



Montessori St Nicholas Charity

RESPECT FOR OTHERS HARASSMENT, BULLYING AND VICTIMISATION POLICY

Statement

1.1 As part of its overall commitment to equality of opportunity and valuing diversity, Montessori St Nicholas Charity (MSN) is committed to promoting and ensuring a working environment where individuals are treated with respect and courtesy. Harassment, bullying and/or victimisation detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses, or has knowledge of, the unwanted behaviour.

1.2 MSN has a legal duty to protect its members of staff. This policy emphasises that harassment, bullying and/or victimisation is unacceptable, whether in the workplace or outside of the workplace where it involves or affects MSN in any way. Such conduct must not be ignored and any complaints of harassment, bullying and/or victimisation of any individual who makes a complaint of harassment or bullying will be taken seriously and investigated as a matter of urgency. Harassment, bullying and victimisation are viewed as gross misconduct, and disciplinary action, including dismissal, may be taken if any complaint of harassment, bullying or victimisation is upheld. All members of staff have an obligation to comply with this policy.

1.3 The aim of this policy is to prevent harassment, bullying and/or victimisation, provide guidance to resolve any problems should they occur, and avoid recurrence.

1.4 It is the responsibility of all line managers to make sure that their staff have familiarised themselves with and understand this policy. Line managers have an obligation to tackle harassment, bullying and victimisation.

1.5 This document complies with the Equality Bill 2010 the Health and Safety at Work Act 1974, the Criminal Justice and Public Order Act 1994, the Prevention of Harassment Act 1997,

1.6 MSN treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices. Line managers and supervisors are required to familiarise and understand this procedure.

2.0 Definitions

2.1 Harassment: Men and women have a right not to be subjected to harassment at work or work in an intimidating environment. Legally, it is defined as occurring where an individual engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading or offensive environment for that person. Please note that an individual may feel harassed or offended even when the inappropriate comment or conduct is not made towards or about the individual personally.

2.2 Harassment can take a variety of different forms and can be written, verbal, nonverbal or transmitted electronically. Examples include repeatedly ignoring a colleague through to subjecting him or her to unwelcome attention, ridicule or humiliation. More extreme forms of harassment and bullying include intimidation, physical threats or violence. Harassment may consist of a single incident or a series of incidents and may not always be directed to or be about the person who makes a complaint of harassment. Harassment may not always be intentional, but is always unacceptable whether intentional or not. All forms of harassment intentional or not are covered by this policy and procedure. The following are examples of unacceptable behaviour. This list is not exhaustive:

- Sexual harassment can be physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material, including graffiti, posters or other offensive material.
- Racial harassment may include obscene gestures or jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can include deliberate exclusion for reasons related to race. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups. It also includes inappropriate displays of posters, or other offensive material. In some circumstances it can include pressure to participate in political/religious groups.
- Harassment of people with disabilities can take the form of individuals being ignored, disparaged, ridiculed or denied opportunities because of mistaken assumptions about their capabilities. In such cases, disability, rather than ability, has become the focus of attention. Such harassment can include inappropriate personal remarks, jokes or inappropriate references to an individual's appearance.
- Harassment on the grounds of actual or perceived sexual orientation can include homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status.
- Harassment on the grounds of religious belief can include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.
- Harassment on the grounds of gender reassignment can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.
- Harassment on the grounds of age can include jokes or insults about a person's age, or singling a person out for different treatment as a result of their age.

2.3 Bullying: The exercise of power over another person through persistent, negative acts or behaviour that undermines an individual, personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour placing inappropriate pressure on the recipient which can affect self-confidence and self-esteem or has the effect of isolating or excluding them. Bullying can take the form of persistent shouting, sarcasm or derogatory remarks; it can be constant criticism, without constructive support, to assist a member of staff to address performance concerns; it may also include cyber bullying, i.e. using the internet and related technologies to harm another person in a deliberate, repeated and hostile manner. The distinction between good management and bullying is that, whilst the former is intended to support and develop potential and to promote desired work performance, the latter is intended to hurt, intimidate and undermine the individual.

2.4 Victimization: MSN will not tolerate victimisation against a member of staff because he or she has made, or intends to make, a complaint or allegation, or has given, or intends to give, assistance and/or evidence in an investigation. MSN will also not tolerate victimisation or discrimination against members of staff who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

3.0 Responsibilities

3.1 MSN is legally responsible for ensuring that harassment or victimisation on the grounds of someone's race, sex, sexual orientation, religious belief [including lack of belief], gender reassignment, disability or age does not take place at work. Harassment can be a breach of criminal law, specifically the Criminal Justice and Public Order Act 1994 and the Prevention of Harassment Act 1997.

