



# **Arbour Vale School**

## **Specialist Sports College**

# **Staff Anti-Bullying and Harassment Policy**

**October 2017**  
**(Last Reviewed October 2017)**

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### **1 Scope**

This policy applies to all school employees. The recognised trade unions have been consulted.

### **2 Purpose**

This policy covers all forms of bullying and harassment in the work place. It provides a clear statement of the school's expectations and intent in relation to bullying and harassment in the work place, and a clear framework through which issues can be identified and appropriate action taken.

All employees have a right to be treated with dignity and respect at work and it is expected that they treat other employees with the same dignity and respect in return.

Harassment and bullying is unlawful. It can have a serious impact on both the mental and physical health of employees which can lead to a rise in sickness absence, a reduction in productivity, lower efficiency, divided teams and increased turnover.

The school will not tolerate harassment and bullying of its employees by colleagues, parents, pupils, other members of the public, or third parties (such as contractor employees), and will respond objectively.

Employees who are found to be blameworthy of harassment and bullying behaviour will be subject to the school's Disciplinary Procedures.

### **3 Definition of Bullying and Harassment**

Bullying or harassment is very personal and it is important to recognise that individuals react to how they are treated in different ways. What may be acceptable to one person may not be to another. It is the perception of the individual alleging the bullying and harassment that is of paramount importance.

The nature of bullying and harassment can vary. For example, it may be one isolated incident or it may be a series of incidents. It may involve one employee against another or a group of employees. It may occur in public, private or through a variety of forms whether face to face, written communication such as internet, email or by telephone.

ACAS defines bullying and harassment as follows:-

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

Harassment as defined in the Equality Act is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual' The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

The protected characteristics provide for protection under current discrimination legislation on the basis of:-

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

Examples of bullying behaviour include:

- Behaviour that is offensive, abusive, malicious, insulting or intimidating
- Unjustified criticism
- Action taken against you without reasonable justification
- Changes in the duties or responsibilities of the employee to the employee's detriment without reasonable justification
- Misuse of power or position to undermine or intimidate the employee
- Exclusion or victimisation

The reason for the emphasis on repeated behaviour is because while such behaviour could happen accidentally or unwittingly, but if repeated it is more likely to meet the definition of bullying at work.

A single, significant act could warrant immediate action for example, if the behaviour breaches the School's Disciplinary Code (section 4.1.1(p) and 4.2.1 b)).

Harassment can take a number of forms that may include:

- Sexual – verbal or non-verbal behaviour that is unwelcome and of a sexual nature.
- Racial – behaviour that is threatening, abusive or insulting to individuals or groups because of their colour, race, nationality or ethnic origin.
- Disability – behaviour that is threatening, abusive or insulting to individuals because they have some form of physical or mental disability.
- Sexual orientation – behaviour that is threatening, abusive or insulting to employees on the basis of their sexual orientation.

The following list is not exhaustive but provides examples of behaviour that constitutes harassment at work and is unacceptable in the workplace:

- Unwanted physical contact, ranging from touching to serious assault.
- Unwanted personal or derogatory comments.
- Circulation or display of offensive and/or inappropriate material including e-mail.
- Victimisation because of a complaint made or due to acting as a witness of harassment.
- Any other unwanted behaviour or situation, rooted in the definition, in which the employee feels they have been subjected to harassment.

The perception and interpretation of the person who feels harassed is central to the consideration of any complaint of harassment. It is the effect not the intention that determines what forms of behaviour might constitute harassment.

Behaviour that is acceptable to one employee may be regarded as unacceptable by another. For example making comments about an employee's appearance can be harassment if the recipient indicates that the approach is unwelcome and the person who made them persists.

Clearly, some behaviour is unacceptable in any circumstances and in some cases, may be unlawful, for example, racist banter and abuse. The context is irrelevant and any use of it in the workplace will be viewed as gross misconduct and subject to disciplinary action.

#### **4 Procedures**

If an employee believes that they have been bullied or harassed, they should raise this in line with the School's Grievance Procedure. The school will deal with any concerns raised about bullying and harassment in accordance with the school's Grievance Procedure. In all circumstances, efforts should be made initially to resolve the issue through the informal stage of the Grievance Procedure.

#### **5 False or Malicious Allegation**

Where it is proven that the allegation is false or malicious, the Disciplinary Procedure should be invoked against the person making the false allegation.

#### **6 Support**

Staff who have been who have been bullied or affected will be supported by:

- Offering an immediate opportunity to discuss the concern with a member of the leadership team staff or the headteacher.
- Where the bullying takes place off school site or outside of normal school hours (including online), the school will still investigate the concern and ensure that appropriate action is taken in accordance with the school's discipline policy.
- Reporting offensive or upsetting content and/or accounts to the service provider, where the bullying has occurred online.
- Reassuring and offering appropriate support.
- Working with the wider community and local/national organisations to provide further or specialist advice and guidance.

- Establishing whether a legitimate grievance or concern has been raised and signposting to the school's official complaints procedures.
- If online, requesting that content be removed.
- Instigating disciplinary action as appropriate or required.