



# **Gateshead Primary SCITT**

## **Bullying & Harassment Policy 2021/22**

# Gateshead Primary SCITT

## Bullying and Harassment Policy

### 1. Introduction

Gateshead Primary SCITT recognises the right of all employees and trainees to be treated with dignity and respect and will not tolerate bullying or harassment of its employees at work or arising from work.

Bullying and harassment not only affect the welfare of trainees and employees but also affect the organisational effectiveness of Gateshead Primary SCITT. It can lead to stress, increased absence, a decrease in confidence, motivation and work performance. This in turn affects service delivery, increases costs and damages Gateshead Primary SCITT's image.

Gateshead Primary SCITT expects a high standard of behaviour and conduct from trainees and employees at all times. This policy identifies unacceptable forms of behaviour and describes the options available to trainees and employees who experience bullying and harassment to resolve the situation. All trainees and employees are required to comply with this policy.

Gateshead Primary SCITT recognises that trainees and employees experiencing bullying and harassment may have a right to take legal action against the harasser under civil or criminal law. However, this will not prevent Gateshead Primary SCITT from carrying out its own investigations and taking appropriate action.

### 2. Definitions

*Bullying* - any behaviour by a person directed against an individual or individuals, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the individual.

*Harassment* - unwanted behaviour by a person, that an individual or individuals, finds intimidating, upsetting, embarrassing, humiliating or offensive, which affects a person's dignity at work.

*Recipient* – a trainee or an employee who perceives that they are being harassed or bullied.

*Harasser* – a trainee or an employee of Gateshead Primary SCITT whose behaviour is perceived to be unacceptable.

For the rest of this policy, the word harassment also includes bullying.

### 3. Reasons why harassment occurs

Gateshead Primary SCITT accepts that it is an individual's perception of behaviour towards them that can lead to the feeling of bullying and harassment. What may be inoffensive to one person may cause upset and distress to another. Gateshead Primary SCITT views all forms of harassment as unacceptable behaviour and will not tolerate it.

By way of example, harassment can occur where there is fierce competition between trainees and employees, heavy workloads or an uncertain working environment. It may occur because a person deliberately sets out to intimidate, humiliate or distress another. However, it may also occur because a person fails to consider the effect of their behaviour upon others.

Harassment of an individual can occur on many grounds for example, because of gender, sexual orientation, race, ethnic origin, nationality, disability, age, physical characteristics or personal /religious/ political beliefs.

#### **4. Forms of harassment**

Harassment is about an individual's perception as to whether certain behaviour is unacceptable and disadvantageous to them. It can take a range of forms including:

- unwanted physical contact, obscene gestures;
- verbal abuse, jokes, offensive language, slander;
- displays of written or photographic material;
- exclusion and non-co-operation at work;
- persistent criticism, unfounded criticism;
- being denied/excluded from training and development opportunities;
- unreasonable refusal to grant annual holiday or other leave of absence;
- setting impossible targets or deadlines/setting someone up to fail.

#### **5. How to deal with harassment**

If a trainee or an employee feels they are being harassed, this needs to be brought to the attention of the harasser so that the harassment can stop. Harassment needs to be treated sensitively by all those involved. This includes how the harasser is treated as he/she may not be aware that their actions have caused offence or upset.

There are two ways a complaint of harassment can be handled - informally and formally. Except in serious cases of harassment, the recipient should attempt to stop the behaviour using the informal procedure.

Alternatively, the recipient can approach their trade union representative, SCITT Programme Leader or an officer in Human Resources for advice and help. If the harasser is the recipient's Programme Leader they can contact the Headteacher of the lead school.

Any trainee or employee who has had a complaint of harassment made against them can also contact a Workplace Contact for support during or after any informal or formal procedure. However, a Workplace Contact cannot provide support to a recipient and harasser involved in the same case

therefore one of the parties will be advised to contact another Workplace Contact.

If an employee witnesses harassment they should initially approach the recipient and support them in taking action to stop the behaviour, however where the harassment is persistent they should consider reporting it to the Programme Leader / management committee of Gateshead Primary SCITT.

## **6. Transfer of trainees**

In some cases of harassment, where formal action has been taken, the relationship between the two parties may have been so severely damaged that the recipient feels it is no longer feasible for them to continue working together. Action will be taken to ensure the harasser does not remain in the same working environment as the recipient. The recipient should be given the option of moving to another appropriate post but if they do not wish to do so then, in all but exceptional circumstances, the harasser will be moved.

