reassure employees that they are able to raise allegations of harassment and bullying in the confidence that they will be dealt with promptly, effectively and with understanding.
- To provide support needed for individuals to decide the most appropriate course of action if they feel they are being bullied or harassed.
- To provide support for those who have allegations of harassment or bullying made against them.
- Not to discriminate against any individual in the application of this policy and procedure on grounds of protected characteristics as outlined in the Equality Act 2010 i.e. on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **5. Definition of Harassment and Bullying**

### **5.1 Harassment** is defined as:

- Behaviour that subjects a person to unwanted conduct, which has the purpose (intentionally), or effect (unintentionally), of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people. It may be related to sex, race, disability, sexual orientation, nationality, socio-economic status, age, religion, part-time status or any personal characteristic of the individual. It can be an isolated incident or repeated unacceptable behaviour. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

### **5.2 Bullying** is defined as:

- A form of harassment.
- It can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which has the effect of making the recipient feel upset, threatened, humiliated or vulnerable, undermining their self-confidence and in some cases causing them to suffer stress.
- Bullying is most commonly associated with an abuse of power or authority. It most typically involves someone in a position of authority bullying someone in a subordinate position, but bullying of people in a more senior role by people in a subordinate position and between people in an equal position can also occur.

Appendix 1 outlines examples of bullying and harassment.

### **5.3 Bullying** is not:

- Constructive and fair criticism of a person's performance or behaviour at work or an occasional raised voice, as in heated debate or argument.
- It can sometimes be difficult to differentiate between bullying and a strong or firm management style, particularly where capability issues are being addressed. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring employees are treated with dignity and respect. (*see the Toolkit where further guidance is given*)

### **5.4** The intention of the person accused of harassment or bullying is not the key when deciding if harassment or bullying has occurred. What must be considered is whether their behaviour is unacceptable by reasonable normal standards and disadvantageous or unwelcome to the person or people subjected to it or witnessing it.

### **5.5** The basic principle governing relationships between colleagues is that when an employee has made it clear to another that their conduct towards them is offensive, then this behaviour must not continue.

- 5.6 The Council/Governing Body recognises that there are situations where behaviour is perceived and experienced as harassment but the person responsible for that behaviour is unaware of the effect it is having on others, and is not intending to harass or bully. In these circumstances behaviours and perception will be addressed with both/all parties and any employee who is made aware of the impact of their behaviour will be expected to change it.
- 5.7 Victimisation and Perceptive Discrimination are terms also covered by the Equality Act 2010. Further definitions of these can be found in the accompanying Toolkit.

## **6. A positive approach to Dignity and Respect**

- 6.1 In seeking to develop a culture of dignity and respect for employees, Teachers/Headteachers/Line Managers must give attention to promoting positive behaviours in the way they manage the employees for whom they are responsible and setting appropriate standards of behaviour.

Teachers/Headteachers/Line Managers should lead by example in the way they manage, including:

- Treating employees as individuals
- Recognising the contribution individuals make in the work place
- Ensuring employees have equality of opportunity, including access to development opportunities
- Respecting people's differences
- Allocating work fairly and with recognition of the pressures that can exist in meeting challenging timescales
- Listening to any concerns expressed by employees and responding to them in a reasoned way
- Ensuring that performance management is undertaken equitably and that standards are set fairly, are realistic and are achievable
- Feedback is given promptly and any required improvements are communicated clearly.

## **7 The Impact of Harassment and Bullying**

- 7.1 Harassment and Bullying:

- Can have a serious effect on an individual including anxiety, loss of concentration, illness and absence from work;
- Can cause an individual to feel isolated and threatened, with possible implications for physical and mental health.

- 7.2 Harassment and Bullying of any nature is unacceptable and may also, if unchecked or badly handled, create serious operational problems for the School, including:

- Poor morale and poor employee relations;
- Loss of respect for managers and supervisors;
- Poor performance;
- Lost productivity;
- Higher turnover of staff;
- Absence from work;

- Damage to the School's reputation.

