Good Shepherd Trust

Life in all its fullness

Bullying & Harassment Policy

Date of Adoption	June 2017
Date of Next Review	June 2020
Reviewed	**February 2025**
Date of next review	**September 2028**

Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

1. Introduction

Bullying and harassment of employees which is not properly and effectively dealt with can result in tension and conflict within the workplace, stress, ill-health and absence, interference with work outputs, and even resignation.

This procedure and guidance is intended to support employees who wish to raise concerns and assist employees and managers to resolve issues of bullying or harassment within the workplace. All allegations of bullying or harassment will be managed under the informal stage of this procedure. If the allegations a very serious then the manager should follow the disciplinary procedure; the first stage of which is for the manager / headteacher (or their nominee) to make brief preliminary enquiries to assess whether further action is required. Once this has been completed then the manager will decide if further disciplinary action is required. Managers and employees should raise and deal with issues promptly and not unreasonably delay meetings, decisions or confirmation of those decisions.

The Trust believes that every employee has a right to a working environment in which the dignity of individuals is respected and in which bullying and harassment are unacceptable. The Trust will take seriously any instances of bullying or harassment.

The following procedure will be applied fairly in all instances where an issue has been raised however the Trust reserves the right not to pursue allegations that are vexatious, or which repeat complaints which have already been dealt with. Those employees found to be making malicious or false allegations may also find themselves subject to the disciplinary procedure.

Managers / headteachers and employees should attempt to resolve issues informally in the first instance. The employee is entitled to be accompanied by a trade union representative or work colleague at every stage. At any point during this process a facilitated discussion / mediation may be used in an attempt to resolve the situation.

2. Scope

This procedure applies to all employees of the Trust.

The headteacher or another senior nominated manager should take the lead at each stage of the procedure, and reach the decisions as to whether it is appropriate to proceed to the next stage. However, it may be appropriate for informal review meetings and certain aspects of support to be delegated to other senior staff in the school. The responsibility and role of any staff involved in the process, at any particular stage, should be made clear by the headteacher.

Where the problem concerns the immediate line manager, employees should discuss the matter with the next line of management. In a school setting this will be with the headteacher (or their nominee). If the allegation involves the headteacher, the allegation should go to the Chair of the Local Governing Body (LGB).

This procedure does not apply to matters covered by the Grievance Procedure.

3. Principles

The Trust expects that all employees are treated with dignity and respect at work. The Bullying and Harassment Procedure will be used if standards fall below those expected. This procedure provides a framework for action to be taken to either enable employees to deal with situations themselves, or if they wish, for action to be taken to investigate a complaint and, if bullying or harassment is proved to have occurred, for the Trust /school to take action which could reasonably be expected to address the situation. During the informal process the complainant views are paramount and any resolution should be with their agreement. However, if the disciplinary procedure begins then the complainant becomes a witness to the event and the outcome is decided at a disciplinary meeting.

If all parties can agree, the same informal process should be followed where there are multiple complainants and / or multiple employees accused of bullying and harassment. All parties should be kept informed of the progress of the complaint.

4. Process in Brief

4.1 Informal - Employee only

- Where an employee feels that he/she has experienced some form of bullying / harassment and they feel able to they should ask the person to stop.
- If this resolves the problem, monitor the situation to make sure it does not re-occur.
- If during the informal stage the employee feels they cannot resolve the issues themselves, they can ask their manager for support.

4.2 Informal – Manager Intervention

- Where an employee feels they have experienced bullying and harassment and hasn't / or doesn't feel able to tackle the situation themselves they should discuss it with their manager or their staff representative. The aim should be to try to resolve the situation.
- If this is not successful the manager should hold preliminary meetings with both the, employee and the alleged bully / harasser to establish the events that have taken place
- The manager and employee should both try and resolve the situation informally together with the alleged bully / harasser, normally within 5 working days.
- Where a resolution is agreed then all parties should then monitor the situation and make sure it does not re-occur.