3.2 In addition, under the Health and Safety at Work Act 1974, MSN is responsible for the health, safety and welfare at work of all members of staff, and is liable for the actions of its members of staff at work and in any work-related setting outside of MSN, e.g. trips, work-related social events, etc.

3.3 MSN also has a responsibility to ensure that its members of staff are not subjected to unacceptable behaviour by contractors or service providers. Any complaints about such behaviour or conduct should be made to the manager responsible for engaging the contractor. The line manager will be responsible for taking it forward in conjunction with the section of MSN which has retained the contractor or service provider. Contractors or service providers breaching this policy may be regarded as in breach of contract, which may lead to the removal from a MSN site of an individual, or termination of the contract.

3.4 Heads of Departments and all other managers have a duty to implement this policy, and to make every effort to ensure that harassment, bullying or victimisation does not occur, particularly in the areas of work for which they are responsible. Any concerns relating to harassment, bullying or victimisation must be investigated promptly and effectively. It is not acceptable for any manager to ignore unacceptable behaviour.

3.5 All members of staff must comply with, and demonstrate active commitment to, this policy. Staff are required to respect the age, beliefs, convictions and orientation of others and not behave in ways which cause offence, or which in any way could be considered to be harassment, bullying or victimisation. Each member of staff has a responsibility to ensure colleagues, clients, students, visitors, etc are treated with dignity and respect.

3.6 All members of staff should discourage harassment, bullying or victimisation by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and who are considering making a formal complaint. Staff should alert a manager to any incident of harassment, bullying or victimisation to enable MSN to deal with the matter.

4.0 Support Contacts It is advisable to talk to someone before taking any action either informally or formally.

Members of staff can seek support and advice from the Head of Operations or CEO at any stage of this procedure. Members of staff who have been accused of harassment, bullying or victimisation have the option to be provided with procedural guidance.

MSN will ensure, where possible, that members of staff can raise issues, should they wish, with someone of their own gender, age range, sexuality, religion, race, or with someone who is aware of disability issues.

5.0 Considering making a complaint of Harassment, Bullying or Victimisation under the Grievance Procedure

5.1 No single or persistently upsetting behaviour is too trivial to raise through the Grievance Procedure. For assistance, help and guidance in the initial (informal) stage a member of staff should contact the Head of Operations, the CEO or a work colleague.

5.2 If a member of staff considers that he or she is experiencing harassment, bullying, and/or victimisation a number of options are available. Depending on the nature of the allegation, the member of staff may wish to take individual action, instigate the Grievance Procedure informal stage, or request the formal stage to be set in motion. MSN does not want any member of staff to suffer distress or to leave their job because they are being subjected to harassment, bullying or victimisation.

5.3 It is recommended that, where possible and appropriate, attempts to resolve the problem informally should be taken in the first instance. It is up to the member of staff, however, to decide how he or she wishes to proceed and they may choose to start at either the Informal or Formal Stage of the Grievance Procedure.

5.4 It should be noted that if a member of staff wishes to remain anonymous, it may not be possible to take any action against the person causing offence. It may, however, be possible to address a complaint through indirect methods, such as publicising and drawing attention to this policy and through training initiatives.

5.5 Difference in culture, attitude and experience can mean that what is perceived by one person as harassment, bullying and/or victimisation may not seem so to others. In line with legislation, MSN will apply a test of reasonableness in claims by taking all the circumstances into account when a hearing takes place.

5.6 A member of staff will not suffer any detriment, such as in relation to pay, promotion or access to opportunities, by making a complaint when it is made in good faith.

5.7 A record of any such incidents or discussion and copies of any correspondence should be kept by the member of staff in the event that follow-up action becomes necessary.

6.0 Procedure for Dealing with Complaints from Students. See the MCI policy on complaints from students.

7.0 Monitoring the Policy

7.1 This policy has been approved by MSN's Trustee Board. The Board will keep the implementation of this policy under regular review. Senior managers within MSN will monitor the effectiveness of the policy. The range and number of cases will also be monitored so that action can be taken to address any issues of concern. All cases should be reported to the Head of Operations.

