

BRACKNELL FOREST BOROUGH COUNCIL

EDUCATION DEPARTMENT

FAIR TREATMENT POLICY

**For Community ,Voluntary Controlled and Voluntary Aided Schools
with delegated budgets**

1 Policy Statement

- 1.1 Bracknell Forest Borough Council, the Education Department and this Governing Body believes that all employees have the right to work in an environment where dignity, courtesy and respect are permanently maintained. The Governing Body will not tolerate behaviour which is regarded as unwelcome or unwarranted and has a detrimental effect on other employees. This Policy and Procedure will inform and guide good practice in promoting fair treatment at work and it is based on the general premise that all employees have a right to be treated with justice and equality.

2 PURPOSE

- 2.1 Harassment and bullying of any nature is always unacceptable; it could result in increased staff turnover, high levels of stress and reduced job performance. This Policy and Procedure provides a way to heighten awareness of the need for fair treatment, for individuals to raise their concerns about harassment or bullying and have these concerns dealt with fairly and sympathetically.

3 PRINCIPLES

- 3.1 Every employee has the right to determine what behaviour they find unacceptable (see also paragraph 5.1). An employee who feels that they are the victim of harassment and/or bullying has a right to have the incident(s) investigated and resolved in the most appropriate manner.
- 3.2 The Governing Body recognises that employees may sometimes be reluctant to report harassment/ bullying problems. Complaints about breaches of the Fair Treatment Policy will be treated seriously and dealt with sensitively, fairly and where appropriate, confidentially. Appropriate action will be taken against those who victimise an employee who brings a complaint under this Policy.
- 3.3 If an employee complains they are being harassed/ bullied, then the incident will be formally investigated regardless of whether their complaint accords with the examples outlined in paragraph 5.3, and regardless of whether other parties may view it as serious or harmless, intentional or innocent. Irrespective of whether the complaint results in Grievance Proceedings, a manager may initiate a Disciplinary Hearing in accordance with the formal procedure contained within this policy.
- 3.4 Cases of harassment will be dealt with through the School's Disciplinary Procedure; serious cases may be considered as gross misconduct.

- 3.5 All parties are subject to fair treatment under this policy. Any party initiating a false complaint for malicious reasons will be dealt with under the Council's Disciplinary Procedure.

4 **SCOPE**

- 4.1 This policy applies in full to all school based staff employed in Bracknell Forest.
- 4.2 Any complaint involving a Councillor(s) will be referred through the Member/Officer Protocol and the Council's Standards Committee.

5 **DEFINITIONS**

- 5.1 Harassment & bullying is when an individual is subject to actions or comments which the recipient views as demeaning or unacceptable. The individual has the right to raise issues of concern if they believe it constitutes harassment or bullying; the Governing Body will respond to those concerns. Harassment or bullying can include verbal or physical abuse, unwarranted behaviour or advances. The actions may not always be face to face, but can be via the telephone, written correspondence, e-mail, or any medium which results in an adverse effect on the individual's job performance, personal safety or well being. Acts of harassment/ bullying may be regarded as being imposed by one person or a group of people; they can be a one-off event or a series of incidents.

- 5.2 It is the Governing Body's view that harassment/ bullying may be based on one or more of the following:

- Sex
- Race
- Age
- Disability
- Religion or belief
- Nationality
- Sexual orientation
- Personal characteristics
- Position in the organisation

- 5.3 Listed below are particular types of behaviour which may be regarded as harassment/ bullying; this list is not definitive and other actions may constitute harassment/ bullying.

- Exclusion or victimisation
- Unfair treatment
- Misuse of power or position
- Unwelcome sexual advances, either verbal, physical or emotional, e.g. touching, invasion of personal space, displays of offensive materials, etc.
- Unwanted or patronising comments and/ or innuendo
- Ridiculing or demeaning comments or behaviour

- Comments or abuse based on a person's sex, race or religion belief or any other personal factors.
- Deliberately undermining a competent worker by making unreasonable work demands or subjecting them to constant unwarranted criticism
- Spreading malicious rumours or insults
- Unreasonably obstructing an individual's progress at work by blocking promotion or training opportunities

6 PROCEDURE FOR DEALING WITH HARASSMENT/ BULLYING

Due to the unique nature of harassment/ bullying, the Governing Body has developed both an Informal and Formal Procedure which are in place to ensure that measures which deal with complaints do so in a sensitive and confidential manner.

In addition, the option is available to staff to make use of the Bracknell Forest Council's Staff Support Service. This is designed to provide personal support to help deal with a variety of issues including the effects of harassment/ bullying. The Council's Staff Support Service is available through the Education Personnel Section or can be contacted at nick.parrish@bracknell-forest.gov.uk. This is a confidential service and operates outside any informal or formal part of this procedure.

