



Wessex Schools Training Partnership

Bullying and Harassment Policy

October 2021

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Aim

This policy aims to enable Wessex Schools Training Partnership (WSTP) to exercise its duty of care and responsibilities in relation to ensuring that its Trainees pursue their training programme with diligence and take maximum advantage of the opportunities it provides. This policy encompasses, with minor adaptations, approaches to the management of absence commonly used in the teaching profession as a whole.

1. Introduction

WSTP recognises the right of all employees and trainees to be treated with dignity and respect and will not tolerate bullying or harassment of its employees at work or arising from work. Bullying and harassment not only affect the welfare of trainees and employees but also affect the organisational effectiveness of WSTP. It can lead to stress, increased absence, a decrease in confidence, motivation and work performance. This in turn affects service delivery, increases costs and damages WSTP's image.

WSTP expects a high standard of behaviour and conduct from trainees and employees at all times. This policy identifies unacceptable forms of behaviour and describes the options available to trainees and employees who experience bullying and harassment to resolve the situation. All trainees and employees are required to comply with this policy.

WSTP recognises that trainees and employees experiencing bullying and harassment may have a right to take legal action against the harasser under civil or criminal law. However, this will not prevent WSTP from carrying out its own investigations and taking appropriate action.

2. Definitions

Bullying - any behaviour by a person directed against an individual or individuals, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the individual.

Harassment - unwanted behaviour by a person, that an individual or individuals, finds intimidating, upsetting, embarrassing, humiliating or offensive, which affects a person's dignity at work.

Recipient – a trainee or an employee who perceives that they are being harassed or bullied.

Harasser – a trainee or an employee of WSTP whose behaviour is perceived to be unacceptable.

For the rest of this policy, the word harassment also includes bullying.

3. Reasons why harassment occurs

WSTP accepts that it is an individual's perception of behaviour towards them that can lead to the feeling of bullying and harassment. What may be inoffensive to one person may cause upset and distress to another. WSTP views all forms of harassment as unacceptable behaviour and will not tolerate it.

By way of example, harassment can occur where there is fierce competition between trainees and employees, heavy workloads or an uncertain working environment. It may occur because a person deliberately sets out to intimidate, humiliate or distress another. However, it may also occur because a person fails to consider the effect of their behaviour upon others.

Harassment of an individual can occur on many grounds for example, because of gender, sexual orientation, race, ethnic origin, nationality, disability, age, physical characteristics or personal /religious/ political beliefs.

4. Forms of harassment

Harassment is about an individual's perception as to whether certain behaviour is unacceptable and disadvantageous to them. It can take a range of forms including:

- Unwanted physical contact, obscene gestures;
- Verbal abuse, jokes, offensive language, slander;
- Displays of written or photographic material;
- Exclusion and non-co-operation at work;
- Persistent criticism, unfounded criticism;
- Being denied/excluded from training and development opportunities;
- Unreasonable refusal to grant annual holiday or other leave of absence;
- Setting impossible targets or deadlines/setting someone up to fail.

5. How to deal with harassment

If a trainee or an employee feels they are being harassed, this needs to be brought to the attention of the harasser so that the harassment can stop.

Harassment needs to be treated sensitively by all those involved. This includes how the harasser is treated as he/she may not be aware that their actions have caused offence or upset.

There are two ways a complaint of harassment can be handled – informally and formally. Except in serious cases of harassment, the recipient should attempt to stop the behaviour using the informal procedure.

Alternatively, the recipient can approach their trade union representative, SCITT

Programme Leader or an officer in Human Resources for advice and help. If the harasser is the recipient's Programme Leader they can contact Sian Phillips (Poole High School DSL) or Paul Gray (Poole High School Head Teacher).

Any trainee or employee who has had a complaint of harassment made against them can also contact a Workplace Contact for support during or after any informal or formal procedure. However, a Workplace Contact cannot provide support to a recipient and harasser involved in the same case therefore one of the parties will be advised to contact another Workplace Contact.

If an employee witnesses harassment they should initially approach the recipient and support them in taking action to stop the behaviour, however where the harassment is persistent they should consider reporting it to the WSTP Director.

6. Transfer of trainees

In some cases of harassment, where formal action has been taken, the relationship between the two parties may have been so severely damaged that the recipient feels it is no longer feasible for them to continue working together. Action will be taken to ensure the harasser does not remain in the same working environment as the recipient. The recipient should be given the option of moving to another appropriate post but if they do not wish to do so then, in all but exceptional circumstances, the harasser will be moved.

