

SCITT - Staff and trainee policy on issues of Harassment, Bullying and Victimisation

'Dignity at work Policy'

1. Purpose & Context

The purpose of this policy is to provide guidance on the behaviour and conduct expected to ensure a learning & working environment where everyone is treated with consideration, dignity and respect.

It also provides information regarding the process(es) to follow where the behaviour of someone is considered to be inappropriate or unacceptable. This policy is based on the wider Bishop Bewick Catholic Education Trust (BBCET) Dignity at work policy. Where incidents are deemed very serious, the SCITT will use the expertise of HR Dept of BBCET to deal with issues relating to staff and trainees.

2. Our commitment

We want to provide an environment where trainees & employees can develop as people who are motivated, productive and happy at work and we give an undertaking that we will treat all our employees with dignity and respect.

We will not tolerate bullying, harassment or discrimination in any form. We recognise that we have legal responsibilities to prevent harassment related to age, disability, caring responsibilities, pregnancy, marital status, race, colour, ethnic or national origin, sex, sexual orientation and gender identity.

3. What is dignity at work?

Dignity is about behaviour (the way we treat people) and about valuing and respecting people.

Not valuing and respecting people at work can result in:

- poor morale;
- a loss of respect;
- poor performance;
- lost productivity;
- absences; and,

- resignations.

4. Unacceptable Behaviour

We define unacceptable behaviour as any form of conduct or behaviour of a physical, verbal, or non- verbal kind which has some or all of the following elements:

- is unwanted, unsolicited, unreasonable, and personally offensive to the recipient(s)
[irrespective of the intentions]
- creates an intimidating, hostile or humiliating work environment for the recipient(s) affecting their dignity whilst at work
- fails to both respect the rights and recognise the impact that such behaviour may have on others.

The unacceptable behaviour can be face to face, take place indirectly through other people or by indirect means such as social media, telephone calls, text messages etc.

Bullying

Bullying may be characterised as:

- offensive, intimidating, malicious or insulting behaviour; or,
- an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment

Harassment is defined in the **Equality Act 2010** as 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.

It may be related to protected characteristics such as age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation or any other personal characteristic that is unwanted by the recipient.

It may also be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the person being harassed.

5. What we expect from every trainee/employee

We expect all trainees/employees to:

- treat colleagues fairly and equally;
- value differences in others and their contribution;
- treat all people politely, respectfully, and courteously whilst carrying out their duties;
- change their own behaviour at work if it causes or is likely to cause offence to others;
- challenge inappropriate behaviour in others constructively or report incidents to management even if they are not the recipient;
- support colleagues where possible; and
- carry out development as needed.

We also expect our Senior Leaders to:

- set a positive example by treating others with respect and setting standards of acceptable behaviour;
- protect the dignity of all our trainees/employees and other individuals;
- promote a working environment where harassment, bullying and abuse is unacceptable and not tolerated;
- tackle and, where possible, resolve incidents of harassment, bullying or abuse;
- treat each complaint seriously and sympathetically and with an open mind, and deal with it promptly and confidentially, giving the individual and the alleged perpetrator full support during the whole process.

6. If someone has complained about your behaviour

A colleague may tell you that your behaviour at work is not appropriate or is unacceptable. In these circumstances, we expect that you will:

- listen carefully to the person making the complaint and to the concerns they have.
- respect the person's point of view; and,

- if possible, discuss and agree actions to address the issues raised and try to implement them as soon as you can.

7. Dealing with Unacceptable behaviour

When we don't value and respect people our behaviour can be perceived as bullying and/or harassment. This can occur in any organisation; however, this policy reinforces that we will not accept any form of unacceptable/inappropriate behaviour and will take disciplinary action where appropriate.

Bullying and harassment is not always obvious to others and individuals may struggle with whether to speak out or report an incident; they may feel that the behaviour is normal in the organisation or may feel that speaking up will make them appear weak or that they will be accused of overreacting and worry that they will not be believed if they report incidents.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the "grey" areas that cause most problems.

Examples of unacceptable behaviour include:

- spreading malicious rumours, or insulting someone (particularly because of their gender, gender identity, gender reassignment, marriage or civil partnership, pregnancy or maternity, sexual orientation, religion or belief, race, age or disability).
- copying emails/communications that criticise someone to others who do not need to know.
- ridiculing or demeaning someone, for example picking on them or setting them up to fail.
- deliberately excluding someone or victimising them.
- treating someone unfairly.
- overbearing and an unreasonable level of supervision, or misusing power or position.
- unwelcome sexual advances, for example touching, standing too close, or displaying offensive materials.
- making threats or comments about job security without good reasons.
- deliberately undermining a worker by giving them more work than they can cope with and constantly criticising them; or,
- preventing progression by intentionally blocking promotion or training opportunities.

The unacceptable behaviour may not necessarily be face to face but could be via written communications, e-mail, social media sites and the internet, or by phone or text messages.

You should not send or say anything by e-mail or through other means of communication e.g. text messages that you would not say in person.

8. Finding a Resolution

Generally, it is usually best to try to resolve a situation involving inappropriate or unacceptable behaviour (including bullying and/or harassment) with the person concerned at an early stage. If you think you are being subject to inappropriate or unacceptable behaviour you can do the following:

9.1 Try and sort out the situation yourself

In some cases, you may find it helpful to try the following. Keep a written log of the incidents and include:

- the date;
- the place;
- the time;
- details of incidents; and
- names of any witnesses.