4.3 Formal

- If the informal approach does not resolve the concern then the complainant may register the matter formally with their manager.
- The manager will make preliminary enquiries and will then decide if it is necessary to invoke the disciplinary procedure if there are sufficient grounds for them to do so. The manager should then follow the formal disciplinary procedure.

4.4 Appeal

Complainant - Where a complaint is being addressed through the disciplinary procedure then the complainant will not have the right of appeal. However, if an employee feels that their bullying and / or harassment complaint has not been satisfactorily addressed following the outcome of the informal procedure, they have the right of appeal to another senior manager who was not previously involved.

Alleged Bully/harasser – will only have the right of appeal if the disciplinary procedure is invoked. The appeal process is detailed in the disciplinary procedure.

5. Bullying or Harassment by a Third Party

Where an employee feels they have been bullied or harassed by a third party e.g.

- employee or agent of a supplier / organisation
- member of general public or parent

then the employee should raise the matter with their line manager. The manager should investigate the matter in line with the principles of this procedure. Alternative actions may involve:

- speak to 3rd party (directly or to employer/manager as appropriate)
- limit or prevent further contact
- may resort to legal action

Procedure & Guidance

1. What is meant by bullying and harassment?

Harassment is a complex and sensitive issue with no simple or adequate definition. This is because it takes so many different forms, can be isolated or repetitive behaviour and may be directed at individuals or groups. It is also very personal, because what constitutes acceptable behaviour for one individual may be deemed harassment by another.

In general terms, harassment can be defined as:

"Any unwanted attention or behaviour that a person finds objectionable or offensive and which makes him or her feel threatened or uncomfortable leading to a loss of dignity and self-respect"

The test of whether the harasser ought to have known that the behaviour amounted to harassment is whether another reasonable person in possession of the same information would have realised that it did.

There is now a case for describing bullying as a distinct and clearly separate form of harassment, if only to aid recognition of it generally and is defined as:

"Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair use of penal sanctions, which makes the recipient feel threatened, humiliated, or vulnerable, undermines their self-confidence and which may cause them distress."

Bullying or harassment can occur in relation to a person's:

- race, nationality, skin colour or ethnic background
- gender
- disability
- age
- class
- sexual orientation
- religious or political beliefs.
- suspected or actual medical conditions
- trade union membership
- status as an ex-offender
- willingness to challenge bullying or harassment and therefore being victimised themselves

This list is by no means exhaustive and the forms of bullying or harassment are not mutually exclusive, for example a man or woman may be harassed on grounds of sex and race. Many on the list are also protected characteristics from the Equalities Act 2010 and are therefore also unlawful. Anyone can be the subject of bullying or harassment as it comes in so many shapes and forms.

2. What form can bullying or harassment take?

Bullying or harassment can be expressed in many ways. It can be overt or covert, persistent or take place in isolated incidents. It can even be done unwittingly ie the bully / harasser is completely unaware that they are perpetrators of bullying / harassment. It can range from less obvious forms like ignoring someone, to extremes such as violence. Whatever the form, it will be unwanted behaviour which is unwelcome and unpleasant. Possible forms include the following, by no means exhaustive, list:

- verbal and written harassment through offensive language, gossip, slander, letters containing sexual innuendo, racist language etc (written harassment can be through the inappropriate use of email or computer systems)
- unwelcome physical contact, threats of violence or invading a person's space
- suggestive comments or innuendo or persistent, unwelcome attention
- other inappropriate cultural behaviour, including singling out, exclusion or victimising, blocking promotion/ access to training
- inappropriate detailed checking of work, setting impossible objectives, unreasonable allocation of duties
- ostracising or freezing out; withholding information, resources or training
- public reprimand, criticism, belittling, ridicule, sarcasm or humiliation deliberate wrongful attribution of blame
- display or issue of offensive literature and pictures or practical jokes or initiations
- shouting, swearing, abuse, nicknames, or malicious gossip
- stalking
- cyber bullying
- victimisation directed at an individual for their willingness to challenge harassment
- other forms of harassment can include the use of e-mails, the sending of faxes or making of telephone calls within the working environment or to a person's home invading their privacy.