7. Victimisation

Victimisation may occur after a complaint of harassment has been made. It may appear in the form of the recipient finding the situation has become worse since complaining, or any trainee/ employee involved in the complaint becoming isolated by colleagues, or subject to other forms of retaliation by colleagues or their manager.

Victimisation arising from a case of harassment is misconduct and will be dealt with under Gateshead Primary SCITT's Disciplinary Procedure.

8. Statement of Confidentiality

WSTP recognises that problems of harassment in the workplace involve sensitive issues and therefore must be treated with discretion. To eliminate harassment from the workplace WSTP has adopted a policy of non-tolerance of any form of harassment. However, to eliminate harassment it is necessary to know when it occurs. WSTP is responsible for the actions of its trainees and employees and therefore must be informed when it occurs.

If the Director or Chairman learns of harassment which could seriously affect a trainee's or an employee's well-being, or have similar implications for other trainees or employees or the organisation, they have a duty to ensure that Human Resources are informed.

Information will only be divulged on a strict 'need to know' basis. WSTP will make every effort to ensure that all those involved in the investigation and resolution of cases, including recipients, harassers and witnesses respect the necessity for a professional and confidential approach at all times.

9. Partnership Director and Chairman's responsibility

All Headteachers have the responsibility for making sure that their trainees/employees are treated professionally and with dignity and respect. This will help to establish a supportive and productive working environment and will help trainees and employees to perform effectively and to the best of their ability.

Legitimate management action, taken within Council procedures, to deal with employees whose conduct or capability is in question is not harassment. Where a manager is raising concerns about the conduct or capability of an employee it must be done in a professional and sensitive manner ensuring respect for the individual concerned. However, any action or behaviour which falls outside what can be reasonably regarded as legitimate management action and is intimidating, offensive or distressing may constitute harassment.

Where you witness unacceptable or offensive behaviour you should take action. This may be on an informal basis by approaching the trainee or employee whose behaviour is causing offence. You should explain why the behaviour is offensive and the consequences if the behaviour continues.

Every Headteacher is responsible for dealing effectively with any informal or formal complaint of harassment which is brought to their attention. Failure to deal with a complaint can be regarded as a conduct or capability issue and result in disciplinary action.

10. Employee and Trainee Responsibilities

Trainees and employees must treat all people with courtesy and respect and be aware of how your behaviour can be interpreted by others. You should make sure that you know and understand the types of behaviour and actions that can be regarded as bullying and harassment. If you are aware that your behaviour causes or could cause offence you should stop it immediately.

You must be aware that behaviour or actions that are regarded as harassment can result in disciplinary action which may include dismissal. If you make a false or malicious claim of harassment against another person this will result in disciplinary action. You are responsible for your own behaviour and should make sure that you protect the dignity of other colleagues and promote a workplace free from harassment.

11. Training

This policy will be included in all Equal Opportunities training and induction programmes.

12. Monitoring and evaluating the procedure

The procedure and policy will be reviewed annually in consultation with the WSTP Strategic Board.

13. Legislation and Codes of Practice relevant to cases of bullying and harassment include:

- Sex Discrimination Act 1975
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995

Where harassment is of a specific nature based on sex, race or disability it is regarded as unlawful discrimination and is covered by statute under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

- Protection from Harassment Act 1997

The Protection from Harassment Act makes harassment, including harassment of an employee in the workplace, a criminal offence which could result in a fine and/or imprisonment.

- Criminal Justice and Public Order Act 1995

Under the Criminal Justice and Public Order Act, the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, abuse or distress is a criminal offence.

- Employment Rights Act 1996

Since all contracts of employment include an implied duty on both employer and employee to maintain trust and confidence, a failure by the employer to protect the employee against bullying or harassment by colleagues is likely to amount to a breach of this term. This may entitle the employee to pursue a case of constructive dismissal, if they terminated their employment as a result of the behaviour and the employer's failure to do anything about it.

- Health and Safety at Work Act 1974

The Health and Safety at Work Act, section 2 (1) places a duty on the employer to 'ensure so far as is reasonably practicable, the health, safety and welfare at work of all employees.' It is therefore possible, provided any injury was reasonably foreseeable, for a breach of this duty to give rise to a personal injury claim for any mental or physical suffering caused by bullying or harassment.

- Human Rights Act 1998

Human Rights Act 1998 includes the right not to 'be subjected to degrading treatment or punishment'.