If you feel able, approach the person who is subjecting you to inappropriate or unacceptable behaviour, and ask them to stop the offending behaviour. Be polite, firm, and assertive and explain exactly what the behaviour is that you find inappropriate and briefly outline how you would like to be treated by them in the future. If you take this step try to ensure that you do not get into any difficult or confrontational situations. Make a note of the event, including the response you received.

You could make your request in writing instead. We advise you to keep a copy of this correspondence.

9.2 Seek informal help

- SCITT leadership/Headteacher/senior leader/Professional Tutor or Mentor
Can help you to work through your options including arranging an informal meeting with the individual and the senior person present to facilitate the meeting and see whether the issues you have with that person's behaviour can be resolved without invoking formal procedures.

- All School staff/trainees
The Education Support Partnership provide a free and confidential 24/7 telephone helpline for staff working in schools. (Telephone 08000 562 561 – this service is free from landlines, however, there may be a charge using mobile phones.) Webpage: <https://www.educationsupportpartnership.org.uk/>

- Other sources of help
If you are a member of a trade union or professional association you may wish to seek their advice and support.

9.3 Seek formal or informal mediation

Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person (usually one who has been trained as a mediator) helping two or more individuals or groups to reach a solution that is acceptable to everyone.

Mediation can be used at any stage in a dispute but is most effective before positions become entrenched.

The overriding aim of workplace mediation is to restore and maintain the working relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Mediation is generally sought from an external organisation to make sure that the parties have confidence in the mediator as a neutral person.

As there are financial implications in involving an external mediator you will need to contact and discuss this with the Head of ITT and get the SCITT's agreement in order to proceed.

In order for mediation to work both parties will need to agree to the mediation process. In circumstances where you feel the person concerned involved in the inappropriate behaviour is within the SCITT leadership then the issue of access to and use of external mediation should be raised with the Headteacher at Sacred Heart (SCITT Accountable Officer).

9.4 Formal complaint

You may want to make a formal complaint. Before making a formal complaint, you should consider trying to address the matter informally, as described above, however, this will depend on the seriousness of the situation.

If you make a formal complaint, an investigating officer will be appointed by the SCITT Director to investigate your grievance. The person who is the subject of the complaint will be informed of the nature of the grievance and the investigation process. If the complaint is found to be substantiated, then it may be referred to a disciplinary hearing to determine sanction(s). Please note that the outcome of the disciplinary hearing might not be shared with the complainant for reasons of confidentiality.

9. Confidentiality

All parties involved in a complaint must respect confidentiality and must not pass on information without the permission of the person making the complaint. However, the person making the complaint needs to understand that details of their complaint will have to be put to the person who it is alleged has acted inappropriately. In addition, it may be necessary to interview other people who may be witnesses to alleged incident(s).

It is important that investigations are dealt with as confidentially as possible for both the person making a complaint and the person accused and any other parties (e.g. witnesses) involved.

10. Investigation procedures

These are set out in the relevant BBCET Trust procedures - grievance and/or disciplinary – along with proposed timescales for the investigation that will be discussed and explained at the start of the relevant process. (NB Sacred Heart SCITT operates within the context of a wider Trust structure.)

The appointed investigator should be suitably trained and have adequate resources to be able to undertake the investigation on a timely basis.

11. Victimisation

Victimisation may happen after someone makes such a complaint; that is, the situation may become worse as a direct result of the complaint.

We will not accept victimisation arising from a complaint about inappropriate / unacceptable behaviour. We will treat it seriously and appropriately. An allegation of victimisation may be added to the original complaint or it may be a new complaint under this procedure. It may result in disciplinary action for misconduct.

12. Action

We will use the most effective methods to stop all inappropriate behaviour and prevent it from happening again.

In many cases the level of action necessary will be a highly focused discussion with the employee concerned. This is likely to involve:

- a description of the unacceptable behaviour;
- an explanation of the effects on the person being harassed;
- a statement of the standards needed;
- an agreement on the action needed to meet the standard; and,
- an agreement on monitoring the person's actions to meet the necessary standard.

Senior staff should be aware that failure to deal with a complaint about inappropriate behaviour, bullying or harassment may be misconduct in itself. They must always deal with the complaints confidentially.

Legitimate management action within agreed Trust/SCITT procedures to deal with staff whose ability or behaviour is in question will not be considered as harassment or bullying. However, senior staff whose conduct in these circumstances falls outside what can reasonably be treated as 'legitimate management action' may be regarded as having harassed or bullied the trainee/employee concerned.

13. Trainees & Employees

Depending on the seriousness of the offence, and under the disciplinary procedure, trainees or employees found to have harassed and bullied at work may:

- be given a disciplinary warning (as appropriate in accordance with the Trust's/SCITT's procedure);
- in serious cases which potentially could warrant dismissal*, but where there are certain special mitigating circumstances, the trainee concerned could be compulsorily transferred to another school location, if available; or
- be dismissed, including summary dismissal without notice on grounds of gross misconduct, if appropriate.

* In these cases, the SCITT could consider the compulsory transfer of a trainee who is found guilty of serious harassment or bullying to another school if it is considered unreasonable to allow that person to continue to work alongside the person they have harassed or bullied. This should be considered as an alternative to dismissal.

14. Malicious and / or Vexatious Complaints

Trainees or Employees found to make malicious, deliberately false or vexatious complaints may be subject to disciplinary action.