It should be noted that there is no guarantee that, in the workplace, all employees will enjoy trouble free professional relationships all the time. Differences of opinion are part of life and may not, in themselves be grounds for a claim of bullying or harassment. Employees should also be aware of the need to check that their own attitude is not a contributory factor to the situation. The fact that a manager has asked an employee to carry out a task which they do not wish to undertake does not of itself constitute bullying or harassment.

3. Why such unacceptable behaviour will not be tolerated

- Behaviour of this nature is contrary to the Trust's values and breaches the Code of Conduct for Trust employees.
- Allowing bulling or harassment to go unchecked and undetected can have a major impact on the organisation, through reduced individual and team performance, attitude towards the organisation and the potential cost of litigation.
- Health and safety implications, such as the physical and psychological damage caused, affect the morale, health and number of accidents in the workplace.

NOTE: Without detracting from the seriousness of bullying and harassment at work, it is worth pointing out that managers have to make decisions and give instructions in the course of managing that are not always going to be popular but which cannot of themselves be construed as bullying or harassment. Managers should ensure they adopt an appropriate management style.

4. Process

The Trust encourages employees who feel they are being bullied or harassed to complain about it rather than suffer the distress it can cause. However making such a complaint can itself be a distressing experience and the Trust will ensure that the employee receives all necessary support and any complaints are treated in a sensitive and confidential manner. The process contains an informal stage then, if necessary, it can/ may move to the disciplinary procedure.

Where the problem concerns the immediate line manager, employees should discuss the matter with the next line of management.

In a school setting this will be with the headteacher (or their nominee). If the allegation involves the headteacher, the allegation should go to the Chair of the LGB.

A record should be kept of all meetings and the outcome of any informal discussions.

4.1 Informal action – employee only

In many cases the employee who feels that they are being bullied or harassed simply wants the behaviour to stop. An informal approach may create the opportunity to resolve the problem speedily

If possible, an employee who believes that he or she has been the subject of bullying or harassment should, in the first instance, ask the person to stop the behaviour. Some people are unaware that their behaviour in some circumstances is bullying or harassing unless this is pointed out to them.

This initial approach can be made verbally or in writing. It should be understood that writing down the fact that there is a problem does not necessarily make the complaint formal. If the individual feels unable to make this approach on their own, it can be made with the assistance of a colleague, line manager, or trade union representative.

An employee may find it helpful to keep a note of incidents as they happen and of responses to any approach that they make to the alleged bully / harasser.

4.2 Informal action – manager intervention

The involvement of the Line Manager or the HR professional, or both, may be helpful in reaching a solution at this informal stage.

Mediation / Facilitated Discussion

In some cases it can be helpful to involve an independent third party or mediator, to help resolve problems by way of mediation; sometimes referred to as a facilitated discussion. Mediation is a voluntary process where an impartial third party helps two or more people in dispute to attempt to reach an agreement. Mediation cannot be imposed on anyone and does not prevent an employee from pursuing the formal route, nor is it necessary to go through mediation before making a formal complaint. The Trust will strongly encourage all parties to participate in some form of mediation/facilitated discussion early in the process in addition either party can request mediation or a facilitated discussion at any point during the process. Mediators may be formally trained and accredited or may carry out this role in addition to their day jobs. The appointment of the mediator is at the discretion of the Trust/ school. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Whilst there is no formal right to be accompanied during mediation, and both parties are generally unaccompanied, an employee may wish to be accompanied by a trade union representative or co-worker.