- Trade Union and Labour Relations (Consolidation) Act 1992

The Trade Union and Labour Relations (Consolidation) Act 1992 contains the right not to be dismissed on the basis of trade union membership or activities, or of non-trade union membership.

-The European Commission's Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work Under the European Commission's Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work article 2 of the Code requires member states to create a climate at work in which men and women respect one another's dignity.

2.1 For absence caused by sickness

2.1.1 Trainees can self-certificate for the first seven days (including Saturdays and Sundays) of an absence caused by sickness.

2.1.2 Where absence continues for more than seven days, on the eighth day a doctor's certificate (Fit for Work Certificate) must be obtained and forwarded immediately to WSTP@poolehigh.poole.sch.uk, giving an indication of the likely period of absence. Further 'Fit for Work' certificates must support continued absence.

2.1.3 If the absence continues for a prolonged period (more than 15 working days) or a date for the return to study exceeds 15 working days from the beginning of the absence, WSTP will notify the Trainee in writing that it is suspending the Trainee's study from that 15 day point. If the Trainee is in receipt of finance from Student Finance England (SFE) a Change of Circumstances form (COC) will be submitted to SFE by RKTG suspending studies on medical grounds effective from that date.

2.1.4 If a Trainee is subject to an ongoing illness such as depression, arthritis, unstable diabetes, COVID or asthma, they should submit a case to WSTP for mitigation together with a medical certificate which explains the extent of the illness and the likely effect on their progress through the course before the 15 working day deadline. WSTP will determine whether the Trainee should be considered for deferral on medical grounds.

2.2 For absences caused by other reasons

Absences for any other reasons are termed 'known absences'. Known absences include events such as graduation ceremonies, interviews and unavoidable medical appointments. Approval to miss a training session or time in school must be given by WSTP or the Trainee's Mentor respectively. Absence for some specific, named events is covered in section 7 below.

2.3 Setting work during absence

2.3.1 When Trainees are absent from placement schools, they should make every effort to send detailed lesson plans / resources to their Mentor as soon as possible, so that their classes are not disadvantaged.

2.3.2 Trainees must prepare plans and resources for all lessons they will miss because of a known absence.

2.4 Convalescence

2.4.1 The nature of the course does not easily allow for light duties or other ways of reducing a Trainee's workload. However, WSTP will ensure that on return to the course following a lengthy absence, a Trainee has a few days' respite to become fully fit before carrying out important assessments.

2.4.2 A Trainee returning to work after an extended period of absence may be required to submit to a medical examination by Occupational Health professionals to determine whether and what staged return to the course should be implemented.

3. Attendance Monitoring

3.1 WSTP Office Manager who monitors attendance at all elements of the SCITT

provision. Sessions are monitored through a combination of electronic session registers, Trainee self-monitoring and e-mail alerts.

3.2 Trainee self-monitoring: Trainees receive an attendance monitoring form at the start of their training year, which they complete on a weekly basis and have verified by their Mentor at the end of each placement.

3.3 Session leaders have cumulative electronic registers that are overseen by the Attendance Officer.

3.4 Subject Knowledge coaches will complete an electronic register at the end of each session that is sent to the WSTP.

3.5 Trigger Points: Partnership Director will request a meeting with a Trainee where:

- o A Trainee has three episodes of sickness-related absence
- o A Trainee reaches five days of cumulative sickness-related absence
- o A pattern of recurring short-term absence is identified
- o A Trainee has a single period of absence of five working days or more.

3.6 Each trainee will receive a 'return to training interview when any of the above trigger points are reached.

4. Maternity Leave

4.1 General: The nature of this one year course means maternity leave as such is not available but WSTP will aim to exercise what flexibility is possible within the course structure to enable the Trainee to achieve QTS. The length of absence anticipated means that the course will have to be extended into a second year providing there is no substantial change in the requirements for QTS anticipated. A Trainee who becomes pregnant after being offered a place or during the first half term of the course can apply to have the course deferred for one year only, subject to there being no substantial change to the requirements for QTS during the deferment. Any Trainee requesting maternity leave must complete the course within six school terms. One of those terms must be the final term of an academic year. There may be some implications for a Trainee receiving finance from SFE.

4.2 WSTP's preferred plan is for a Trainee to return in the second year two weeks before the anniversary of the date of commencement of maternity leave.