## **8. Malicious Allegations**

- 8.1 The Council/Governing Body will take seriously any allegations that are subsequently proven to have been made maliciously. Any employee who is found to have made malicious allegations may be subject to disciplinary action.
- 8.2 If, however, an employee makes an allegation of harassment or bullying in good faith that is not later confirmed by investigations, no action will be taken against that employee.

## **9. Application of the Policy – an Overview**

- 9.1 In many cases when an employee feels uncomfortable and finds the behaviour of a work colleague unacceptable or offensive, their primary concern is that the behaviour changes and that they are treated with respect, not that the individual is punished. The Council/Governing Body supports this view and will in the first instance promote informal means to address issues quickly.
- 9.2 Initial informal stages involve the individual or their representative making the other person aware that his/her behaviour is causing offense. This may result in the situation being resolved without recourse to formal procedures. (see 11 for guidance on Informal Stages)
- 9.3 It is recognised that raising a concern of harassment and/or bullying can be stressful and as such an individual may choose to be accompanied to any informal meetings by a work colleague or Trade Union representative.
- 9.4 Formal action as a result of harassment and/or bullying will be dealt with under the Grievance Procedures in place within the School (see 12 for guidance on Formal Stages)
- 9.5 If any allegations of harassment and/or bullying or any other inappropriate behaviour are substantiated through the School's Grievance Procedure, the School's Conduct and Discipline Policy and Procedure will be used to deal with any alleged misconduct.
- 9.6 It is recognised that in certain circumstances employees may feel harassed as a result of raising a concern under this or any other School/Council policy. The Council/Governing Body recognises its duty to protect employees from possible reprisals, retaliation or victimisation when they have made a disclosure in good faith. If an employee feels they are being subjected to any detrimental treatment as a result of raising a concern under this policy, they must notify an appropriate manager immediately.
- 9.7 A Teacher/Headteacher/Line Manager who becomes aware of any harassment within their team must take appropriate action to deal with it, whether or not a particular individual makes a complaint. Any Teachers/Headteachers/Line Managers found to be in breach of this policy may be subject to action through the School's Conduct and Discipline Procedures.

- 9.8 Under the Equality Act 2010 employees are protected from third party harassment in respect of relevant protected characteristics i.e. age, disability, gender reassignment, race, religion or belief and sexual orientation. (See the Toolkit for further information.)

## **10. Procedure**

- 10.1 The Council/Governing Body encourages employees to approach allegations of Harassment and Bullying informally in the first instance. (see 11 for a guide to Informal actions)
- 10.2 However, in cases where police allegations have arisen, e.g. resulting from the Protection from Harassment Act, the case will be dealt with under the School's Conduct and Discipline Policy.
- 10.3 Where an informal approach has failed, it will be necessary to consider formal action. Teachers/Headteachers/Line Managers should discuss the case with their HR contact before progressing to a formal stage.
- 10.4 If an individual is unhappy with the resolution of a case informally, they should discuss this with the relevant Teacher/Headteacher/Line Manager/Trade Union representative/HR contact and if they remain dissatisfied progress their concerns through the School's Grievance Procedure which constitute the formal stages of this policy. (see Section 12)

## **11. Informal Stages**

- 11.1 The employee may choose and is encouraged to discuss the issue with the Teacher/Headteacher/Line Manager, or another manager, to see if the matter can be resolved informally as this can result in a quicker and more satisfactory resolution.

Informal options include:-

- The employee, who finds another person's conduct towards them unacceptable or offensive, should speak to the person and tell him/her that this is the case. This should be the first step in the informal stages. (see the Toolkit for guidance on approaching an individual.)
- Because such a course of action can be stressful the employee may need support in doing this. Support may be provided by a work colleague or a trade union representative.
- Where an employee does not feel able to deal with the issue in this way, they should approach either a Teacher/Headteacher/Line Manager (or the Chair of Governors if the Teacher/Headteacher is the cause of the harassment) or a representative of their Union. Unless the conversation reveals the need for immediate formal management action, the Teacher/Headteacher/Line Manager, with the support of HR where necessary, should seek to facilitate a conversation that enables the employee to make clear to the individual concerned how they feel and what changes in behaviour are required. The employee should be reassured that the matter will be dealt with in confidence but that it will be necessary to discuss the alleged harassment with the individual concerned.