## **7. Victimisation**

Victimisation may occur after a complaint of harassment has been made. It may appear in the form of the recipient finding the situation has become worse since complaining, or any trainee/ employee involved in the complaint becoming isolated by colleagues, or subject to other forms of retaliation by colleagues or their manager.

Victimisation arising from a case of harassment is misconduct and will be dealt with under Gateshead Primary SCITT's Disciplinary Procedure.

## **8. Statement of Confidentiality**

Gateshead Primary SCITT recognises that problems of harassment in the workplace involve sensitive issues and therefore must be treated with discretion. To eliminate harassment from the workplace Gateshead Primary SCITT has adopted a policy of non- tolerance of any form of harassment. However, to eliminate harassment it is necessary to know when it occurs. Gateshead Primary SCITT is responsible for the actions of its trainees and employees and therefore must be informed when it occurs.

If the Programme Leader or Headteacher of the Lead School learns of harassment which could seriously affect a trainees or an employee's well-being, or have similar implications for other trainees or employees or the organisation, they have a duty to ensure that Human Resources are informed.

Information will only be divulged on a strict 'need to know' basis. Gateshead Primary SCITT will make every effort to ensure that all those involved in the investigation and resolution of cases, including recipients, harassers and witnesses respect the necessity for a professional and confidential approach at all times.

## **9. Headteacher and Programme Leader Responsibilities**

All Headteachers have the responsibility for making sure that their trainees/ employees are treated professionally and with dignity and respect. This will help to establish a supportive and productive working environment and will help trainees and employees to perform effectively and to the best of their ability.

Legitimate management action, taken within Council procedures, to deal with employees whose conduct or capability is in question is not harassment. Where a manager is raising concerns about the conduct or capability of an employee it must be done in a professional and sensitive manner ensuring respect for the individual concerned. However, any action or behaviour which falls outside what can be reasonably regarded as legitimate management action and is intimidating, offensive or distressing may constitute harassment.

Where you witness unacceptable or offensive behaviour you should take action. This may be on an informal basis by approaching the trainee or employee whose behaviour is causing offence. You should explain why the behaviour is offensive and the consequences if the behaviour continues.

Every Headteacher is responsible for dealing effectively with any informal or formal complaint of harassment which is brought to their attention. Failure to deal with a complaint can be regarded as a conduct or capability issue and result in disciplinary action.

## **10. Employee and Trainee Responsibilities**

Trainees and employees must treat all people with courtesy and respect and be aware of how your behaviour can be interpreted by others. You should make sure that you know and understand the types of behaviour and actions that can be regarded as bullying and harassment. If you are aware that your behaviour causes or could cause offence you should stop it immediately.

You must be aware that behaviour or actions that are regarded as harassment can result in disciplinary action which may include dismissal.

If you make a false or malicious claim of harassment against another person this will result in disciplinary action.

You are responsible for your own behaviour and should make sure that you protect the dignity of other colleagues and promote a workplace free from harassment.

## 11. Training

This policy will be included in all Equal Opportunities training and induction programmes.

## 11. Monitoring and evaluating the procedure

The procedure and policy will be reviewed annually in consultation with the trade unions.

## 13. Legislation and Codes of Practice relevant to cases of bullying and harassment include:

- ◇ ***Sex Discrimination Act 1975***
- ◇ ***Race Relations Act 1976***
- ◇ ***Race Relations (Amendment) Act 2000***
- ◇ ***Disability Discrimination Act 1995***

Where harassment is of a specific nature based on sex, race or disability it is regarded as unlawful discrimination and is covered by statute under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

- ◇ ***Protection from Harassment Act 1997***

The Protection from Harassment Act makes harassment, including harassment of an employee in the workplace, a criminal offence which could result in a fine and/or imprisonment.

- ◇ ***Criminal Justice and Public Order Act 1995***

Under the Criminal Justice and Public Order Act, the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, abuse or distress is a criminal offence.

- ◇ ***Employment Rights Act 1996***

Since all contracts of employment include an implied duty on both employer and employee to maintain trust and confidence, a failure by the employer to protect the employee against bullying or harassment by colleagues is likely to amount to a breach of this term. This may entitle the employee to pursue a case of constructive dismissal, if they terminated their employment as a result of the behaviour and the employer's failure to do anything about it.