Mediation distinguishes itself from other approaches to conflict resolution as it is:

- Less formal

- Flexible
- Voluntary
- Voluntarily binding, but normally has no legal status
- (generally) unaccompanied
- Owned by the parties

If the informal approach does not resolve the concern, the employee may raise the issue formally.

Possible outcomes and actions
The manager/ headteacher/ Chair of LGB will be responsible for supporting any actions which may be necessary for the rebuilding of working relationships and should consider which of the following actions may assist in a return to normal working, ***in all circumstances both parties should be in agreement that the actions are appropriate*****:**

- Provide counselling for both parties
- Ensure that the alleged bully / harasser attends training to develop more appropriate interpersonal behaviour
- Arrange for mediation sessions to help to resolve differences. Both parties must be prepared to commit to the mediation process for a successful outcome.
- Managers should help re-build working relationships – see Appendix C.
- Consider coaching or mentoring for those at supervisory or management levels with particular reference to management styles
- Offer to implement reasonable changes to the complainant's work environment to increase their level of comfort. Change in work environment or working practices to reduce the time the two parties have to work together.
- Placing a confidential note on the personal record of both employees, detailing the nature of the complaint and the actions taken to address the situation.
- Write to both parties outlining the actions and agreements undertaken, a monitoring process and emphasising that any re-occurrence may result in disciplinary action.

Further advice can be found at Appendix C.

4.3 Formal action

If informal action does not result in the bullying behaviour ceasing, or if an employee wishes to make a formal complaint at the outset then the manager should make an initial preliminary enquiries before deciding if it is appropriate to follow the disciplinary procedure. If so then the disciplinary procedure should be followed.

The key action, which will start formal action will normally be a letter to the line manager (or to the next most senior manager if the complaint is against the line manager) stating that a formal complaint is being made with details of the reason for the complaint.

Once the disciplinary procedure has been concluded the manager will need to help build working relationships – see possible outcomes above.

Please note the complainant will not be told the actual outcome/sanction of any disciplinary action.

4.4 Appeal

Where a complaint is being addressed through the disciplinary procedure then the complainant will not have the right of appeal. However, if an employee feels that their bullying and / or

harassment complaint has not been satisfactorily addressed and the disciplinary procedure is not invoked they have the right of appeal to another senior manager who was not involved in trying to resolve the issue. Appeals should be lodged in writing within 5 working days of receipt of the outcome letter. The appeal letter should clearly state:-

- *Why they do not accept the proposed actions and agreements*
- *What outcome or resolution they are looking for. This needs to be reasonably achievable.*

The appeals process should follow the format detailed within the Appeals Policy

The alleged bully / harasser will have the right of appeal through the disciplinary procedure.

There is no further right of appeal.

5 Rights of the individuals

The person feeling harassed / bullied has the right to:-

- ask the person to stop the harassing or bullying behaviour themselves or with support from the trade union, line manager or colleague.
- take the formal action route if they wish.
- have the complaint taken seriously.
- offer suggestions for resolution. However the complainant cannot stipulate specific action to be taken or unreasonably refuse to cooperate with action to achieve a resolution.
- expect no unnecessary delay in the process.
- have the matter dealt with in a confidential manner in so far as this is consistent with progressing the investigation of the complaint.
- be kept informed of the progress as the case continues and to be provided with a written response at its conclusion.
- expect the Trust and it's schools to put appropriate measures in place to prevent bullying and harassment.
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The alleged harasser / bully has the right to:-

- respond and have their view heard and taken seriously.
- have the matter dealt with in a confidential manner in so far that this is consistent with progressing the investigation of the complaint.
- be provided with details of all allegations.
- have the matter dealt with in a timely manner.
- offer suggestions for resolution.
- have support from colleague / trade union.
- be kept informed of progress as the case continues

6 Keeping Written Records

Notes should be taken of all key points raised at all meetings and appeals and a copy given to the employee. This information may be required at an Employment Tribunal.

