

United Learning Harassment and Bullying Policy

Scope

The policy and procedure set out in this document applies to all United Church Schools Trust (UCST) and United Learning Trust (ULT) employees; including teaching, support, fixed-term, part-time, full-time, permanent and temporary staff. The two companies (UCST and ULT) are referred to in this policy by their trading name, 'United Learning'.

Where this policy refers to 'School' or 'Head Teacher', within Central Office this should be interpreted to refer to the department where a member of staff works and their Head of Department.

As a values-led organisation our values of ambition, confidence, creativity, respect, enthusiasm and determination are key to our purpose and underpin all that we do.

1. Objectives

- 1.1 To ensure that we develop a working environment in which harassment and bullying are known to be unacceptable forms of behaviour.
- 1.2 To ensure that individuals have the confidence to complain about harassment and bullying should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly and without victimisation.
- 1.3 To ensure that allegations of harassment and/or bullying behaviour are treated seriously, considered carefully and addressed speedily and, where possible, in confidence.

2. Policy

- 2.1 United Learning has a firm commitment to equality of opportunity and as such will not tolerate the harassment or bullying of one member of its community by another or by a third party.
- 2.2 Statement on Bullying. Employees have the right to be treated with dignity and respect. Bullying is harmful; it causes distress and can lead to accidents, illness, and poor performance. Bullying is defined as any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual involved. No form of bullying will be condoned at work or outside work if it has a bearing on the working relationship. Where applicable, United Learning welcomes the support of the recognised trade unions in seeking to eradicate bullying.
- 2.3 Statement on Harassment. United Learning deplores all forms of harassment and seeks to ensure that the working environment is sympathetic to all its employees. Harassment on the grounds of sex, sexual orientation, religion or belief, marital status, disability and age are both unlawful and unacceptable. Harassment on any other grounds or circumstances is unacceptable. Where applicable, United Learning welcomes the support of the recognised trade unions in seeking to eradicate harassment.
- 2.4 The aim of this policy is to protect employees from bullying and to enable them, if necessary, to make a complaint or assist in an investigation without fear of victimisation or reprisal.



- 2.5 When appropriate, every effort will be made to resolve the situation informally. Some incidents, however, by virtue of their serious nature will need to be dealt with immediately under the formal procedure.
- 2.6 Allegations of bullying will be treated very seriously by United Learning and could result in disciplinary action (including dismissal) being taken against the perpetrator. United Learning will ensure that any member of staff raising a concern under this policy is not victimised as a result.
- 2.7 As allegations of bullying are very serious, United Learning will also treat very seriously any such allegations proven to be malicious and these may also be the subject of disciplinary action.

3. The Legal Position

- 3.1 United Learning is responsible for preventing bullying and harassing behaviour. It is in United Learning's interests to make it clear to everyone that such behaviour will not be tolerated.
- 3.2 Under the Health and Safety at Work Act 1974, United Learning has a legal responsibility to ensure the health, safety and welfare of all employees at work are all protected. There is a right to mutual trust and confidence between employer and employee; if bullying or harassing behaviour are allowed to go unchecked, that could mean that such trust and confidence is lost. Employers are usually liable in law for the acts of their workers, and this includes bullying or harassing behaviour.
- 3.3 Harassment based on age, race, gender reassignment, religion or belief, marital status (including civil partnership) sex, sexual orientation, gender reassignment, pregnancy, maternity or disability are serious employment issues and may be in breach of the Equality Act 2010, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997 and/or the Equal Opportunities Code of Practice.
- 3.4 Any legal claims for bullying are concerned with breach of contract and unfair dismissal – if the employee is forced to leave their job because of actions by United Learning. Such actions might include failure by United Learning to deal with a complaint of bullying or harassment or failure to protect employees from bullying or harassing behaviour.
- 3.5 The Human Right Act 1998 also provides legal redress for complainants of harassment or bullying.

4. What is Harassment and Bullying?

- 4.1 Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, belief, marital status (including civil partnerships), sex, sexual orientation, race, ethnic origin, disability, religion, nationality, gender reassignment, HIV status, pregnancy, maternity, trade union membership, part-time or fixed-term working or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.
- 4.2 Third party harassment can occur if an employee is harassed by someone other than an employee or student of United Learning e.g. visitors, contractors, suppliers.
- 4.3 Harassment can manifest itself in many different ways. Whilst not intended to be an exhaustive list, the following are examples of forms of harassment:



