

For compliance with:

- Health & Safety at Work etc Act 1974
- The Management of Health & safety at Work Regulations 1999

This document applies to:

- Headteachers, Governors, School Managers who have responsibilities as set out in the Health & Safety Policy.
- Any school staff who have a level of responsibility for managing staff
- All school staff

Review History

This document will be reviewed every three years or following legislative changes

Date	Version	Summary of changes	Amended by:
January 08	1.0	Document created	JP/JM
2.12.10	2.0	Review of document – in line with corporate branding	KB
14.11.11	3.0	Review of entire document in line with corporate Dignity & Respect at Work Policy (in consultation with E&ICG subgroup)	KB/JM
20.11.13	4.0	Review of entire document in line with corporate Dignity at Work policy review (in consultation with E&ICG subgroup) & transfer to new template.	KB/JM
14.9.15	5.0	Review in line with corporate review of the Wellbeing Framework	KB/JM

Contents

1. INTRODUCTION.....	3
2. DEFINITIONS.....	4
3. RESPONSIBILITIES OF HEADTEACHERS, GOVERNORS & MANAGERS.....	6
4. RESPONSIBILITIES OF STAFF.....	7
5. WHERE TO GO FOR HELP.....	7
6. RESOLVING UNACCEPTABLE BEHAVIOUR.....	8
7. INCIDENTS INVOLVING HEADTEACHER OR GOVERNORS.....	14
8. INCIDENTS INVOLVING PUPILS OR PARENTS.....	15
9. CONFIDENTIAL COUNSELLING & OTHER SUPPORT.....	15
10. CONFIDENTIALITY.....	16
11. DATA PROTECTION.....	17
12. USEFUL LINKS TO OTHER POLICIES	17
13. USEFUL CONTACTS/ FURTHER INFORMATION.....	17
APPENDIX 1. EXAMPLES OF ACCEPTABLE BEHAVIOUR THAT PROMOTE DIGNITY & RESPECT.....	19
APPENDIX 2. TYPES OF BEHAVIOUR THAT MIGHT CONSTITUTE BULLYING/HARRASSMENT.....	21
APPENDIX 3. WORKPLACE MEDIATION.....	28
APPENDIX 4. HOW TO RESOLVE CONCERNS ABOUT INAPPROPRIATE BEHAVIOUR.....	31

This document has been prepared for Brighton & Hove City Council using a suite of policy documents, which require local interpretation and adaptation to individual schools circumstances.

School Dignity & Respect at Work Policy

1. Introduction

Brighton & Hove City Council is committed to ensuring the health, safety and welfare of all its employees. As part of this, the council and schools are committed to eliminating intimidation in any form. To carry out their role to the best of their ability employees need a safe, healthy and fulfilling working environment in which everyone feels valued and is treated with consideration, fairness, dignity and respect.

The fundamental principle underpinning this policy is that any act of discrimination, harassment or bullying will not be tolerated and action will be taken where it is seen to exist. This action will be supported by disciplinary measures where appropriate.

There are strong moral, ethical and business reasons for having a policy which encourages positive behaviour and aims to minimise the incidence of bullying and harassment in the workplace. To help employees understand what the school/ council considers to be respectful behaviour please refer to Appendix 1 Examples of Positive Behaviour.

Bullying and harassment if undetected or allowed to go unchecked can have a devastating effect on the individuals concerned. Failure to prevent bullying or harassment in the workplace may also expose the council to a number of legal consequences including breaches of health and safety legislation and claims of unlawful discrimination, unfair dismissal and constructive dismissal. Cases which go to an Employment Tribunal are often time consuming, can be costly and bring widespread bad publicity.

1.1. Aim

Governing bodies and Headteachers will be committed to ensuring that **all** employees:

- have the right to work in an environment where the dignity of all individuals is respected and is free from discrimination, harassment and bullying
- all employees will be treated fairly, consistently and with consideration

- employees must feel supported and equipped to be confident in challenging inappropriate behaviours
- have mechanisms for dealing with incidents when they occur as speedily as possible so as to “nip them in the bud” before matters are allowed to fester and grow.

1.2. Scope of this policy

This policy applies to all members of the school workforce and includes volunteers, apprentices, work experience placements, governors and all authorised visitors to schools sites.

Headteachers, governors and managers will need to consider the limitations of this policy and where appropriate may refer an incident to the police for investigation if it is believed a criminal offence may have been committed. Individual members of staff may also need to approach the police directly.