◇ ***Health and Safety at Work Act 1974***

The Health and Safety at Work Act, section 2 (1) places a duty on the employer to 'ensure so far as is reasonably practicable, the health, safety and welfare at work of all employees.' It is therefore possible, provided any injury was reasonably foreseeable, for a breach of this duty to give rise to a personal injury claim for any mental or physical suffering caused by bullying or harassment.

◇ ***Human Rights Act 1998***

Human Rights Act 1998 includes the right not to 'be subjected to degrading treatment or punishment'.

◇ ***Trade Union and Labour Relations (Consolidation) Act 1992***

The Trade Union and Labour Relations (Consolidation) Act 1992 contains the right not to be dismissed on the basis of trade union membership or activities, or of non-trade union membership.

◇ ***The European Commission's Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work***

Under the European Commission's Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work article 2 of the Code requires member states to create a climate at work in which men and women respect one another's dignity.

#### 14. Useful Contacts

<p><b>Commission for Racial Equality</b>  Head Office  St Dunstan's House  201-211 Brough High Street  London SE1 1GZ  020 7939 0000  <a href="http://www.cre.gov.uk">www.cre.gov.uk</a></p>	<p><b>Equal Opportunities Commission</b>  Arndale House  Arndale Centre  Manchester M4 3EQ  0845 601 5901  <a href="http://www.eoc.org.uk">www.eoc.org.uk</a></p>
<p><b>Disability Rights Commission</b>  DRC Helpline  Freepost MID02164  Stratford upon Avon  CV37 9BR  08457 622633  <a href="http://www.drc-gb.org.uk">www.drc-gb.org.uk</a></p>	<p><b>HSE</b>  Arden House  Regent Centre  Regent Farm Road  Gosforth  Newcastle upon Tyne  NE3 3JN  0191 202 6200  <a href="http://www.hse.gov.uk">www.hse.gov.uk</a></p>
<p><b>ACAS</b>  Cross House  Westgate Road  Newcastle upon Tyne  NE1 4XX  0191 269 6000  <a href="http://www.acas.org.uk">www.acas.org.uk</a></p>	<p><b>UNISON</b>  6 Ellison Street  Gateshead  0191 477 6638  <a href="http://www.unison.org.uk">www.unison.org.uk</a></p>
<p><b>GMB</b>  1 Mosley Street  Newcastle upon Tyne  NE1 1YE  0191 233 3930  <a href="http://www.gmbnorthern.org.uk">www.gmbnorthern.org.uk</a></p>	<p><b>UNITE THE UNION (AMICUS &amp; TGWU)</b>  Transport House  John Dobson Street  Newcastle upon Tyne  NE1 8TW  0191 260 3777  <a href="http://www.amicustheunion.org.uk">www.amicustheunion.org.uk</a>  <a href="http://www.tgwu.org.uk">www.tgwu.org.uk</a></p>
<p><b>UCATT</b>  Seymour House  10 Brenkley Way  Bleazard Business Park  Seaton Burn  Newcastle upon Tyne  NE13 6DS  0191 236 2636  <a href="http://www.ucatt.org.uk">www.ucatt.org.uk</a></p>	<p><b>Human Resources</b>  Human Resources  Civic Centre  0191 433 2213</p>

## Useful Contacts contd

<b>Lancaster LifeAssist</b> (free telephone counselling line) 08000 685155	
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## Appendix 1

### Informal Procedure

Unless it is a serious case of harassment, the recipient should attempt to stop the behaviour using the informal procedure.

There are 3 courses of action that can be taken in this procedure.

- The recipient experiencing harassment can approach the harasser directly. However, we acknowledge that this may be too difficult or embarrassing for some trainees/ employees.
- The recipient can report their complaint of harassment to their trade union representative. The trade union representative will be able to offer advice
- Alternatively, the recipient can report the behaviour to their Programme Leader or Headteacher and ask them to speak to the harasser.

Whichever course of action is taken it should be explained to the alleged harasser:

- exactly what behaviour is being complained of;
- that their behaviour is causing the recipient discomfort and/or offence;
- how that behaviour makes the recipient feel;
- that the recipient wants the behaviour to stop.

It should then be agreed what behaviour is acceptable and how they should treat each other.

Where a Headteacher has dealt with the informal complaint, they should keep a log of the incident and action taken as this will act as a record should the situation arise again.

The Programme Leader will monitor the situation by monthly contact with the recipient to make sure that the problem has not come back. If the unwanted behaviour carries on, the recipient may wish to use the formal procedure.