6.1 INFORMAL PROCEDURE

In the first instance, and wherever possible, the Governing Body encourages employees who feel they are recipients of harassment/ bullying to resolve the matter informally with the person concerned.

It is acknowledged that the harasser/ bully maybe an employee's direct line manager. If this is the case the employee should approach the next manager ie the Headteacher or another nominated manager. If that is the case all references in this Procedure to "the manager" should therefore be regarded as that next person in the supervisory chain.

The following steps may be helpful in deciding how to approach the situation:

6.1.1 Actions for employees:

- (i) It is always best to try to reach an understanding at the earliest possible opportunity. The first step should normally be that the employee should consider talking to the person causing offence and explain how it is making them feel. They should make it clear that they consider that the persons' behaviour is unacceptable and that they wish it to stop. It is important that the employee writes down what was said and/or what has happened as soon as possible. If, for example, there is a subsequent repetition, the record will be helpful if the employee decides to raise the matter formally.
- (ii) If the employee feels unable to do this, they should ask someone they trust to raise it on their behalf. The offending behaviour may be unintentional and the person may be unaware of the effect of their behaviour on the other party.

- (iii) The Governing Body encourages staff to alert their Headteacher or nominated officer to the problem where it is appropriate and feasible so that he/she can give advice and/or monitor the situation.
- (iv) The employee may feel that it would be helpful to talk it over with someone. They may therefore wish to discuss the incident(s) with a work colleague, line manager, Personnel Officer from Education Personnel, or a trade union representative who can act either as a “listening ear” or give advice on measures which can be taken to resolve the situation.

6.1.2 Actions for Headteachers or nominated officers

The action required of a manager may vary depending on both how the situation is brought to their attention and what actions the employee wishes to take.

- (i) An incident may be raised by the employee themselves, the colleague of an employee, a trade union representative, a Personnel Officer from Education Personnel or the manager may witness an incident themselves.
- (ii) In all cases the manager should approach and check if the employee is aware or has carried out any of the actions described in 6.1.1. They should ensure the individual receives a copy of this Fair Treatment Policy and check if they are aware of how to make a formal complaint.
- (iii) If an employee does not wish to make a formal complaint, the matter must be kept confidential but it is advisable that the manager monitors the situation.
- (iv) If the manager feels that some action needs to be taken, they must intervene at this informal stage to attempt to resolve the situation, yet where necessary, still maintain the employee’s wish to remain anonymous.
- (v) Where a manager believes that an incident requires a further investigation they may initiate the Formal Procedure as outlined below.

6.2 FORMAL PROCEDURE

The Formal Procedure should be used if previous attempts to resolve a situation have been insufficient or unsuccessful. There are two formal routes which may be pursued; the route to be followed is dependant on whether it is the employee or the manager who wishes to take the matter further.

- 6.2.1 If the employee wishes to pursue the matter they have the right to instigate a formal grievance in accordance with the School Grievance Procedure. The Grievance Procedure requires that a Nominated Officer deals with the matter. If, for any reason, the employee’s grievance involves the Nominated Officer, the employee may wish to contact a Personnel Officer from Education Personnel and/or Trade Union representative for further advice. The Personnel Officer, Headteacher and the employee will reach an agreement

on who is the most appropriate person to consider the grievance. A same-sex Designated Officer may be assigned if appropriate.

A copy of the Grievance Procedure is available from the Headteacher or Clerk to the Governors

- 6.2.2 Either as a result of Grievance Proceedings or where a manager believes that an incident constitutes a potential disciplinary offence, the manager may initiate an investigation in accordance with the Disciplinary Procedure.

Where disciplinary action results from a Grievance Hearing, the Disciplinary Procedure should commence at Stage 1 as investigations will have already been carried out as part of the Grievance Procedure. It is essential at this stage that all parties are aware of this action and that the provisions of the Disciplinary Procedure are upheld.

- 6.2.3 With any formal disciplinary/grievance action, it is important that all parties are present at the hearing. At any investigatory meeting prior to a formal hearing, the individual has the right not to be in the same meeting as the alleged perpetrator of the harassment/bullying. If this is the chosen option, both parties should be interviewed separately and those meetings should preferably be held as close as possible to one another.

During any stage of a formal Disciplinary/ Grievance Procedure it may be necessary to minimise contact between the parties. Where possible, changing duties, work patterns or location for either the perpetrator or the complainant should be considered.

7 CONCLUSION

- 7.1 The Council, Education Department and Governing Body are committed to creating a working environment where every employee is treated with dignity, respect and courtesy. All employees have the right not to experience any form of harassment or discrimination on the grounds of race, gender, sex, sexual orientation, age, disability, religion, nationality, personal characteristics or position in the organisation. The stated aim is that harassment at work is not acceptable and will use its best endeavours to ensure that it is not permitted.

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Ed/p/ds

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