In a school setting, headteachers will ensure procedures are in place for staff to report pupil behaviour where there have been incidents of intimidation, bullying or harassment against a member of the school workforce. Headteachers will ensure these incidents are monitored and that the complainant is supported and kept updated on the progress of any investigations or proceedings.

2. Definitions

2.1 **Bullying** is defined as:

“offensive, abusive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, provoke, frighten, intimidate, denigrate or bring discomfort to the recipient.” (ACAS)

2.2 Harassment is defined as:

“unwanted physical, verbal or non-verbal conduct that violates the dignity of people in the workplace or creates an intimidating, hostile, degrading, humiliating or offensive environment.” (ACAS)

The perception that some forms of behaviour are harmless fun or compliments is not acceptable when they are unwelcome, offensive or not returned.

Key to understanding whether either bullying or harassment has occurred is not whether the conduct was intended on the part of the perpetrator, but whether it was unwanted on the part of the recipient.

The school/ council will not tolerate bullying or harassment at work or outside work if it has an impact on working relationships and any such behaviour may result in disciplinary action which could lead to dismissal.

Examples of the types of behaviour which may constitute bullying and harassment are set out in Appendix 2. This is not an exhaustive list of all behaviour that may be offensive or unacceptable.

2.3 Performance Management

Line managers are responsible for ensuring that employees who report to them perform to an acceptable standard. Therefore the legitimate, justifiable and appropriate actions taken by a manager in accordance with school/council policies and procedures to improve an individual's behaviour, attendance, work performance etc. does not constitute bullying or harassment. However, it is acknowledged that some staff may feel anxious or stressed while the procedures are going on.

3. Responsibilities of Headteachers, Governors and Managers

The school / council has a legal duty to create and maintain a safe and healthy working environment for its employees and to protect them from bullying and harassment.

Headteachers, Governors and Managers must be the role model for the behaviours they expect in others. They must do all they can to ensure that all staff are treated fairly and are given the support and respect they need to perform their roles.

Every Headteacher, Governor and Manager has an obligation to prevent harassment, bullying and relationship problems and to take immediate effective action when they are aware of a situation, whether or not a complaint has been made.

Headteachers, Governors and Managers must ensure that everyone is aware that harassment and bullying are unacceptable and that they are made aware of the policy and the support that is available.

Headteachers, Governors and Managers must ensure:

- allegations received either informally or formally are dealt with promptly and sensitively
- employees are aware of this policy and that it is covered through induction, performance management and/or other staff meetings
- that staff who may feel they are being harassed and bullied are supported
- that there is no retaliation or victimisation against employees making a complaint or those supporting colleagues to make a complaint
- the wellbeing of staff is monitored to determine the level and severity of allegations and whether there are any patterns.

4. Responsibilities of Staff

Everyone has a responsibility to behave in a way that is not offensive to others and to acknowledge that views held by others and decisions made by senior staff (Headteachers, Governors or Managers) may not necessarily coincide with their own views. Where a member of staff disagrees with a management decision or action, their disagreement or challenge to the manager should still be expressed in a respectful and professional manner.

All employees have a responsibility to report any incident of harassment or bullying occurring to themselves or others and are encouraged to support those experiencing such harassment and bullying. All staff are encouraged to challenge behaviours which they find offensive.

5. Where to go for help if you think you might be being bullied or harassed

Bullying and harassment are often not clear-cut and sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you, you should talk over your worries with someone you feel comfortable to discuss the matter with. This could be your colleague(s), a close friend at work, your line manager (or senior manager if your concerns involve your line manager), trade union representative, or Human Resources. This may help you identify the nature of the issue, the options available to you and the steps you may wish to take if the situation does not improve. See Section 7 for incidents involving governors or head teachers.

Following the discussions you may decide:

- to monitor the situation including keeping notes of dates, times of any further 'inappropriate' behaviour with a view to seeking further advice within an agreed timescale
- to self refer to the counselling service for appropriate personal and/or health support

- to acknowledge that the issue is not one of bullying or harassment but look at ways to raise your concerns about the way you feel you are being treated
- that the issue may be one of bullying or harassment.

6. Resolving Unacceptable Behaviour

If you think you have experienced inappropriate behaviour that breaches this policy you don't have to tolerate it. Indeed if you try to ignore or endure the situation, then there is a risk that matters will get worse and as a result it will become more difficult to resolve the problems.