4.3 The Trainee should notify WSTP as soon as is practicable but not later than 14 weeks (unless there is good cause) before the expected week of childbirth (EWC) that they wish to be absent for maternity.

4.4 Absence on account of illness which is attributable to the pregnancy, including absence on account of miscarriage, and which occurs outside the period of absence for maternity, shall be treated as ordinary sickness absence and shall be subject to the conditions normally governing such leave, provided it is covered by a doctor's statement.

4.5 Maternity leave should not normally be taken earlier than 11 weeks before the EWC.

4.6 When maternity leave begins, WSTP will write to the Trainee to formally suspend the Trainee's studies, informing the SFE through a COC where required and record the Trainee as 'dormant' on the DMS.

4.7 The Trainee will inform WSTP of the date of birth of the child.

4.8 The Trainee may not return to the course less than two weeks after the birth of the child.

4.9 Thereafter, the Trainee should discuss with WSTP when they intend to return to study and a timeframe for the completion of the course should be agreed.

4.10 Where a Trainee does not make contact with WSTP, WSTP may write to the Trainee no earlier than 21 days before the anniversary of the commencement of maternity leave, asking her to confirm the date of birth and her intention to return to the course. The Trainee or her representative must respond within 14 days of receiving the request. If there is no response, WSTP will withdraw the Trainee from the course.

4.11 If requiring student finance, the Trainee will need to apply for finance (as a returning student repeating Year 1) for the second academic year. At the beginning of the first term, the Trainee will continue to have her studies suspended and SFE informed through a COC. A further COC will be completed when the Trainee returns to the course.

4.12 For a Trainee paying fees through an SFE loan, the fee structure means that the Trainee must be present in Term 3 of one of the years in question. If that is not the case, WSTP has the right to request 25% of the total tuition fees direct from the Trainee.

5. Paternity Leave

5.1 The nature of this one year course means paternity leave as such is not available, but WSTP will aim to exercise what flexibility is possible to allow a short period of absence within the course structure to enable the Trainee to achieve QTS. If the length of absence anticipated is significant, the course is likely to have to be extended into a second year for which there may be financial implications. See compassionate leave below.

6 Medical appointments

6.1 A Trainee should inform WSTP of any appointments for which he/she needs to take leave, being prepared to offer further evidence if requested. The difficulty of obtaining GP and hospital appointments is acknowledged and these will be honoured wherever possible, though a Trainee should attempt to ensure follow up appointments do not impact unnecessarily on attendance on the course.

6.2 Other routine medical appointments should not be made during the working day.

7. Leave of absence

7.1 Leave of absence for other reasons may be granted by the Office Manager acting on behalf of the provider.

7.2 For absences longer than two consecutive days, or for a cumulative total of more than five days, the request will require the additional approval of the Director. It is expected

that an application will be made for leave of absence, in writing, at least two working days before the absence occurs.

7.3 In the case of absence included in private and personal or compassionate categories, written confirmation of a return to study should be submitted to WSTP immediately after the absence.

7.4 The following outlines the rationale for decisions relating to common requests for leave of absence. They should not be seen as an exhaustive list, but serve as an indication as to how leave of absence decisions will be expedited.

7.4.1 Graduation ceremonies: Absence of one day to attend a graduation ceremony for a first degree will be granted. Any requests for travelling time associated with this would not be expected to exceed half a day in total.

7.4.2 Interviews: All reasonable requests will be honoured. Decisions relating to absence for interviews abroad or in places involving extra days for travel will be limited to a cumulative maximum of three working days in the year.

7.4.3 Visits to schools before application/interview: Given the open-ended nature of these absences and the significant demands of the course, leave of absence will not be granted for these visits. In refusing the application, WSTP will, if requested by the Trainee, contact the school in question, informing them both of the Trainee's expression of interest in attending and the rationale for the refusal of the application.

8. Compassionate leave

8.1 In the event of such emergencies as bereavement, serious accident or illness of an immediate family member/dependant, up to three working days will be allowed for the death of a father, mother, son, daughter, brother or sister and up to five working days leave on the death of a husband, wife or partner.

8.2 Requests for additional compassionate leave, or in the case of a cumulative total of more than ten working days, must be referred to the Director.

9. Private and personal

9.1 A maximum of two days at any one time will be granted for the purposes of urgent and unforeseen personal business which does not come under the scope of compassionate leave or to fulfil an important and significant personal commitment which cannot be undertaken at any other time. Requests for such absence should be made to the Director.

