



Fierté Multi Academy Trust Harassment & Bullying at Work Policy

2018-19

Adoption Date: September 2018

Review: September 2019

Harassment and Bullying at Work

Section 1 Policy

The aim of the County Council is to build an environment whereby through a process of education, training and the application of fair procedures bullying and harassment can be eliminated from the workplace. This statement and the procedures that follow have been agreed with the trade unions recognised by the Council for collective bargaining purposes. Both parties believe that harassment and bullying in the workplace are best tackled by the Council and the unions working together in partnership.

This policy will be applied to complaints from members of the teaching profession. Where the complainant is a 'non teacher' the agreed corporate procedure would apply and the investigation would be undertaken by the County Council's Investigation Officer.

Policy Statement

Harassment and bullying both detract from everyone's right to fair and considerate treatment at work. Whatever form they take, therefore, harassment and bullying are unacceptable, and where the County Council / School is satisfied that either have occurred it will take disciplinary action against the person(s) responsible. Especially serious instances of harassment and bullying may be regarded as gross misconduct justifying summary dismissal. The Council will ensure that formal complaints of harassment and bullying are investigated. The Council requires all concerned to co-operate fully with such investigations, in the knowledge that any victimisation or recrimination that results will not be tolerated and that any such victimising acts may be treated as gross misconduct.

Employees can expect Management and their Union at all levels to respond sympathetically and take any complaint seriously with the appropriate level of support and confidentiality. Any

council employee who feels they have been either harassed or bullied is encouraged to complain. The Council and the Unions would recommend in less extreme cases that if the complaint can be tackled informally it should be. Our experience shows that a formal investigation of the type described below is not always the best way of solving the problem or the best route to rebuilding relationships that have broken down. This is because for all concerned the investigation of complaints can be challenging, lengthy and costly. Also many staff who feel they have been subjected to either harassment or bullying want one thing above anything else: for it to stop. Therefore If they are sufficiently confident to do this, employees are encouraged to tackle the problem informally- that is, by telling the person(s) concerned that their behaviour is unacceptable and asking them to stop. The Council also has a network of Support Officers (Appendix 2) who are trained to assist, and a network of officers with mediation skills who, if they consent, can help the parties rebuild a damaged relationship.

If the harassment or bullying is perceived to be racist in any way, a complaint will be investigated using the outlined procedure. Additionally however, a complainant must fill in the County Council's Racist Incidents Reporting Form (Appendix 1) Copies of this form will be available from departmental personnel sections, the Support officers network, trade unions or Corporate HR Services at the address below. All completed forms should be sent to:

County Council's Equalities Officer
Corporate HR Services
County Buildings PO Box 11 Martin St Stafford ST16 2LH

SECTION 2: DEFINITIONS

All forms of harassment and bullying at work are unacceptable. Everyone has the right to be managed properly.

What is harassment and bullying?

HARASSMENT

Harassment is unwanted and unwelcome behaviour as a result of which a person is undermined, offended, ridiculed, embarrassed or intimidated. Often such behaviour is related to the recipient's:

- Race, colour, nationality, ethnic origin, religion
- Gender or sexual orientation
- Religious or political beliefs
- Disability
- Affiliations, including trade union affiliations

Harassment can take many forms, including:

- Inappropriate physical contact
- Verbal abuse and obscene gestures
- Isolation by colleagues
- Undermining a person's values, opinions and self esteem

- Displays of offensive material
- Unwanted advances
- Over zealous scrutiny of someone's work, timekeeping etc
- Homophobic comments

BULLYING

Bullying is essentially the misuse and abuse of power and authority. Whether or not it is related to the recipient's race, gender, sexuality etc the effect on them is generally the same.

SECTION 3 RIGHTS AND DUTIES

All employees of the Council have a part to play in eliminating harassment and bullying at work and are expected to fully co-operate with an investigation.

All levels of management have a duty to:

- Take care in how they deal with employees in relation to work requirements
- Promote and operate the policy and assist in any way an investigation into a complaint.
- Create a working environment, which is free from harassment or bullying.

Employees who make a complaint have a right to have it investigated, and to seek assistance from managers, colleagues or trade unions in so doing.

Employees have a right to protection from any form of victimisation or retribution when they make a complaint. Equally though, employees must not make malicious complaints (for example, falsification of information) nor should they delay in making a formal complaint without good reason. Employees need to be aware that making malicious complaints may lead to disciplinary action being taken.

Employees who are complained against are entitled to details of the complaint. If disciplinary proceedings are later deemed appropriate, they are also entitled to the opportunity to defend themselves against and respond to any complaint. In doing this, they should expect the support of managers, colleagues and trade unions.