- Where an employee approaches their Trade Union representative in the first instance, the trade union representative should meet with the Teacher/Headteacher/Line Manager to raise issues on the employee's behalf. This meeting should only take place with the prior consent of the employee.
- Harassment and bullying have the effect of undermining the confidence of the recipient. In view of this the employee may not feel able to meet the individual concerned face to face. In this case their Teacher/Headteacher/Line Manager/ should advise the individual concerned that their actions have been causing offence. After considering the individual's response the manager may set standards for future behaviour.
- The employee may choose to put their concerns in writing to ensure clarity of the issues they are raising, but they should always be encouraged to discuss the issues with the individual concerned. It is most important that any such informal conversations take place promptly.
- If the individual concerned recognises the issues raised and agrees to modify their behaviour the matter may be resolved, at this stage. The required changes in behaviour should be clearly identified and recorded and this should help form the basis of an action plan.
- The Teacher/Headteacher/Line Manager, may consider that future relationships could be assisted by offering counselling to either or both of the parties concerned. HR can help to facilitate this (*please refer to the Toolkit where further guidance is given*).
- If an employee reports their concern but does not want the issue taken up with the individual concerned, the Teacher/Headteacher/Line Manager should raise awareness of harassment issues within the work team without naming names. This can be done through training initiatives, raising awareness within the team giving examples of unacceptable behaviour when appropriate, publicising the harassment and bullying policy.
- The team approach should also be taken when a manager identifies a possible problem even without a specific complaint or concern being raised.
- If the allegation is of a serious nature the Teacher/Headteacher/Line Manager may wish to tackle the specific issue on an individual basis regardless of the employee's wish. In these circumstances the Teacher/Headteacher/Line Manager should be careful not to disclose the source of the information.

11.2 It is important to recognise that there are occasions when a person who is accused of harassment does not realise that their behaviour is regarded as offensive. However, once they have been made aware that this is the case, the behaviour must not continue or more formal action will need to be taken.

11.3 Should the situation reach a point where a constructive conversation will be difficult, it may still be possible to resolve the issues without following the formal stages. This can be done through mediation, provided that both parties recognise there is an issue and are prepared to seek a "win-win" resolution.

11.4 Mediation is an option that can be used in appropriate circumstances, as an alternative way of resolving an issue. Mediation is when an impartial, professionally trained, third



party helps to facilitate discussion and seeks to support resolution between parties in order that working relationships can be maintained.

## **12. Formal Stages**

- 12.1 If it has not been possible for the parties to resolve the allegation of harassment and/or bullying informally then the employee has the right to raise a grievance through the formal stages of the School's Grievance Policy.
- 12.2 In recognition of the serious nature of the formal procedures the person charged with dealing with the written grievance should, in the first instance, explore with the parties concerned whether in fact all informal avenues have been exhausted.
- 12.3 In accordance with the School's grievance procedure and if the person charged with dealing with the written grievance deems it appropriate, an investigation into the alleged behaviour will be carried out. Following this investigation a decision will be made on whether or not to proceed with a hearing under the School's Grievance Policy or if it appears that there is a case of misconduct to consider, the School's Conduct & Discipline procedure should be followed.
- 12.4 If the employee is not satisfied with the outcome of the first formal stage they are entitled to raise the grievance to a Stage 2 in line with the School's Grievance Policy and Procedures.
- 12.5 Informal and formal complaints will be dealt with as quickly as possible. If a complaint is raised as a formal Grievance, the timescales specified in the School's Grievance policy should be adhered to.