Managers are advised to keep a record of all bullying and harassment cases. This record should include:

- the complaint made by the employee
- findings made and actions taken
- the reason for actions taken

- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments
- notes of any formal meetings

These records are to be kept confidential and retained in accordance with this procedure and the Data Protection Act 1998.

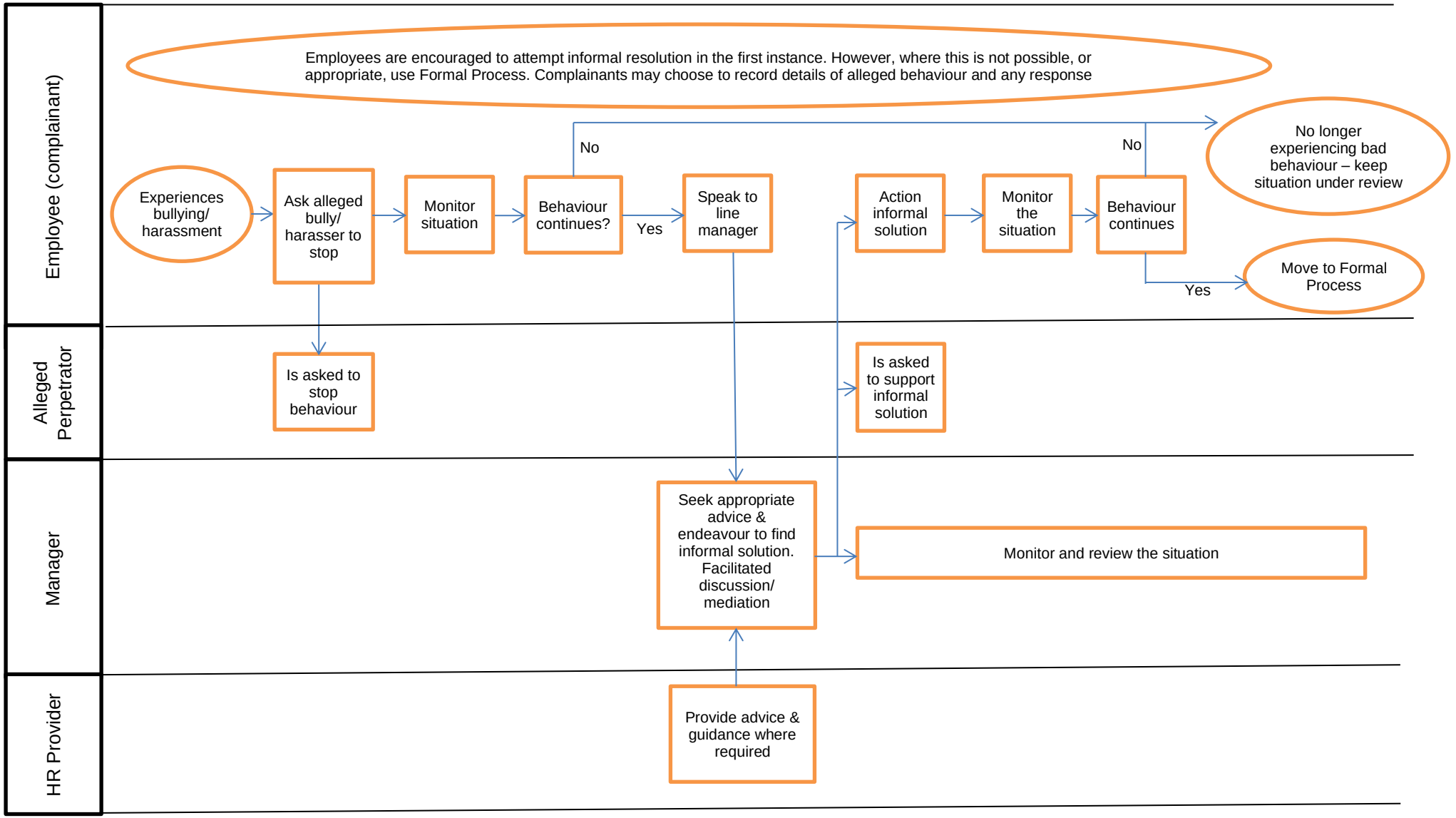
7 Monitoring

Whatever the outcome, on-going monitoring of each case of bullying or harassment is essential; firstly to check the bullying / harassment has stopped, and secondly to ensure there is no victimisation.

