

# BULLYING & HARASSMENT

## SMS Changing Lives School



**Approved by:** Hecabe DuFraisie

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- 1) All members of staff and students are entitled to be treated with dignity and respect in their place of work. This means freedom from behaviour by colleague or students that can be interpreted as bullying or harassment or that causes offense, and access to redress if such behaviour does arise. It also means standards of everyday behaviour that contribute to a working environment in which mutual respect and individual dignity are maintained.
- 2) Personal harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 and will not be tolerated.
- 3) This policy will be reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness.

### A) BULLYING AND HARASSMENT

Behaviour can constitute bullying or harassment where: it violates the dignity of a member of staff on the grounds of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation (the protected characteristics); or where it creates an intimidating, hostile and degrading, humiliating or offensive environment. Individual or accumulative acts can seriously undermine the dignity, confidence, and work satisfaction to such an extent that it has an effect on job performance, and general happiness both inside and outside work.

Conduct becomes harassment if it persists and it has been made clear that it is regarded as offensive by the recipient or a witness to the conduct, although a single offensive act can amount to harassment if it is sufficiently serious.

## **B) SCOPE**

We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our Company, including any overseas sites.

## **C) DEFINITIONS**

### **Harassment**

This is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Unwanted conduct can include:

- a) spoken words
- b) banter
- c) written words
- d) posts or contact on social media
- e) imagery
- f) graffiti
- g) physical gestures
- h) facial expressions
- i) mimicry
- j) jokes or pranks
- k) acts affecting a person's surroundings
- l) aggression, and
- m) physical behaviour towards a person or their property.

### **Sexual harassment**

This is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- a) sexual comments or jokes
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails or text messages, and
- k) unwelcome touching, hugging, massaging or kissing.

### **Less favourable treatment for rejecting or submitting to unwanted conduct**

This occurs when:

- a) someone is subjected to unwanted conduct:
  - i) of a sexual nature
  - ii) related to sex, or
  - iii) related to gender reassignment
- b) the unwanted conduct has the purpose or effect of:

- i) violating their dignity, or
  - ii) creating an intimidating, hostile degrading, humiliating or offensive environment for them, and
- c) they are treated less favourably because they submitted to, or rejected the unwanted conduct.

#### **D) DETRIMENTAL BEHAVIOUR BECAUSE OF AN ASSOCIATION WITH A PROTECTED CHARACTERISTIC**

Bullying and harassment may not be based on the fact that a colleague or student belongs to a particular group, but simply because the individual has been singled out for such treatment or associates with someone of a protected characteristic. For example, this would include claiming someone is gay when they are not or making fun of someone who has a disabled relative. The bullying and harassment may take the following forms, though again this is not intended as an exhaustive list:

- Limiting or withdrawing verbal communication.
- Isolating a colleague or student by unfriendly behaviour.
- Behaviour designed to belittle or produce anxiety in a colleague or student.
- Unreasonable scrutiny of work.
- Unreasonable criticism of work, and adopting double standards in expectations of work performance.
- Unreasonable denial of leave and/or special leave requests.
- Unreasonable denial of requests for flexible working.
- Work or staff social activities that deliberately exclude a colleague or student.
- Jokes or inappropriate humour at the expense of a colleague or student.

#### **E) STANDARDS OF WORK BEHAVIOUR**

- Courtesy towards colleagues and students.
- Consideration and understanding of the work demands of colleague or students.
- Maintaining a temperate tone, and temperate language, in all verbal and written communication with colleague or students.
- Avoidance of the use of foul language.
- Awareness of language and conduct which have the potential to offend a colleague or student or student.
- Obtaining the express or implied permission of a colleague or student before adopting familiarity in conduct or language.

#### **F) CIRCUMSTANCES WHICH ARE COVERED**

- 1) This policy covers behaviour which occurs in the following situations:
  - a) a work situation
  - b) a situation occurring outside of the normal workplace or normal working hours which is related

to work, for example, a working lunch or social event with colleague or students;

- c) outside of a work situation but against a colleague or student or other person connected to the Company, including on social media;
- d) against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

## **G) WHAT TO DO IF YOU OR A COLLEAGUE OR STUDENT IS SUBJECT TO BULLYING OR HARASSMENT**

The company is committed to ensuring that there is no harassment or bullying in the workplace. Allegations of harassment will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of the grievance and disciplinary procedures, a copy of which is available from SLT

### **1) Informal complaint**

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be [Senior Manager] who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

### **2) Formal complaint**

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of [Senior Manager] as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions

of the grievance procedure.

#### **H) DISCIPLINARY ACTION**

- 1) If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
- 2) When deciding on the level of disciplinary sanction to be applied, we will take into consideration aggravating factors such as abuse of power over a more junior colleague or student.
- 3) If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

#### **I) THIRD PARTY HARASSMENT**

- 1) Third party harassment occurs when one of our workforce is subjected to harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our Student or family / carers, suppliers, members of the public. Third party harassment of our workforce will not be tolerated.

Should you be subjected to third party harassment, you are encouraged to report this as soon as possible to SLT.

Should a student or family / carer harass a member of our workforce, they will be warned that continued provision of our service to them will cease if they are to act in a similar way again. Should their behaviour recur, they will be informed that our service to them will cease. Any criminal acts will be reported to the police, and we will share information relating to the incident with our other branches to ensure that we maintain a consistent approach to the cessation of our services.