



## **Kenmore Park Junior School.**

### Anti-harassment and Anti-sexual Harassment Policy.

Dignity at work.

Feb 2021 v2.

## **Statement of commitment**

Kenmore Park Junior School fully supports the right of all people to be treated with dignity and respect at work. We are committed to promoting a working environment free from all forms of harassment, discrimination and bullying. We agree that appropriate steps should be taken to achieve this.

KPJS values the contribution all its employees make to the provision of quality services. We recognise that such a contribution is most effective in conditions which are free from unnecessary anxiety, stress and fear and where employees are able to work in an atmosphere which values them as individuals. We have therefore resolved to create a working environment that supports the dignity of all employees and is free from any form of bullying or harassment.

Kenmore Park Junior School believes that any form of harassment, bullying, victimisation, or intimidation is unacceptable behaviour, undermines the dignity of an individual, is morally wrong and has a detrimental effect on the provision and delivery of services. For this reason, it will not be tolerated.

All employees will be made aware of Kenmore Park policy forbidding the bullying or harassment of any employee by another employee and will be expected to comply with this policy. Harassment and bullying will be treated as disciplinary offences and appropriate disciplinary action, including warnings, and dismissal for serious offences, may be taken against any employee who violates this policy.

We also recognise that we have a responsibility to protect employees from bullying or harassment at work by members of the public and contractors. All staff have the right to be treated with respect by the public they provide services to or work with.

All employees have a clear role to play in helping to create a work environment in which bullying or harassing behaviour is unacceptable. In particular, employees should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaints procedure.

Managers and supervisors have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace.

This policy applies to all employees on and off the premises, including those working away from their main office or normal place of work.

This policy is supported by and developed with the trade unions representing the employees.

It will be communicated to employees using a variety of methods including information and publicity, team briefings, staff meetings and in-house policies.

The policy is informed by the more detailed and expansive document produced by the **Equality and Human Rights Commission**:  
<https://www.equalityhumanrights.com/en/publication-download/preventing-sexual-harassment-work-guide-employers>

This document outlines the legal duties placed on organisations who are required to act within Equality legislation.

## What is workplace harassment and bullying at work?

**Harassment**, in general terms, is unwanted conduct which has the purpose or effect of violating the dignity of the employee, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee, provided that it could reasonably be considered to have that effect.

What is important is not necessarily the action, but how the recipient feels about what has been done.

It may be related to age, disability, gender reassignment, race, maternity, pregnancy, marital or civil partnership status, religion or belief, sex, sexual orientation or any personal characteristic of the individual, and may be persistent or an isolated incident.

**Bullying** is persistent offensive, intimidating, humiliating behaviour, which attempts to undermine an individual or group of employees.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be subtle and more difficult to recognise. It can happen anywhere in the workplace such as the canteen, toilets, staff room or office. It can also occur away from the workplace such as at a client's home or office, at conferences, training courses, staff parties. It may be face to face or in written communications, email, phone, social media etc. Whatever form it takes, it is unwarranted and unwelcome to the individual. It may take place in private or in public.

The list below shows some examples of common forms of harassment and bullying but is by no means exhaustive.

### Examples of bullying behaviour and harassment include:

- repeatedly shouting or swearing at staff in public or private
- spreading malicious rumours or prejudiced myths
- insulting someone or using derogatory or abusive language, nicknames or banter
- asking intrusive questions, making unwanted insinuations
- using unwelcome or offensive imagery, graffiti, physical gestures, facial expressions, staring, mimicry, jokes, pranks
- ridiculing or demeaning someone
- racist, sexist, homophobic, ageist or disablist jokes, banter, insinuations or insults
- taunting an employee, picking on them or setting them up to fail

- making assumptions about an employee's ability or competence and treating them as inferior
- refusing to work with someone, exclusion, isolation, ignoring or shunning someone
- unfairly excluding someone associated with the employee or making offensive remarks about them
- making it unnecessarily difficult for someone to do something
- outing a person as LGB or as transgender without their consent or spreading rumours
- refusing to treat a person as of their new gender when they transition
- making assumptions about what is 'normal' such as assuming everyone is heterosexual, or of a particular religion or belief
- intrusive questioning about an individual's personal or sex life
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and persistent unwarranted criticism
- unfair work allocation
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- overbearing supervision or other misuse of power or position
- unwanted pressure to do or not do something or use of intimidation or coercion
- the display of offensive materials such as pornographic pictures, page-three type pin- ups or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails
- victimisation as a result of refusing to accept or collude with bullying or harassment whether directed at the employee or others
- physical contact such as the invasion of personal space and unnecessary touching
- physical abuse, attacks or violence.