- a) Verbal or written harassment through jokes, offensive or sexually explicit language, malicious rumour, sectarian songs, racist jokes, offensive terminology relating to people with a disability, abusive letters or e-mails, abusive use of social networking sites such as Facebook, Bebo and Myspace, abusive or nuisance phone calls;
 - b) Unwanted, intrusive questioning of a person about their marital status, sexual interests or orientation, race or ethnic origin, disability, religious belief or political opinions;
 - c) Visual display or pornographic, sexually explicit or suggestive pictures, objects or written material (including the use of e-mail to send such material), political posters, graffiti, obscene gestures, flags, bunting and emblems which may cause offence;
 - d) Unwanted physical contact ranging from unnecessary touching to coercing threatening or inflicting violence;
 - e) Personal interaction involving threat, intimidation, physical attack, insult or other behaviour which is unwanted and results in the person being hurt, intimidated or offended by another.
- 4.4 Bullying is a form of harassment and can be defined as offensive, abusive, intimidating, malicious or insulting behaviour which makes the recipient feel upset, threatened, humiliated or vulnerable. Bullying can undermine an individual's self confidence, competence and self-esteem.
- 4.5 Examples of bullying include:
- a) Ignoring or excluding an individual;
 - b) Insulting or aggressive behaviour;
 - c) Unwarranted or invalid criticism;
 - d) Being singled out or treated differently;
 - e) Removing areas of responsibility without explanation;
 - f) Withholding work related information.
- 4.6 The list above is not exhaustive. The actions listed above must be viewed in terms of the distress they cause to the individual who feels bullied. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.
- 4.7 United Learning prohibits the display of all material that may be considered offensive on the grounds of age; religion or belief; physical ability or disability (including HIV status); learning ability or difficulty; race (including colour, nationality, ethnicity, family or linguistic background); marital status and civil partnership; sex; sexual orientation; trade union membership; part-time and fixed-term working; gender reassignment; pregnancy and maternity, and other material not included in this list but that is genuinely regarded as offensive by groups or individuals within our school communities, e.g. pin-ups, posters, leaflets, magazine cuttings etc., and will if necessary ensure that workplaces are inspected and offending material removed.

5. Responsibilities

5.1 United Learning

- a) United Learning will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of



harassment and bullying in the workplace. Appropriate training will be provided including HR workshops and management courses.

- b) All complaints of harassment and bullying will be dealt with promptly and as confidentially as possible. Managers and supervisors will receive appropriate training and support so they can perform their roles sensitively and effectively.

5.2 All Employees

- a) Every employee has a responsibility to comply with this policy and should ensure that their behaviour towards colleagues does not create offence and could not in any way be considered to be bullying or harassment.
- b) Employees have a role to play in helping to create a climate at work in which harassment and bullying is known to be unacceptable. They should contribute to preventing harassment and bullying through an awareness of this type of behaviour which may constitute harassment and bullying, and ensuring their own standards of conduct do not cause offence.
- c) An employee who becomes aware of harassment or bullying should bring the matter to the attention of his/her line manager.
- d) Any employee who is the subject of material that is of a bullying or harassing nature, on a networking site, should also request the site to remove the offender from it.

5.3 Head Teachers

- a) All Head Teachers have a duty to establish and maintain a working environment free from harassment and bullying, by setting behavioural standards and modelling appropriate behaviour. A failure by a Head Teacher to implement this policy, or deal appropriately with harassment or bullying could in itself lead to disciplinary action.
- b) Any Head Teacher who receives a complaint of harassment or bullying has an obligation to do something. This may be simply speaking to the individual alleged to have caused the problem, or by seeking advice from a more senior manager or their Central Office HR Business Partner. Confidentiality about the issue is paramount, however confidentiality should not constrain Heads Teacher obligations to deal with situations. In all instances, individuals who perceive themselves to have been harassed or bullied should be encouraged to use the complaints procedure.
- c) Any Head Teacher who receives a complaint of harassment or bullying, or is witness to harassment or bullying, must investigate the complaint or incident and ensure that the problem is resolved as quickly as possible.

5.4 Central Office HR Team and HR Business Partners

- a) The Central Office HR Team and HR Business Partners will provide advice and support to managers in resolving complaints, and advise individuals (those raising a complaint and those complained against), on the procedure, and sources of help as appropriate.

6. **Harassment and Bullying Complaints Procedure**

- 6.1 Any complaint should be made to a Head Teacher or Central Office HR Business Partner.
- 6.2 Complaints will be viewed seriously and treated confidentially.