## **13. Collective/Group Complaints**

- 13.1 If several people are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they should nevertheless submit individual statements about their experience of the behaviour that is complained about.
- 13.2 If each of the complaints is raised as a formal grievance, as long as the issue is of a similar nature in each case, it can be dealt with in one hearing through the grievance procedure.
- 13.3 Outcomes of collective complaints will be advised to each individual on a personal basis.

**Review Date: January 2013**

## **Appendix 1**

### **Examples of Harassing & Bullying behaviours**

Some examples of harassment and bullying under the various strands of equalities legislation are set out below. These lists are not exhaustive but are designed to give an idea of the range of conduct that can be included within the terms bullying and harassment. It should also be remembered that more than one behaviour may be exhibited, and similar behaviours occur under different headings.

### **Examples of Bullying and Harassing behaviours**

- Ignoring or sending others to 'Coventry'
- Making insulting or offensive comments about others
- Shouting and getting abusive with others
- Pointing your finger, invading personal space, shoving, blocking or barring the way
- Withholding information that affects other people's jobs
- Humiliating or ridiculing others about their work
- Ordering others to work below their level of competence for no reason
- Removing areas of responsibility without consultation
- Spreading rumours or gossip
- Suggesting that others should resign
- Highlighting errors or mistakes made by others in the presence of others
- Being hostile to others
- Constantly criticising others' work and efforts
- Ignoring the views of others
- Playing practical jokes on people
- Setting unreasonable tasks or deadlines
- Creating an unmanageable workload
- Making false allegations against others
- Engaging in unjustified and/or over zealous monitoring of the work of others
- Removing the rights of others
- Threatening violence to others
- Physically attacking others
- Using malicious or insulting language
- Treating someone unfairly/maliciously because of role as Trade Union representative

### **Examples of Racial Harassment/Discrimination/Victimisation**

- Abusive language and racist "jokes".
- Racist name-calling.
- Display of racially offensive written or visual material including graffiti, badges, etc.
- Physical threats, assault and insulting or abusive behaviour or gestures.
- Open hostility to ethnic minority workers, including organised hostility in the work place.
- Unfair allocation of work and responsibilities.
- Exclusion from normal workplace conversation or social events i.e. being "frozen out".
- Ridicule of an individual for cultural differences e.g. food, music, dress, appearance.

- Derogatory use of stereotypes.
- Exclusion from training/promotion or career advantage on race grounds.
- Any of the above examples of harassment in relation to ethnic or national origin.

### **Harassment on grounds of Religion and Belief**

- Ridicule of an individual for religious and cultural differences.
- Inappropriate or intrusive questioning regarding religious background, beliefs or culture.
- Verbal or other abuse in relation to the prayer, dietary or other requirements of the religion concerned.
- Unfair treatment, ridicule or hostility towards employees wearing traditional and/or religiously prescribed dress or hairstyle.

### **Examples of Sexual Harassment/Discrimination/Victimisation**

- Unwanted, unreciprocated and degrading sexual comments, looks, "jokes", gestures, suggestions etc.
- Issuing compromising invitations.
- Demands for sexual favours i.e. pestering.
- Sexual assault and rape.
- Display of sexually offensive written or visual material e.g. pin ups, graffiti, magazines etc.
- Intrusive questioning or comments about a person's sexual activity or preferences.
- Unwanted physical contact of a sexual nature e.g. unnecessary touching, patting, pinching or brushing against another employee's body.
- Open hostility, including organised hostility in the work place.
- Unfair allocation of work and responsibility.
- Exclusion from normal work place conversation and social activity.
- Ridicule or the use of derogatory stereotypes.
- Exclusion from training/promotion or career advantage on gender grounds.