There is an expectation that, except in exceptional circumstances, you will attempt to resolve your concerns informally at a local level in the first instance, before resorting to making a formal complaint.

A flow chart showing how you can seek to resolve any concerns you may have is set out at Appendix 4.

6.1. Informal Action – Self Help

If you feel comfortable enough, seek to resolve the matter through speaking to the alleged perpetrator. The aim here is to stop the behaviour that is causing the problem and agree more acceptable ways of behaving. An approach at this early stage can be very successful in resolving the problem quickly, particularly if the behaviour is unintentional or the individual is unaware that their behaviour is causing offence and distress.

So if you feel able to:

- invite the individual whose behaviour is inappropriate to an appropriate and private place to talk
- make it clear that the discussion is to be treated in strict confidence on both sides
- describe the behaviour and explain, calmly and politely, why the behaviour offends you, how it makes you feel and that you would like it to stop

- seek an agreement from the individual that the behaviour will stop.

If you feel unable to make this approach on your own you could ask someone to accompany you or to make the approach on your behalf. This could be a trusted friend or colleague, a trade union representative, a member of the Human Resources Team, your line manager or another manager.

It is advisable that all parties to any discussion should immediately prepare and keep a detailed note of the nature of the behaviour, the details of the discussion and how it was agreed to resolve the situation.

Although the best way to raise awareness and understanding in any difficult relationship is to talk directly with one another, it is recognised that you may not feel able to do this. If this is the case, you may wish to write a letter to the person concerned setting out:

- your perception of the behaviour and how it made you feel
- when and where it occurred
- why you objected to it
- that you want it to stop and
- how you expect to be treated in future.

If you decide to adopt this approach, you are encouraged to follow your letter up with an informal meeting wherever possible. You may want to ask someone to accompany and support you in that meeting.

6.2. Mediation

If the situation is not able to be resolved informally at a local level, then normally you and the other person involved will be offered mediation provided by an approved, trained, impartial mediator unless it is believed that this approach would be inappropriate or it would not be

helpful in resolving the situation. See Appendix 3 for an explanation of the mediation process.

If mediation is successful in dealing with the issues, the situation should be monitored by the manager (or the line manager's manager if the complaint is against the line manager) to ensure there is no recurrence of the problem and that the complainant does not suffer victimisation for having raised concerns.

6.3. Formal Action

It may be necessary to initiate a formal complaint to be investigated if:

- the unwanted behaviour continues after mediation has taken place or
- the school/council considers that the informal approach, including using mediation, is inappropriate because of the seriousness/ exceptional nature of the alleged behaviour.

6.4. Reporting the Matter Formally

The school/ council acknowledges that it may be difficult for you to raise a formal complaint and that this is likely to be a very stressful time for you. However, please be reassured that your complaint will be taken seriously and you will be given appropriate support throughout the process.

You may raise the matter formally in writing, either in person or through a third party with any of the following:

- your line manager
- another appropriate manager/ the headteacher
- human resources or
- your trade union representative.

N.B. Where the complaint is against the headteacher or a school governor please refer to section 7 below.

So that the issue can be dealt with promptly and efficiently you are asked to provide some of the following information:

- the name(s) of those you are raising the complaint about
- the dates, times of the incident(s) of inappropriate behaviour (where known)
- the specific nature of the alleged harassment/bullying
- a factual description of event
- how each incident made you feel
- the name(s) of any witnesses to any of the alleged incident(s)
- details of any action that you, or others, have taken to try to stop the behaviour.

It is your personal responsibility to raise the formal complaint and not the person who you may have turned to for help and support. However, in cases where the person supporting you considers that there may have been a breach of the law, they will tell you that this is their view and in view of the seriousness of the matter they have a responsibility to report the complaint even though you may decide you do not wish to.

The formal complaint should be made as soon as possible after the issue(s) that have given rise to the complaint have occurred.

Allegations of bullying or harassment will be treated as alleged misconduct and will be investigated under the council's Disciplinary Procedure.

You may need to be aware that if you raise a complaint, the alleged perpetrator will be informed about it. This may be difficult for you but a complaint cannot be fully investigated without this happening.

6.5. Acknowledgement of the Complaint

Anyone receiving a complaint of bullying or harassment must notify the Headteacher or a Governor immediately. Human Resources should be contacted if support is required, or if formal procedures are being considered.