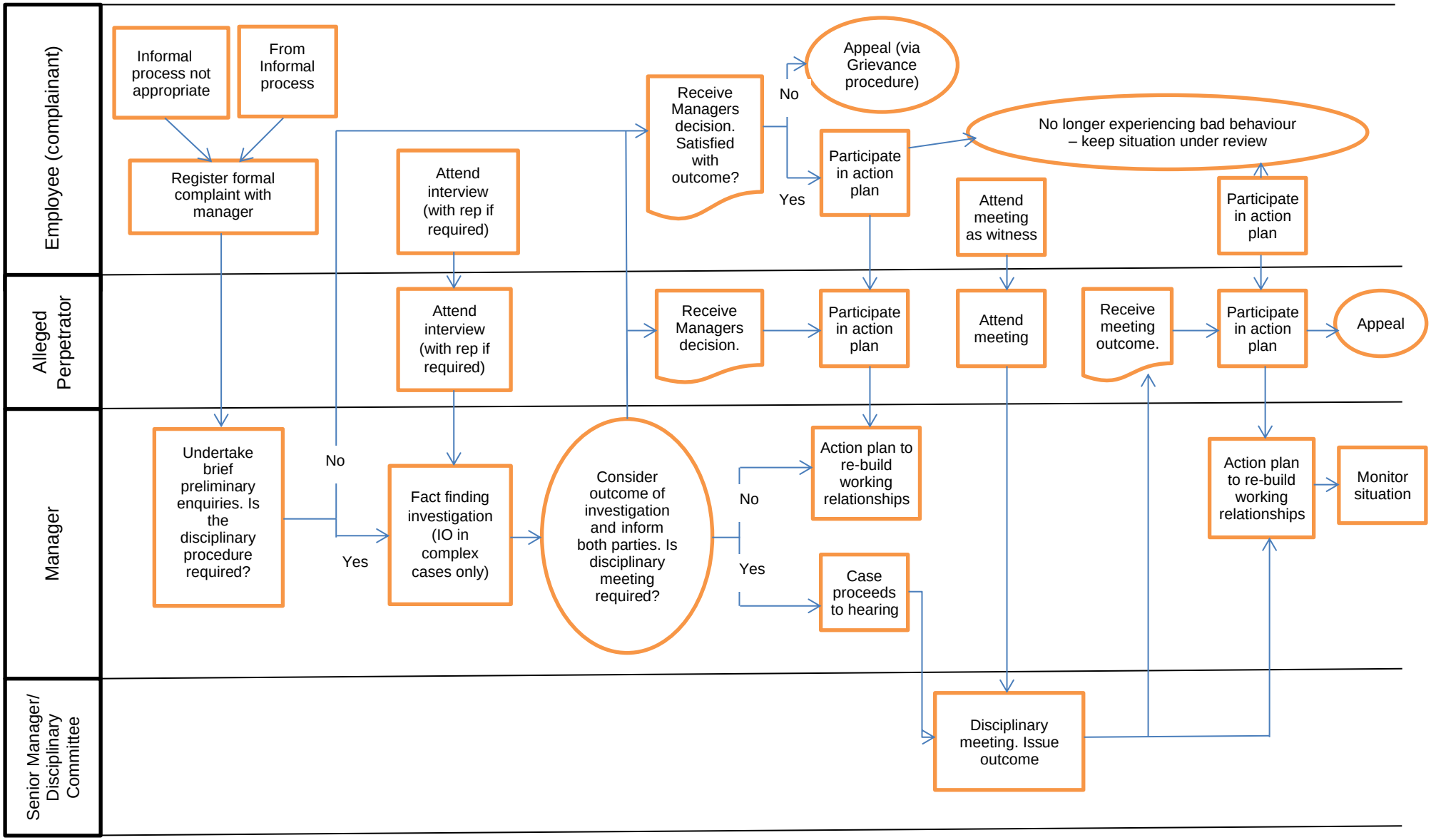
Monitoring mechanisms will therefore include the following:-