October 2015

Appendix A

Legal Definition of Harassment, Bullying and Victimisation

Definitions

1 Harassment: Men and women have a right not to be subjected to harassment at work, or to work in an intimidating environment. Legally, harassment is defined as occurring where an individual engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading or offensive environment for that person. Please note that an individual may feel harassed or offended even when the inappropriate comment or conduct is not made towards or about them personally. Harassment can take a variety of different forms and can be written, verbal, nonverbal or transmitted electronically. Examples include repeatedly ignoring a colleague, through to subjecting him or her to unwelcome attention, ridicule or humiliation. More extreme forms of harassment and bullying include intimidation, physical threats or violence. Harassment may consist of a single incident or a series of incidents, and may not always be directed to or be about the person who makes a complaint of harassment. Harassment may not always be intentional, but is always unacceptable whether intentional or not. All forms of harassment intentional or not are covered by this policy and procedure. The following are examples of unacceptable behaviour. This list is not exhaustive:

- Sexual harassment can be physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material, including graffiti, posters or other offensive material.
- Racial harassment may include obscene gestures or jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can include deliberate exclusion for reasons related to race. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups. It also includes inappropriate displays of posters, or other offensive material. In some circumstances it can include pressure to participate in political/religious groups.
- Harassment of people with disabilities can take the form of individuals being ignored, disparaged, ridiculed or denied opportunities because of mistaken assumptions about their capabilities. In such cases, disability, rather than ability, has become the focus of attention. Such harassment can include inappropriate personal remarks, jokes or inappropriate references to an individual's appearance.
- Harassment on the grounds of actual or perceived sexual orientation can include homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status.
- Harassment on the grounds of religious belief can include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.
- Harassment on the grounds of gender reassignment can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.

- Harassment on the grounds of age can include jokes or insults about a person's age, or singling a person out for different treatment as a result of their age.

2 Bullying: The exercise of power over another person through persistent, negative acts or behaviour that undermines an individual, personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour placing inappropriate pressure on the recipient which can affect self-confidence and self-esteem or has the effect of isolating or excluding them. Bullying can take the form of persistent shouting, sarcasm or derogatory remarks; it can be constant criticism, without constructive support, to assist a member of staff to address performance concerns; it may also include cyber bullying, i.e. using the internet and related technologies to harm another person in a deliberate, repeated and hostile manner. The distinction between good management and bullying is that, whilst the former is intended to support and develop potential and to promote desired work performance, the latter is intended to hurt, intimidate and undermine the individual.

3 Victimization: MSN will not tolerate victimisation against a member of staff because he or she has made, or intends to make, a complaint or allegation, or has given, or intends to give, assistance and/or evidence in an investigation. MSN will also not tolerate victimisation or discrimination against members of staff who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

Appendix B

GUIDANCE FOR THOSE ACCUSED OF HARASSMENT, BULLYING OR VICTIMISATION

•

- If you are approached informally by a member of staff about your behaviour, do not dismiss the complaint. Remember that all people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.
- If accused of harassment or bullying, you may wish to contact your Line Manager who can refer you to someone not involved in the particular case.
- Those who are the subject of a complaint will be treated with respect. Confidence will be maintained but there are limits to confidentiality in that the complaint, any witness statements and the investigator's report will be seen by those who have to be involved.
- If you believe the accusation to be unfounded, you should say so and participate willingly in the proceedings, so that the situation can be resolved informally or formally. You should also be prepared to participate in mediation if this is identified as an appropriate solution.
- If the evidence suggests that the complaint was made vexatiously or maliciously, disciplinary action may be taken against the complainant (up to and including dismissal).
- During the formal procedure both you and the complainant may wish to be accompanied at meetings by a work colleague or a Trade Union representative. Under exceptional circumstances the Head of Operations will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative.
- Wherever possible, MSN will try to ensure that during investigations the relevant parties are not required to work together. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and until the disciplinary proceedings have been concluded.
- If a complaint is not upheld, you should expect your line manager to take action to restore reasonable working relationships between you and the complainant. You must not victimise a member of staff who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint.
- If a complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal without notice. If the complaint is upheld, but you are not dismissed, MSN could decide, though it is not mandatory, to transfer you to another role.
- In addition, or as an alternative to a disciplinary sanction, guidance or counselling may be offered to support you to understand how your behaviour affected the complainant.
- Both you and MSN can also be subject to prosecution under criminal as well as civil law, and you could be personally liable and have to pay compensation yourself.

October 2015