6.6. Investigation

Headteachers are responsible for ensuring an investigation is carried out under the School's Disciplinary Procedure – this can either be carried out by the Headteacher or be nominated to a senior member of staff. The investigator should contact Human Resources if they require support.

To minimise the stress and anxiety on all those concerned, investigations will be conducted as quickly as possible taking in to account the seriousness and complexity of the case. The investigation should be **completed as soon as possible** after the complaint being received by the Headteacher.

It may be necessary during the course of the investigation for the parties of the complaint to refrain from working together. This may involve suspending and/or implementing other working arrangements to protect all concerned.

Decisions on the appropriate course of action to take will be made by the investigator having regard to the circumstances of the case. Any decision to suspend or make alternative arrangements will be without prejudice to the investigation or any further formal action that may be taken as a result of the complaint. Neither party will suffer a loss of pay or detriment to other terms and conditions as a result.

Everyone involved including the complainant, the alleged perpetrator and any witnesses will be entitled to the same degree of support and fair, impartial and respectful treatment during the course of the investigation.

Throughout the process the complainant, alleged perpetrator or witnesses will have the right to be accompanied by a trade union representative. Where they are not in a trade union they may be accompanied by a work colleague.

The matter will be dealt with in complete confidence. Arrangements must be made to keep the complainant informed throughout the process on what is happening and the likely timescales involved.

6.7. Outcome of the Investigation

Where, upon completion of the investigation, the investigating manager considers that there is a case to answer, a formal disciplinary hearing will be convened under the School's Disciplinary Procedure.

Where the investigating manager considers there is no case for a formal disciplinary hearing it may be appropriate to consider other action which could include mediation, training or setting standards of future behaviour.

Where the investigating manager decides that the allegations in the complaint are malicious, the complainant may be subject to action under the School's Disciplinary Procedure.

6.8. Follow up action

In order to ensure staff have confidence in these procedures for dealing with bullying and harassment issues, consideration should be given, subject to the constraints of confidentiality, to informing those with whom the individual works of the outcome of the complaint.

In addition, the appropriate line manager (provided they were not personally involved in the allegations) must make sure that the situation in the workplace has been resolved. This is particularly important in cases where the alleged perpetrator remains in employment.

This means keeping in regular contact with the individuals involved to see how they are coping and making sure that there has been no victimisation against the complainant/ witnesses. Victimisation against a complainant or witnesses will result in formal disciplinary action.

The headteacher may also wish to discuss with HR whether a team building programme, further mediation or another action might be helpful in facilitating a return to amicable and effective working relationships between those involved.

If the matter is still causing concern, then the headteacher should discuss the situation further with HR on how best to resolve the issues. Consideration could be given to:

- further mediation
- moving one of the parties to a different location or redeploying them to another job – this would normally be the perpetrator but in some instance it may be necessary to move the complainant. Wherever practicable the complainant should be given first choice
- training or counselling for either or both parties or
- in some instances, further formal action.

7. Incidents involving Headteachers or Governors

Incidents or complaints affecting the Headteacher must be dealt with by the Governing Body. It would normally be the Chair of Governors who takes the role assigned to the role of Headteacher in the above procedure but advice and support is available from Human Resources.

Where a complaint of bullying or harassment is raised against a Governor, the Headteacher should, in the first instance, discuss this with the School Workforce and Governor Support Team to determine a way forward.

8. Incidents involving pupils or parents

Where a pupil or parent makes a complaint of bullying or harassment against an employee, the employee's line manager/ headteacher should make enquires in the first instance in line with the School's Complaints Procedure and if appropriate the School's Child Protection/Safeguarding procedures. As a result of enquires made, the headteacher may decide what action will be taken under the School's Disciplinary Procedure.

An employee who experiences bullying or harassment by a member of the public, contractor or supplier should notify their line manager immediately and record the incident on an [HS3 Violent Incident Reporting Form](#).

9. Confidential counselling and other support

Employers need to provide staff with appropriate support to help ensure their mental and emotional wellbeing. Employees must know what support is available and when/ how they can access it.