SECTION 4 INVESTIGATION OF COMPLAINTS

The purpose of an investigation is to decide whether, based on the information available, it is possible to conclude that either harassment or bullying has occurred. The investigation will be conducted fairly and to the extent that it is possible, confidentially. Throughout the process, the aim will be to balance the rights of complainants against the rights of alleged harassers. Both parties involved in a complaint are encouraged to seek support from their trade union or other representative throughout the process.

Employees who wish to formally complain of harassment or bullying must do so in writing to their Director providing their name, address, workplace, and brief details of their complaint. Their Trade Union representative can submit this on behalf of any employee. Employees will

not have to vouch for the fact that they have tried informal means before their complaint can be acted upon.

Upon receipt of a formal complaint the Director will notify Corporate HR Services who will arrange with the Investigating Officer, who will be fully cognizant of school procedures and processes, for the complaint to be investigated. The complainant and the alleged harasser will be notified of the investigating officer before the investigation starts. The complainant and the alleged harasser each have a right to ask that a particular Investigating Officer be excluded from conducting an investigation. The complainant or the alleged harasser would need to write to Corporate Director (Children and Lifelong Learning), giving full details of their reasons. The Corporate Director will decide whether or not to agree to the request.

The normal sequence of events in an investigation will be:

- Interview(s) with complainant(s)
- Interview(s) with witnesses identified by complainant(s)
- Interview(s) with alleged harasser(s)
- Interview(s) with witnesses identified by alleged harasser(s)
- Any notes taken will be agreed with the person being interviewed.
- Written report by investigating officer containing findings, recommendations etc submitted to relevant Director.

All employees involved in an investigation have a right to be represented by a trade union representative or other representative through all stages of the investigation process. Copies of the findings, recommendations etc will be supplied to both parties and their respective representatives at the same time as the report is sent to the Corporate Director. Witness statements however will remain confidential for the attention of the Corporate Director solely unless the disciplinary process is invoked. The Corporate Director (Children and Lifelong Learning) will pass the complete report to the headteacher or chair of governors, as appropriate, for them to make a decision on whether or not to invoke the disciplinary process. Witness statements will remain confidential unless the disciplinary process is invoked.

SECTION 5 TIMESCALES

It is in every one's interest that an investigation is completed as quickly as possible. It is equally important that an investigation is thorough. All employees involved in an investigation should help achieve these objectives by making themselves available for interview readily and by co-operating fully with the investigating officer. This will involve supplying statements when requested.

The investigating officer will inform both parties at the beginning of an investigation of the anticipated timescale for completing it, and will consult with both parties in the event that this timescale needs to be extended.

Both parties will have 15 working days to make representations in writing to the Director upon receipt of the investigating officer's report. Applications to extend the time period for representations can be made to the Director. The Director can seek clarification about any aspect of the report from the Investigating officer during this period.

When the representation period has finished, The Director can, if need be, take a further 10 working days to consider what action (if any) they propose to take in response to the report and any representations.

SECTION 6 OUTCOME OF INVESTIGATION

The Headteacher/Chair of Governors is solely responsible for deciding what course of action will be taken as a result of an investigation into a complaint of harassment or bullying but will act within the aims of this policy. The Headteacher or Chair of Governors will inform the parties of the decision about the report findings and recommendations. If the Headteacher/Chair of Governors decides that action is necessary then a formal hearing under the disciplinary procedure is required and this must be set up immediately. At this point the disciplinary procedure will be followed and the full report including previously confidential annexes will be released to both parties.

Either party to an investigation may seek a review of the investigation if in their opinion the complaint has not been dealt with in accordance with this policy and its procedures. The reasons for requesting a review should be made in writing to the Chief Executive within 4 weeks of being informed of the Headteacher/Chair of Governors decision. There is no further right of appeal beyond the Chief Executive, although the employee has a statutory right to complain to an Employment Tribunal.

All investigation reports will be retained by Corporate HR Services for a period of one year from the completion date of the investigation. Retention of reports beyond this period will be subject to an annual review and will depend on factors such as whether the complaint was upheld or not, whether disciplinary action was taken or not, and whether in the individual circumstances of the case further retention can be justified. Access to the report will be restricted to Corporate HR Services for use in the event of a further complaint involving the same parties, or in the event of proceedings before an Employment Tribunal.

MONITORING

Directors are responsible for informing Corporate HR Services as to the outcome of all formal complaints received under this policy and procedure. The Chief Executive will be responsible in respect of any reviews carried out under the review procedure set out above.

Using the information supplied to the Corporate HR Services and any other information deemed to be relevant the County Council and recognised Trade Unions will carry out an annual review to monitor the operation of this policy and its enabling procedures.

PUBLICITY

Copies of this policy and these procedures will be made widely available to County Council employees by each employing department, held in departmental personnel departments and will be supplied to employees and recognised trade union reps on request.

RACIAL INCIDENTS REPORTING
FORM

“A racist incident is any incident which is perceived to be racist by the victim or any other person” (Code of Practice on Reporting and Recording Racist Incidents April 2000.)