- 6.3 Informal procedures generally produce speedier solutions while minimising embarrassment and the risk of a breach of confidentiality. Under the informal procedures the complainant, either directly or through a third party, approaches the individual who is the subject of the complaint to seek to have the offending behaviour stopped.
- 6.4 Throughout the process both parties are entitled to the same rights. They can approach any of the following to request confidential advice or assistance:
- a) Their line manager (or if it is the line manager who is the subject of the complaint, someone in a more senior position);
 - b) Their local HR contact or representative in the school;
 - c) A member of the Central Office HR Team.
- 6.5 Care will be taken during an investigation to treat all employees involved with consideration. Investigations will be undertaken by individuals who have been specifically trained in harassment and bullying issues.
- 6.6 Once the investigation is completed, the Head Teacher who has conducted it will decide, on the strength of the findings, the appropriate action to be taken. This may include disciplinary action, up to and including dismissal.
- 6.7 Any employee may appeal against any decision under this policy by following the United Learning Grievance Procedure.
- 6.8 Allegations and incidents of bullying can often be most effectively resolved if they are raised at an early stage, and dealt with fairly and promptly, rather than left until the matter has become more serious and attitudes entrenched. United Learning has formulated procedures which provide both informal and formal mechanisms for dealing with problems of harassment and bullying at work.
- 6.9 What to do if you are being harassed or bullied
- a) If you feel you are being subjected to harassment or bullying the aim should be to deal with this informally and as soon as possible, unless you consider the issue to be of a serious nature or informal actions have not resolved the matter.
 - b) You might find it helpful to make a note of any incidents, so that you are clear about what happened, when, where, and whether anyone else was there. There are a number of actions you may wish to follow:
 - i) Talk to the person who is harassing or bullying you. Tell them about the behaviour that is causing you distress and ask for it to stop. This may in some instances be sufficient to stop it. In some cases the person may be unaware that his/her behaviour is inappropriate or objectionable, or it may be that his/her words have been misinterpreted.
 - ii) Discuss the problem with someone. Discuss the matter with a colleague, your line manager or a more senior manager, your Trade Union Representative, your Central Office HR Business Partner or local HR contact in the school before deciding what action is appropriate. Following consultation you may decide to take no further action.
 - iii) Keep a record of the incidents. This is important. Record details of all incidents, times, dates, any witnesses, and your feelings and keep copies of anything



relevant, e.g. letters, e-mails and memos. Ask colleagues to do the same if you are part of a group being harassed or bullied. This will help when you are informing the alleged offender that their behaviour is offensive to you. It will also help you proceed with making a formal complaint.

- iv) Make a formal complaint. If you are unable to resolve the situation informally then you should make a formal complaint in writing to one of the following: the Head Teacher or Central Office HR Team. An investigation will then be set up looking into the allegations so that appropriate action can be taken. Please refer to section 7 for a description of the formal process.

6.10 What to do if you are being accused of harassment and bullying

- a) If you have been accused of harassment or bullying, you will need to follow the information outlined below:
 - i) Right to be informed of an allegation. You have the right to be informed of an allegation prior to a formal complaint being made and of any subsequent formal complaints.
 - ii) Discuss the problem with someone. It is sometimes difficult to deal with a situation on your own and therefore it would be advisable that you discuss the problem with any of the following people: your Trade Union Representative; your line manager or a manager not involved in the case; your Central Office HR Business Partner or local HR contact in your school.
 - iii) Right to a full investigation. Once a formal complaint has been made you have the right to a full investigation that is conducted fairly, sensitively, promptly and thoroughly.
 - iv) Right to be accompanied throughout the process. Once a formal complaint has been made you have the right to ask someone to accompany you throughout the whole process. You can ask a colleague or your Trade Union Representative to do this. Please refer to section 7 for a description of the formal process.

6.11 Action to be taken by Head Teachers in response to a complaint

- a) The Head Teacher receiving the complaint will respond sensitively, provide advice about the procedures and the next stages that will be involved and the timescale. The Central Office HR Team is available to give advice and support. Every effort will be made to deal with the matter as quickly as possible.
 - i) Speak to the person against whom the complaint has been made. You should explain the nature of the complaint and who has made it. Give the employee a copy of this policy and advice about the procedure that will be followed if a formal complaint is made, or if there is a reoccurrence of the behaviour.
 - ii) Give the person complained against the opportunity to respond. For complaints being dealt with informally this is unlikely to be in writing; any written complaint or written response will be made available to both parties. Sufficient time should be allowed for the person complained against to seek advice if required.