Schools can buy into the Council's counselling, information and advice service through the Occupational Health Service available through the LA's [Services to Schools](#) buy-back scheme. This service is designed to provide help and support to any employee who is experiencing problems at home or at work which is affecting their work performance. It includes a freephone confidential counselling, information and advice phone service available 24 hours a day/365 days of the year. Employees can call: 0800 174319 to speak with a qualified counsellor or an information specialist.

The employee and the counsellor will agree what support is needed which may include up to five face to face counselling sessions.

For schools that have bought into the service, there is also online support for counselling and a wide range of advice booklets on the website: www.carefirst-lifestyle.co.uk. The

username and password are available through the [Occupational Health pages](#) on Wave4Schools.

If schools choose not to access the councils' counselling service through Services to Schools, an equivalent or better service will need to be made available to staff.

Employees who are experiencing bullying or harassment from partners or ex-partners can find additional sources of support (local and national) in the council's [Domestic Violence Toolkit](#).

The school will have a Social Media Policy (based on the LA [Model Social Media Policy for Schools](#)) to provide staff with advice and guidance in relation to the appropriate use of social media. Employees who are experiencing 'cyberbullying' should report it to their line manager. Cyberbullying may involve harassing, threatening, embarrassing, or humiliating a person online/ by phone. The following websites provide advice and guidance on dealing with cyberbullying:

www.bullying.co.uk - An anti-bullying charity which provides reliable information through their website and by email on a variety of bullying issues including cyberbullying.

www.knowthenet.org.uk – 'Knowthenet' is a website provided by Nominet (a not-for-profit internet registry that manages '.uk',) to help signpost internet users to relevant and useful information on safe use of the internet.

A description of common cyberbullying techniques are described in Appendix 2.

10. Confidentiality

It is absolutely essential that anyone involved in making or dealing with a complaint respects its strictly confidential nature. All complaints will be handled and investigated in a confidential manner and information about the allegation(s) will only be released to those people directly involved in the matter. This includes the person about whom the complaint has been made.

Any breaches of confidentiality by any party involved will be dealt with under the school's Disciplinary Procedure.

11. Data Protection

The Data Protection Act 1998 sets out certain requirement for the protection of personal information against unauthorised disclosure. The Council/ School fully complies with this Act and any personal information provided will be used solely for the reasons stated it this policy and will be kept in accordance with the requirements of the Act.

12. Links to other policies

Code of Conduct for Employees	National Teacher Standards
Disciplinary Procedure	Social Media Policy for Schools
Domestic Violence Policy	Stress Management Policy
Grievance Procedure	Violence at Work Policy

13. Useful Contacts / Further Information

Team	Contact Number	Further Advice
Human Resources	Call your HR Contact	Flexible working, dignity at work, employment contracts & occupational health (including counselling services)
Health & Safety Team	291530	Accident / incident reporting and investigation, risk assessment, health & safety training

Team	Contact Number	Further Advice
Staff Associations: <ul style="list-style-type: none">• NASUWT (Nick Trier)• NUT (Paul Shellard)• NAHT (Adrian Carver)• UNISON (Denise Knutson)• GMB (Joanna Viner)• ASCL (no local rep but national advice hotline is 0116 299 1122)• Voice the Union (Andy Garwood)		Nick.Trier@exec.nasuwat.org.uk nutpaul@gmail.com adrian.carver@downsview.brighton-hove.sch.uk Denise.Knutson@brighton-hove.gov.uk Joanne.Viner@brighton-hove.gov.uk hotline@ascl.org.uk andygarwood@voicetheunion.org.uk

Examples of acceptable behaviour that promote dignity & respect at work

Everyone has a duty to see that dignity and respect are promoted in their dealings with **all** their colleagues, irrespective of whether those colleagues are managers, peers or staff they manage.

The value that is most clearly linked to the promotion of dignity is “respect”. This means staff should display the following behaviours when dealing with one another. The list is not exhaustive.