The informal procedure is designed to stop harassment when it takes place and to help all trainees and employees to work together in a professional and dignified manner.

Trainees and employees may not be aware that their actions cause offence to others and once it is pointed out to them informally it may resolve the situation.

### Formal procedure

If the informal approach has not resolved the problem behaviour, or an incident has occurred which is so offensive to the recipient that an informal approach is not considered appropriate, then the recipient can use the formal procedure.

#### ◇ ***Completing an Harassment Complaint Form***

Under the formal procedure, the recipient should complete an harassment complaint form. This asks for details of the alleged harasser, a description of what happened, how the recipient felt and details of any witnesses. The recipient can get the form from the Workplace Contact, who can help to complete it, if necessary. Alternatively, forms are available from Human Resources. Once the form has been completed it should be sent to Human Resources. Copies of the form should be kept by the Workplace Contact and the recipient. Human Resources will acknowledge the formal complaint in writing within 2 working days. An HR Adviser will contact the recipient's Head of Service to inform them that a formal complaint has been made. The harasser should be informed by their manager that a formal complaint of harassment has been made against them. They should also be notified in writing with full details of the allegations within 2 working days.

#### ◇ ***Initial Investigation***

Human Resources will be able to offer advice and support on the use of the procedure and in handling the case. An HR Adviser will also contact the Workplace Contact and the recipient to discuss the incident(s) in more detail and establish any further facts not mentioned in the form. When this meeting has taken place, the HR Adviser will discuss the following possibilities with the recipient's Head of Service:

- The need to suspend the alleged harasser from work, or;
- Whether the two parties can be separated at work, or;
- Whether the two parties can continue to come into contact with each other at work while attempts are made to solve the problem.

Any suspension will be carried out under the procedures stated in Gateshead Primary SCITT's Disciplinary Procedure.

◇ **Formal Investigation**

The HR Adviser and a manager or a senior manager from a different service area to the complainant and alleged harasser will investigate the incident under the procedures for investigation outlined in Gateshead Primary SCITT's Disciplinary Procedure. This should be carried out within 10 working days of receiving the complaint. This includes taking statements from the recipient, any witnesses and the alleged harasser. If the formal investigation is unlikely to be completed within 10 working days an alternative timescale should be discussed with the recipient. All those asked to attend investigatory interviews will be able to have a trade union representative or colleague with them.

When the investigation has been completed the SCITT Management committee they will discuss the findings with Programme Leader . Possible outcomes of the formal investigation are that

- the complaint is not upheld and therefore no further action is taken
- the problem is resolved informally between the two parties
- there is a need for ongoing monitoring of the situation
- disciplinary action is taken against the harasser.

The results of the investigation will be notified to both parties in writing within 3 working days of the findings being agreed.

Throughout this procedure, the information provided by individuals will be treated on a confidential basis. Only those involved in dealing with the complaint will be made aware of all the facts.

## ◇ ***Disciplinary Action***

If a disciplinary interview is necessary it will be organised in accordance with Gateshead Primary SCITT's Disciplinary Procedure. Careful consideration should be given to the need to have the recipient present at the interview as a witness and the way in which the interview is going to be conducted. For example, if it is necessary for the recipient to be present and the alleged harasser is represented, only the representative is able to ask the recipient questions. The recipient will also be able to be represented to provide support during the disciplinary interview.

The outcome of any disciplinary interview could be:

- No action;
- An oral warning;
- A written warning;
- A final written warning;
- Redeployment;
- Dismissal

If action is taken short of dismissal, the harasser will be told about the standards of behaviour expected in future. It will also be explained that if the recipient is victimised in the future for bringing this complaint, or if the behaviour continues, there will be further disciplinary action.

If the outcome of the disciplinary interview is that no action is taken against the alleged harasser, this should be explained to the recipient. If no action is taken, the recipient cannot appeal against that decision. He/she can use Gateshead Primary SCITT's Grievance Procedure if they do not feel the process has been carried out effectively. In this instance they can invoke stage 2 of the Grievance Procedure.

The harasser has the right to appeal against any disciplinary action taken, as explained in Gateshead Primary SCITT's Disciplinary Procedure.

If disciplinary action has been taken against the harasser, his/her behaviour will be monitored by the nominated contact by monthly contact with the recipient and the harasser. This will continue for a period of time as decided at the disciplinary interview.

No disciplinary proceedings will be started against the recipient for bringing an unfounded claim of harassment, unless it is felt that the complaint has been made out of malice.