## **Prevention measures**

Kenmore Park Junior School recognises that there are many organisational measures that can help prevent harassment and bullying in the workplace. These include:

- good management practice, including competent, respectful people management, recognition of harassment and bullying behaviour and appropriate intervention
- appropriate induction and training on harassment and bullying for all staff
- ensuring employees have somewhere to go for a confidential discussion of their situation, signposting ways of taking further action, or help with mediation at an early stage.

## **Individual responsibilities**

All employees have a duty to assist in the creation of a safe working environment, where unacceptable behaviour is not tolerated. Every employee has a personal responsibility to:

- ensure they understand the nature of harassment and bullying
- be aware of how their behaviour may affect others, and to uphold the standards of behaviour set within the team
- work within the policy guidelines including co-operating fully in any investigation undertaken
- be aware of harassment and bullying, and challenge unacceptable behaviour where appropriate.

However, if it is found that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

## **Duties of managers and supervisors**

Managers have a particular responsibility to ensure that within their area of control, everyone has the right to be treated with dignity and respect. They should

- respond to complaints of harassment and bullying swiftly, sensitively and objectively and be aware of behaviour that would cause offence, if necessary reminding employees of expected standards
- deal explicitly with third party perpetrators (such as service users, visitors or contractors) with a view to withdrawing service or ending a contract or banning from the premises if behaviour is not moderated
- ensure that this policy is followed and that there are thorough investigations if required. The staff will assist any line manager in dealing with complaints of harassment or bullying.

Managers have an additional responsibility to be exemplars of acceptable behaviour. They should be aware that an abuse of their positional power will send mixed messages about what is acceptable behaviour, and will only serve to condone harassment and bullying.

A line manager's failure to actively implement the policy within their area of responsibility or to fail to deal with harassment and bullying when they become aware of it could constitute a breach of the policy and disciplinary action may be taken.

### **Contact Staff**

KPJS recognises that there can be difficulties in raising the issue of harassment and bullying, particularly if:

- the immediate manager is doing the bullying or harassing
- the employee is reluctant or too embarrassed to raise the matter with their manager, or feel the manager may lack the skills, knowledge or sensitivity to deal with complaints of harassment
- the employee finds the prospect of using the formal procedure intimidating.

KPJS is keen to ensure that such potential difficulties are overcome and that allegations of harassment are raised so that they can be acted upon.

To help ensure this, the Head teacher (who will take advice from HR at Harrow) – has been designated to deal with complaints of harassment and to offer advice to employees who believe that they or their colleagues have experienced harassment.

The main role of the head teacher is to:

- provide sympathetic assistance to employees with complaints of harassment
- explain to them how the procedures for making a complaint operate
- establish the main details of any complaint
- channel the complaint to the appropriate manager for action if the employee decides to take the matter further.

KPJS will ensure that the head teacher receives advice or training in carrying out their role.

The head teacher will discuss cases in complete confidence and will not divulge information to any other person without the agreement of the employee.

An employee who comes to a manager/head teacher to talk about harassment is under no obligation to take further action. The head teacher is there to help employees decide what they want to do. Employees who have been harassed are not obliged to refer their complaints to the head teacher. It is entirely up to them whether they do so. However, the nomination of a

manager is an additional means of ensuring that such employees are not discouraged from bringing forward complaints.

## **Trade union representatives**

Trade union representatives are able to assist their members who have been the targets of harassment, including supporting them in making complaints.

KPJS encourages all members who are concerned about harassment to speak to their trade union representatives.

KPJS will allow trade union representatives and members paid time off to attend union-provided training courses on harassment at work.

KPJS will support the union's activities on raising awareness and tackling the issue of harassment amongst their members.

KPJS recognises that stress at work in general can contribute to workplace harassment and bullying, and is committed to jointly agreeing with the trade union ways of tackling work-related stress.

KPJS will consult with the trade union in good time over any proposals, for example on changes to staffing, job descriptions, tasks, workloads, hours, procedures on sickness and so on, that could increase the potential for stress, harassment and bullying at work.

KPJS is committed to preventing any harassment or victimisation of trade union activists or members because of their trade union activities.

## **Procedures**

An individual can deal with bullying or harassment in various ways, ranging from asking the person to stop the behaviour, to informal discussions with the Contact Officer, or to making a formal complaint.

You do not have to be a recipient or target to make a complaint about bullying or harassment. If you see it happening, you have the right to complain. If you become aware of the problem, you have the right to complain about it. Tackling harassment and bullying is everybody's responsibility.

Some people are unaware that their behaviour in some circumstances is bullying or harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of harassment.

## **Informal action**

1. If possible, an employee who believes that he or she has been the subject of bullying or harassment should, in the first instance, ask the person to stop the behaviour and make it clear what aspect of their behaviour is offensive and unacceptable, and the effect it is having. This can be done either verbally or in writing. If the harassed person feels unable to approach the person responsible directly, the Contact Officer, a friend, colleague or trade union representative can make this initial approach.
2. If an employee is approached informally about stopping her/his unwelcome or upsetting behaviour they should not consider the reaction to be over-

sensitive nor the incident to be too trivial but should remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to her/him and to have her/his feelings respected by others. An apology and assurance that the behaviour will not be repeated may be enough to end the matter.