- recognise everyone is different and value a mix of ideas, skills and experience
- listen carefully to understand each other's views and needs
- treat everyone with importance to ensure equality
- communicate decisions clearly and check people have understood
- use ordinary everyday courtesy and politeness, including using the names that people prefer
- treat people as they would like to be treated
- act with sincerity, integrity, honesty, fairness, impartiality and diligence
- work positively on a collaborative and co-operative basis with others
- give honest feedback based on evidence
- be open to constructive criticism
- do your job to the best of your ability
- do what is reasonably asked of you even if you disagree
- give people encouragement, help and support when they need and want it
- trust and be open with your colleagues
- respect the diversity of cultures, backgrounds, lifestyles and beliefs that people bring to the workplace

- listen to, respect and value the diverse ideas, contributions and opinions of colleagues
- be sensitive to the needs of others
- respect the privacy, confidentiality and personal space of others
- be aware of the effect your behaviour has on others and only make reasonable and manageable demands
- appreciate and praise good work
- actively seek to build productive working relationships and partnerships with people across and outside the council
- challenge inappropriate or unacceptable behaviour in an appropriate manner
- aim to deliver a first class service to customers both internal and external

Examples of the types of behaviour which may constitute bullying and harassment

BULLYING

Bullying is regarded as a form of harassment and the overlap between the two is significant. They are both an abuse of power, both can have a devastating effect on the recipient and both are completely unacceptable in the workplace.

Bullying is about intimidation – both in public and in private – that undermines competence, effectiveness, confidence and integrity of the individual or group of individuals, gradually wearing them down and possibly making them feel inadequate in their domestic life as well as at work.

Whilst bullying is most commonly associated with an abuse of power, it can occur at any level within the organisation both up and down the management line as well as across the management structure.

The following list is not intended to be exhaustive but it provides some examples of bullying behaviour which the council considers to be unacceptable:

(a) Undermining an individual's professional ability for example:

- spreading malicious rumours/making malicious allegations to undermine the victim's reputation
- persistent negative and inaccurate attacks on a colleague's personal or professional performance
- inaccurate accusations about quality of work
- persistent and undue criticism

- removing responsibilities and stealing credit for work
- setting an employee up to fail and then repeatedly reminding them of blunders
- public humiliation including being shouted at in front of other staff
- devaluing with reference to age, gender, gender re-assignment, race, disability, religion or belief or sexual orientation
- hurtful verbal comments and name-calling
- teasing which makes employee feel uncomfortable/insulted
- aggressive behaviour e.g. direct verbal or physical threat
- insulting, unco-operative attitude or insensitive jokes or pranks
- unreasonable refusal of requests e.g. leave, training etc.

(b) Creating extra work or disrupting an employee's ability to work including:

- unreasonable over-scrutiny of work
- persistently setting objectives with impossible deadlines or unachievable tasks
- over-monitoring a colleague's performance
- undervaluing a colleague's contribution
- withholding information from an employee so he or she is less able to do the job

(c) Isolating staff including:

- being treated as non-existent
- preventing access to opportunities such as training
- being physically isolated from other staff
- excluding colleagues by talking solely to third parties to isolate another.

HARASSMENT

Harassment can be carried out by individuals or groups and can equally be directed at individuals or groups, whether colleagues or subordinates, managers or supervisors. It can refer to an isolated incident or repeated actions.

The unwanted conduct is based on distinguishable 'grounds' such as race, gender, gender reassignment, sexual orientation, age, nationality, ethnic origin, disability, religious/ political beliefs , social background, physical appearance, trade union membership, HIV/AIDS status etc.

Harassment may be deliberate and conscious, but it can also be unintentional. It is possible that someone may not be aware that their behaviour is offensive to others. The essential characteristic of harassment is that it is unwanted, unreasonable and offensive to the recipient and not reciprocated. Broadly speaking it is the recipient's perception that determines what harassing behaviour is to them. It is the effect of the behaviour and not the motives of the perpetrator that is the determining factor. Intention is irrelevant.

Harassment can take the form of:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, songs, letters, based on an assumption or knowledge of a person's sexuality, gender identity or race, religious, political conviction etc
- visual display of posters, graffiti, inappropriate text or email communications (e.g. "cyber bullying")
- obscene gestures
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious and social groups
- exclusion or isolation (e.g. from normal workplace conversation).

Specific examples of sexual harassment include:

- unwanted non-accidental physical contact ranging from unnecessary touching, patting, pinching or brushing against a colleague's body, to assault and coercing sexual relations
- unwelcome sexual advances, propositions or pressure for sexual activity

- continued suggestions for social activity, within or outside the workplace, after it has been made clear that such suggestions are unwelcome
- offensive flirting
- suggestions that sexual favours may further a colleague's career or refusal may hinder it e.g. promotions, salary increases etc
- the display of pornographic or sexually suggestive pictures, objects or written materials e.g. pin-ups, calendars
- leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments
- conduct that belittles or ridicules or is intimidating or physically abusive because of the employee's gender, such as derogatory or degrading abuse or insults which are gender-related and offensive comments about appearance or dress. This may include inappropriate forms of address e.g. 'Love', 'My Dear'
- speculation about an individual's private life and sexual activities.