### **Examples of Harassment/Discrimination/Victimisation on the grounds of Transgender**

- Laughing at someone because they look different, or do not fit within an accepted gender look
- Unwanted, unreciprocated and degrading sexual comments, looks, jokes, gestures, suggestions etc
- Inappropriate touching
- Denying someone the right to express their gender identity openly without a legitimate reason

### **Examples of Harassment/Discrimination/Victimisation on the grounds of disability**

- Abusive language, name-calling and "jokes" about disability.
- Unwanted and degrading comments, looks, gestures.
- Intrusive questioning or comments concerning an individual's disability.
- Denial of assistance when required.
- Displays of offensive written or visual material.

- Physical threats and abuse.
- Unfair allocation of work and responsibilities.
- Exclusion from normal workplace conversation or social events.
- Open hostility, including organised hostility in the work place.
- Ridicule of an individual e.g. appearance.
- Use of derogatory stereotypes.
- Inaccessible work places, equipment and accommodation.
- Exclusion from training/promotion or career advantage on grounds of disability.
- Assumptions that any sickness absence is a result of an individual's disability.

### **Examples of Harassment/Discrimination/Victimisation on the grounds of sexual orientation**

- Unwanted and degrading comments, looks, gestures etc.
- Intrusive questioning of comments concerning an individual's sexual or social activity or sexual preferences.
- Displays of offensive written or visual material.
- Physical threats and abuse.
- Unfair allocation of work and responsibilities.
- Exclusion from normal work place conversation and social events.
- Open hostility, including organised hostility in the work place.
- Ridicule of an individual.
- Ignoring an individual's sexual orientation, when it is clearly known, requiring the individual to have to restate their sexual orientation
- Use of derogatory stereotypes and language e.g. phrases such as "you're ok but most gay men are....."
- Unwanted assumptions or speculation about an individual's sexual orientation.
- Exclusion from training provision or career advantage on grounds of sexual orientation.
- Abusive language, name-calling and "jokes" regarding an individual's sexual orientation (real or perceived)
- Abusive language, name-calling and "jokes" regarding the sexual orientation (real or perceived) of those an individual associates with
- The above applies equally to the harassment of heterosexual people as they do to lesbians, gay men or bisexuals

### **Age harassment**

- Derogatory age-related remarks
- Unjustifiable dismissal of suggestions on the grounds of the age (or youth) of the person.
- Age-based jokes or comments, offensive cartoons, drawing, symbols, or gestures
- Exclusion from informal groups such as social events
- Making and acting on assumptions about what a person of a particular age can/cannot do,
- Excluding from consideration for training and development, promotion, etc.,
- Constantly referring to a person's age in a manner that directly states or implies this as reason they are (allegedly) not competent,

### **Personal harassment**

- Lack of tolerance of personal difference including making fun of personal circumstances or appearance.

### **Detriment Relating to Union Membership**

**Legal reference: Trade Union and Labour Relations (Consolidation) Act 1992 s.146**

An employee/worker shall have the right not to be subjected to any detriment or harassment by their employer, or any individual, on union recognition related grounds. Such grounds may include the employee/worker seeking to obtain recognition of a union, indicating support for recognition or voting via a ballot.

Any detriment incurred on these grounds entitles an employee/worker to bring a complaint to an Employment Tribunal. It will be for the employer to show that the ground on which they acted or failed to act was not union related. If the Tribunal finds the complaint well-founded it may award compensation. There will also be a new right for an employee/worker to claim that his or her dismissal was unfair if it was on union recognition related grounds.

### **Harassment on the grounds of Part-Time Working**

**Legal reference: The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)**

Employees/Workers should not be subjected to detriment on the grounds of their working hours e.g. part-time or fixed-term status.

It is important to note that because most part-time employees/workers are women, if they are treated less favourably than full-time workers, this could amount to indirect discrimination under the Sex Discrimination Act.

### **Methods**

It is important to note that all of the above apply in face-to-face situations, use of e-mail, visual images (e.g. circulating pictures of a sexual nature or embarrassing photos of colleagues), phone (including mobiles and texting) and automatic supervision methods such as computer recording of downtime from work, or recording telephone conversations – if these are not universally applied to all workers.

The Equality Act 2010 allows for discrimination by association. This is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although this does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).