3. Mediation may also be a way of dealing with harassment or bullying situations depending upon the nature of any allegations. It is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they can both agree to. The mediator does not take sides or tell those in dispute what to do. Both parties must enter into the process voluntarily and be aiming to repair the working relationship.

4. If an employee who believes that he or she has been the subject of bullying or harassment is unable to adopt the above approach, or the harassment is of a very serious nature, they can approach a Contact Officer who can provide informal advice in confidence. No further action will be taken without the consent of the employee making the complaint.

Confidential advice is also available to other employees who themselves may not be the subject of harassment but are concerned about the harassment of others.

## **Formal action**

If informal action does not stop the bullying or harassing behaviour, or a formal complaint is made, the complaints procedure should be initiated and a formal report should be made. Throughout this procedure, the complainant and the person against whom the complaint is made has the right to be accompanied by a trade union representative or by a friend or colleague, and to seek informal advice from the Contact Officer.

1. An employee who believes that he or she has been the subject of bullying behaviour or harassment should formally report the alleged act or acts to their line manager, or if the person doing the bullying or harassment is the line manager, a more senior manager. The employee should set out details of the complaint in writing with specifics as to dates and times and an account of what the harassment or bullying is alleged to consist of.

2. All complaints will be handled and investigated in a timely and confidential manner. Confidentiality will be maintained at all times. Employees shall be guaranteed a fair and impartial hearing whether they are the harassed or the harasser. The senior manager will be responsible for ensuring a thorough investigation of the complaint.

3. As a first stage in the investigation, a senior manager will arrange to interview separately both the complainant, and the person against whom the complaint has been made, with a representative if requested.

4. Wherever possible, KPJS will try to ensure that both the complainant, and the person against whom the complaint has been made are not required to work together while the complaint is under investigation. In a serious case, the person against whom the complaint has been made may be suspended while investigation and any subsequent disciplinary procedure are

undertaken. Such suspension will be for as short a time as possible and will be on full pay.

5. Following the investigation, the senior manager will give a detailed response in writing to the complainant.
6. If the investigation reveals that the complaint is upheld, prompt action designed to stop the harassment or bullying immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, the alleged harasser and not the complainant will be relocated unless the person complaining requests otherwise.
7. Where disciplinary action is considered necessary such action will be considered strictly in accordance with the staff disciplinary procedure.
8. Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about or assisting in an investigation of harassment is a disciplinary offence.
9. Any decisions taken under this procedure do not preclude any employee from pursuing a grievance in the usual way under the staff grievance procedures.
10. The complainant has the right to appeal against the decision following the investigation within 2 weeks of receiving the decision from the senior manager. Any appeal must be made in writing, stating the reasons for the appeal.
11. An appeal meeting will be arranged with a more senior manager not previously involved in the procedure who will consider the appeal. The employee will be given the opportunity to put forward her/his case and explain why s/he is not satisfied with the outcome. The meeting may be adjourned by the person hearing the appeal if it is considered necessary to undertake further investigation. The meeting will be reconvened as soon as possible.
12. The decision of the person hearing the appeal shall be final.

### **Information and training**

All staff will be informed of this Policy and Procedure. A copy of the policy will be made available to staff on the intranet, and a copy will be provided to new employees in the same manner.

In addition, information about harassment and about this policy will be given to all employees, including supervisors, managers and new staff. This will include information on what constitutes harassment and, for managers, on what their responsibilities are. Trade union representatives will be welcomed to speak at training sessions on harassment and bullying.

The head teacher and all managers potentially responsible for investigating complaints will be supported by HR.

The policy will also be brought to the attention of contractors and agency staff who will be required to comply with the policy as part of their contract.

### **Support for staff who experience bullying or harassment**

KPJS recognises that bullying and harassment can affect job performance and cause stress. Where bullying or harassment causes deterioration in job performance, this will be treated as a health problem and the person will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by bullying or harassment.

Access to independent and trained counsellors will be available to all staff. This service will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned.

Employees who have been bullied or harassed will be offered paid time off to attend counselling sessions. Contact details of stress counsellors will be made available on request and the school may use LA appointed personnel so that staff can make arrangements for counselling as and when they wish.

### **Review and monitoring**

This policy will be reviewed jointly by unions and management, on a regular basis. The initial review of effectiveness will take place six months after this policy comes into effect. Thereafter, reviews will be carried out at intervals of not more than 12 months, or at governor discretion.

KPJS will also periodically monitor how successful it is performing in creating a workplace free of harassment and bullying by other means which may include confidential staff surveys, training, raising awareness of harassment and bullying in general and undertaking risk assessments.

KPJS Feb 2021.  
headteacher

With thanks to