NB This list is not exhaustive

Specific examples of harassment on the grounds of gender identity or expression include:

- conduct that belittles or ridicules or is intimidating or physically abusive because of an employee's gender identity or expression such as derogatory or degrading abuse or insult
- derogatory remarks, name-calling, teasing, jokes, innuendo or gossip aimed at transgender employees, or those who identify with a particular gender or who have undergone, are undergoing, or intend to undergo gender reassignment
- use of transphobic language
- unwelcome discussion of an individual's gender identity or expression
- publicising, or threatening to publicise, any details in relation to transsexual, transgender or gender diverse individuals without their permission
- the display or sending of offensive letters or publications

- shunning individuals because of their gender identity or expression
- offensive actions and physical attack

NB This list is not exhaustive

Specific examples of racial harassment include:

- insensitive jokes or pranks related to race
- use of threats, abuse, insults, taunts and gibes relating to race
- shunning people because of their race, nationality or ethnic background
- deliberate exclusion from conversations
- making racist insinuations
- being condescending or deprecating about the way ethnic minorities dress or speak
- derogatory remarks, graffiti, jokes
- the display or sending of offensive letters or publications
- use of derogatory nicknames or name-calling
- substituting responsible tasks with menial or trivial ones

NB This list is not exhaustive

Specific examples of harassment based on an individual's actual or perceived sexual orientation:

- homophobic or biphobic comments or jokes
- the asking of intimate questions about someone's personal or sexual life
- assumptions that everyone is heterosexual
- assumptions that gay men are HIV positive
- excluding people because of sexual orientation or perceived sexual orientation
- gossip and speculation about someone's perceived sexual orientation
- homophobic or biphobic graffiti or the displaying or circulating of anti-gay or anti-lesbian material

- offensive actions and physical attack
- making assumptions that any illness experienced by gay men is HIV related

NB This list is not exhaustive

Specific examples of harassment of disabled people:

- uninvited touching
- exclusion from social events
- speaking to others rather than to the disabled person directly
- asking intimate questions about a person's impairment
- making assumptions about disabled people e.g. that they don't have a social, sexual or private life
- physical abuse or intimidation
- questioning a disabled person's work capacity and/or ability by making inappropriate demands or requirements e.g. over zealous scrutiny of sickness records
- making assumptions or speculating about someone's impairment
- mimicking the effect of a disability or speech impairment
- ostracising, ignoring and staring
- making fun of a disability
- use of inappropriate terms (e.g. cripple, spastic)
- inappropriate personal questions/comments about a disability
- belittling or patronising comments or nicknames
- removing/displacing aids such as a walking stick or wheelchair without the person's agreement or consent

NB This list is not exhaustive

CYBERBULLING, CYBERHARASSMENT & CYBERSTALKING

Cyberbullying takes place over [cyberspace](#) and includes both Internet and mobile phone communication. Cyberbullying may involve harassing, threatening, embarrassing, or humiliating a person online/ by phone. 'Cyberbullying' may also be described as cyber-harassment or cyberstalking.

Cyberbullying can take many forms. The following are just a few examples:

- Making fun of another user in an Internet chat room.
- Harassing a user over an [instant messaging](#) session.
- Posting derogatory messages on a user's [Facebook](#) or [MySpace](#) page.
- Circulating false rumours about someone on [social networking](#) websites.
- Publishing lewd comments about another person on a personal [blog](#).
- Posting unflattering pictures of another user on the Web.
- [Spamming](#) another user with unwanted e-mail messages.
- Sending threatening or provocative e-mails.
- Repeatedly calling another person's mobile phone.
- Sending unsolicited text messages to another user.

Cyberbullying may seem humorous to some people, but those who are bullied online often feel hurt, rejected and/or threatened. Cyberbullying should not be tolerated and should be reported to your line manager. Staff should refer to their school's Social Media Policy for advice and guidance.

Appendix 3

Workplace Mediation

What is workplace mediation?

Workplace mediation is a confidential and informal way to resolve disagreements or disputes between people who work together. The process is assisted by a trained mediator who acts as a facilitator. The process works by encouraging the parties to speak to each other and reach a mutually acceptable agreement that will sort out their problems. It gives the parties a chance to talk about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. The dispute could be between two or more people.