- iii) Discuss the matter with both parties separately. This will normally happen within 10 working days of receiving the response to the complaint. Where the person complained against acknowledges that the behaviour has taken place appropriate action will be taken (e.g. a resolution is agreed between both parties; the person complained against is told to stop and the situation is monitored).
 - iv) Arrange a meeting. If after discussions with the parties involved it is clear that there are differing views and perceptions of the situation, a meeting of both parties and the Head Teacher may be appropriate. Where this meeting does not lead to clarification or reconciliation, and the matter remains unresolved, the manager may consult any witnesses to clarify the situation.
- b) Where the Head Teacher decides that there is substance to the complaint the person who is being complained against will be asked to ensure no future reoccurrence, and the situation will be monitored. Support, guidance and/or counselling will be offered as appropriate. The Head Teacher may decide that there is sufficient reason for the formal procedures to be used and/or formal disciplinary action to be taken under the appropriate procedures. Please refer to section 7 for a description of the formal process.

7. Formal Procedure

- 7.1 Where informal methods fail, or the employee chooses not to use them or considers that the problem is sufficiently serious, a formal complaint can be made. The complaint should be made in writing, describing the incident(s) as fully as possible. This complaint should be given to any one of: the Head Teacher and/or the Central Office HR Team.
- 7.2 On receipt of a written formal complaint, the Head Teacher will decide, in consultation with the Central Office HR Team and the complainant, how the complaint will be handled. The formal procedures as detailed in this section will be followed unless the complainant agrees otherwise with the Head Teacher or Central Office HR Team.
- 7.3 Acknowledgement of the complaint will be sent to the employee within 5 working days and the name of the investigating officer will be provided.
- 7.4 Depending upon the severity of the alleged behaviour, action may be taken to separate the person who is the subject of the complaint from the complainant. This may involve temporary transfer of the person who is the subject of the complaint to another department or school, or suspension with pay until the complaint has been resolved. A decision of this nature will only be taken in conjunction with the Central Office HR Team and in accordance with the United Learning Disciplinary Procedure.
- 7.5 When a formal complaint is lodged, a suitable person (who has been specifically trained) will be appointed by the persons detailed in paragraph 7.1 to conduct a thorough and impartial investigation of the complaint to establish the facts. The investigator will not be connected in any way with the allegations and work outside of the immediate area or department of the complainant and complained of.
- 7.6 The investigator will interview both parties in order to gather additional information, clarify events and establish the facts.



- 7.7 Formal interviews with witnesses or individuals who can provide evidence or information about the complaint will take place.
- 7.8 All parties have the right to be accompanied by a Trade Union Representative (if applicable) or a work colleague to meetings in connection with the complaint.
- 7.9 A written record of any interviews will be taken and agreed with the interviewees.
- 7.10 At each stage of the process, confidentiality will be maintained as far as possible and the investigation will be conducted as thoroughly, as fairly and as quickly as possible. It will be stressed to each individual interviewed as part of the investigation that it is vital that they do not talk to anyone about the matters being investigated.
- 7.11 On completion of the investigation, the Investigator will present a report of the findings, setting out the facts to the Head Teacher and/or Central Office HR Team. The report will not recommend disciplinary action, nor will any penalty be suggested.
- 7.12 The Head Teacher and/or Central Office HR Team will make a decision through the United Learning's reporting structure based on the facts as presented in the report. This decision, and the reasons for reaching the decision, will be communicated in writing to both parties and to the Investigator. If appropriate, action will follow under the United Learning Disciplinary Procedure.
- 7.13 If the complainant is informed that no further action is to be taken, they may appeal against the decision under this policy by following the appropriate United Learning Grievance Procedure.

8. General Points

- 8.1 The appropriate manager must ensure that any employee who makes a complaint of harassment or bullying is not victimised. This means that any employee who makes a complaint, or is party to a complaint, or provides evidence in an investigation or a disciplinary hearing will not be subjected to less favourable treatment because they have so participated.
- 8.2 Where schools have access to the Employee Assistance Programme, details should be given to all staff involved (www.well-online.co.uk, 0800 0851376).
- 8.3 This policy will be implemented throughout United Learning. All members of staff will receive a copy of this policy. New employees will be notified of the existence during the induction period. Awareness raising training sessions will be made available for staff and managers to attend with the aim of preventing incidents happening.
- 8.4 This policy will be reviewed following its first formal use (to ensure it has worked in the way intended) and thereafter annually by the Joint Negotiation Committee. Legislative changes may prompt further reviews.
- 8.5 The use of this policy, both informally and formally, will be monitored and collated in an anonymised statistical form and such results be fed back to the Joint Negotiating Committee annually.
- 8.6 If such statistical monitoring reveals a problem in a particular area or department, this in itself will initiate a formal investigation.

Version number:	2.0	Target Audience:	All staff
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UCST/ULT/Both:	Both		Reason for version change:	Legislation update
Date Authorised:	October 2006		Name of owner/author:	Reward & Policy Team
Date issued:	October 2006		Name of individual/department responsible:	HR
Date Reviewed:	July 2012			