- Managers involved in either the informal or the formal process will follow up the outcome at determined regular intervals (within one month as a minimum) with both parties to ensure that the situation has been effectively resolved and that no victimisation or retaliation has occurred.
- In the event of a formal disciplinary investigation, the manager will follow the timescales as detailed in the disciplinary procedure
- Managers are advised to conduct exit interviews with employees leaving the organisation

Bullying and Harassment Procedure – Informal Process (this process map should be read in conjunction with the main policy and procedure)



Bullying and Harassment Procedure – Formal Process **(this process map should be read in conjunction with the main policy and procedure)**



Appendix C

Advice for Resolving Issues and Rebuilding Relationships

Managing and resolving conflict requires the ability to quickly reduce stress and bring emotions into balance. The process can be as positive as possible by sticking to the following guidelines:

- **Acknowledge that a difficult situation exists**. Honesty and clear communication play an important role in the resolution process. Acquaint yourself with what's happening and be open about the problem.
- **Listen for what is felt as well as said.** When we listen we connect more deeply to our own needs and emotions, and to those of other people. Listening also strengthens us, informs us, and makes it easier for others to hear us when it's our turn to speak.
- **Make conflict resolution the priority rather than winning or "being right."** Maintaining and strengthening the relationship, rather than “winning” the argument, should always be your first priority. Be respectful of the other person and his or her viewpoint.
- **Let individuals express their feelings**. Some feelings of anger and/or hurt usually accompany conflict situations. Before any kind of problem-solving can take place, these emotions should be expressed and acknowledged.
- **Define the problem**. What is the stated problem? What is the negative impact on the work or relationships? Are differing personality styles part of the problem? Meet with employees separately at first and question them about the situation.
- **Focus on the present.** If you’re holding on to grudges based on past resentments, your ability to see the reality of the current situation will be impaired. Rather than looking to the past and assigning blame, focus on what you can do in the here-and-now to solve the problem.
- **Be willing to forgive.** Resolving conflict is impossible if you’re unwilling or unable to forgive. Resolution lies in releasing the urge to punish, which can never compensate for our losses and only adds to our injury by further depleting and draining our lives.
- **Know when to let something go.** If you can’t come to an agreement, agree to disagree. It takes two people to keep an argument going. If a conflict is going nowhere, you can choose to disengage and move on.
- **Determine underlying need**. The goal of conflict resolution is not to decide which person is right or wrong; the goal is to reach a solution that everyone can live with. Looking first for needs, rather than solutions, is a powerful tool for generating win/win options. To discover needs, you must try to find out why people want the solutions they initially proposed. Once you understand the advantages their solutions have for them, you have discovered their needs.
- **Find common areas of agreement, no matter how small**:
    - Agree on the problem
    - Agree on the procedure to follow
    - Agree on worst fears
    - Agree on some small change to give an experience of success
- **Find solutions to satisfy needs**:
    - Problem-solve by generating multiple alternatives
    - Ask both parties to come up with solutions and discuss their merits
    - Determine which actions will be taken
    - Make sure involved parties buy into actions. (Total silence may be a sign of passive resistance.) Be sure you get real agreement from everyone.
- **Determine follow-up you will take to monitor actions**. You may want to schedule follow-up meetings, initially weekly to determine how the parties are doing.