Mediation is:

Voluntary – It cannot work unless all parties agree to mediation. It is therefore essential that the parties are not put under pressure to attend mediation or feel that it will count against them if they decide not to participate.

A means for reaching agreement – The parties will be asked to identify their issues and concerns and from this an agenda will be set to help them jointly work towards an acceptable agreement. The mediator will encourage open communication and will help the parties to generate options and ideas that will improve the situation. The aim of mediation is to achieve a win/win outcome with the parties taking responsibility for making changes and agreeing a more positive way of working for the future.

Confidential – The process is carried out on the basis of agreed confidentiality between the parties and the mediator. The exception to this would be if a party raised issues of harm to self or other issues of serious misconduct. The content of mediation is not fed back to Human Resources or managers, nor is it recorded on an employee's personal file.

However, the parties may find it helpful to share some or all details of their agreement with people outside of the process.

Quick – The aim of mediation is to resolve issues at the earliest opportunity. Mediation will be arranged as soon as practicable and the process can usually be completed in one or two days.

What types of disputes can be resolved through Workplace Mediation?

Mediation can be an effective method of resolving all types of workplace disputes. These could include:

- Communication issues
- Personality clashes
- Unresolved or ongoing grievance issues
- Perceived discrimination, harassment or bullying
- Difference of working style or approach
- Inappropriate use of power, status or position

What is the mediator's role?

The mediator's role is to act as an independent and impartial facilitator. They will not take sides or judge what is right or wrong. They will coordinate the process by making sure that each party has an equal voice, is heard and is able to respond. They will obtain an agreement of willingness to undergo the mediation from each party before the process begins and will also establish the ground rules and ensure that all parties comply with these.

The mediator will encourage the parties to discuss their issues of concern and help them look for realistic solutions. Where appropriate, the mediator will assist the parties to draw up a mutually acceptable agreement that can be signed by all parties.

The parties can talk to the mediator openly because he or she will not pass on anything said without the agreement of the person who said it.

How is a mediator appointed

School's that purchase the Schools' HR & Payroll Service through *Services to Schools* buy back scheme can contact HR who can help the school commission a suitable and qualified mediator to help resolve workplace issues. This may be an external mediator independent from the Council or an appropriately trained employee of the Council who is a qualified mediator. In all cases mediation is a chargeable service and schools will be provided with details of costs and must confirm their agreement to this before the mediation is carried out.

Alternatively, the school can make arrangements to appoint a mediator themselves, however it is important to ensure that the mediator is appropriately qualified to undertake mediation and is seen to be independent of the school.

How to resolve concerns about inappropriate behaviour Appendix 4

You feel you have been the subject of inappropriate behaviour such as bullying or harassment

Discuss your worries with someone you feel comfortable with:

- a colleague
- a close friend at work
- your line manager (or senior manager if your concerns involve your line manager)
- your trade union representative
- Human Resources

Following these discussions, do you think the issue is one of bullying or harassment?

Yes. You have three options.

No

Self Help:

If you feel comfortable enough, talk to the alleged perpetrator (or ask someone to accompany you or to make the approach on your behalf).

This approach can be very successful where the behaviour is unintentional or the individual is unaware that

Bullying/harassment stops.

Yes

No.

No further action.

Ask for mediation/raise a formal complaint

Mediation:

If the situation cannot be, or is not, resolved through Self-Help, then you and the alleged perpetrator may be offered mediation.

Is the mediation successful?

Yes

No

Situation will be monitored by line manager (or line manager's manager where the complaint is against the line manager) to ensure no recurrence or victimisation against you.

Formal complaint:

You may raise a formal complaint.

This should be made, in writing, or orally either in person or through a third party with any of the following:

- your line manager
- another appropriate manager (where the complaint is against your line manager)
- HR
- your trade union representative

You will be asked to participate in mediation before progressing with your complaint (unless mediation has already taken place or it is inappropriate given the seriousness of the alleged behaviour).

An investigation will be carried out under the School's Disciplinary Procedure. You will be notified, in writing, of the outcome of the investigation.

Look at ways to raise your concerns about the way you feel you are being treated e.g.

- seek help from your trade union representative
- HR
- your line manager or a senior manager if the issue involves your line manager.