9.2 Statutory Leave of Absence up to a cumulative total of five working days during the course will be allowed. However, given the intense nature of the course, Trainees will be advised that membership of bodies requiring such absence should be reviewed.

9.3 Holidays: The intensive nature of the course means that holidays, including those booked before commencement of the course, should not be undertaken.

9.4 If WSTP agrees to holiday leave, for example to attend a family wedding, it should be noted that Student Finance England will be informed and an adjustment to any maintenance loans may follow.

Appendix 1

Informal Procedure

Unless it is a serious case of harassment, the recipient should attempt to stop the behaviour using the informal procedure. There are 3 courses of action that can be taken in this procedure.

- The recipient experiencing harassment can approach the harasser directly. However, we acknowledge that this may be too difficult or embarrassing for some trainees/ employees.
- The recipient can report their complaint of harassment to their trade union representative. The trade union representative will be able to offer advice
- Alternatively, the recipient can report the behaviour to their Director or Headteacher and ask them to speak to the harasser.

Whichever course of action is taken it should be explained to the alleged harasser:

- exactly what behaviour is being complained of;
- that their behaviour is causing the recipient discomfort and/or offence;
- how that behaviour makes the recipient feel;
- that the recipient wants the behaviour to stop.

It should then be agreed what behaviour is acceptable and how they should treat each other. Where a Headteacher has dealt with the informal complaint, they should keep a log of the incident and action taken as this will act as a record should the situation arise again.

The Director will monitor the situation by monthly contact with the recipient to make sure that the problem has not come back. If the unwanted behaviour carries on, the recipient may wish to use the formal procedure.

The informal procedure is designed to stop harassment when it takes place and to help all trainees and employees to work together in a professional and dignified manner.

Trainees and employees may not be aware that their actions cause offence to others and once it is pointed out to them informally it may resolve the situation.

Appendix 2

Formal procedure

If the informal approach has not resolved the problem behaviour, or an incident has occurred which is so offensive to the recipient that an informal approach is not considered appropriate, then the recipient can use the formal procedure.

- Completing an Harassment Complaint Form

Under the formal procedure, the recipient should complete a harassment complaint form. This asks for details of the alleged harasser, a description of what happened, how the recipient felt and details of any witnesses. The recipient can get the form from the workplace Contact, who can help to complete it, if necessary. Alternatively, forms are available from Human Resources (Poole High School) Kirstin Brooks.

Once the form has been completed it should be sent to The Director and Human Resources. Copies of the form should be kept by the Workplace Contact and the recipient. Director and

Human Resources will acknowledge the formal complaint in writing within 2 working days. An HR Adviser will contact the recipient's Head of Service to inform them that a formal complaint has been made. The harasser should be informed by their manager that a formal complaint of harassment has been made against them.

They should also be notified in writing with full details of the allegations within 2 working days.

- Initial Investigation

Human Resources will be able to offer advice and support on the use of the procedure and in handling the case. An HR Adviser will also contact the Workplace Contact and the recipient to discuss the incident(s) in more detail and establish any further facts not mentioned in the form. When this meeting has taken place, the HR Adviser will discuss the following possibilities with the recipient's Head of Service:

- The need to suspend the alleged harasser from work, or;
- Whether the two parties can be separated at work, or;
- Whether the two parties can continue to come into contact with each other at work while attempts are made to solve the problem.

Any suspension will be carried out under the procedures stated in WSTP Disciplinary Procedure.

- Formal Investigation

The HR Adviser and a manager or a senior manager from a different service area to the complainant and alleged harasser will investigate the incident under the procedures for investigation outlined in WSTP's Disciplinary Procedure. This should be carried out within 10 working days of receiving the complaint. This includes taking statements from the recipient, any witnesses and the alleged harasser. If the formal investigation is unlikely to be completed within 10 working days an alternative timescale should be discussed with the recipient.

All those asked to attend investigatory interviews will be able to have a trade union representative or colleague with them.

When the investigation has been completed the Strategic Management Board will discuss the findings with Director. Possible outcomes of the formal investigation are that

- the complaint is not upheld and therefore no further action is taken
- the problem is resolved informally between the two parties
- there is a need for ongoing monitoring of the situation
- disciplinary action is taken against the harasser.

The results of the investigation will be notified to both parties in writing within 3 working days of the findings being agreed.

Throughout this procedure, the information provided by individuals will be treated on a confidential basis. Only those involved in dealing with the complaint will be made aware of all the facts.

Disciplinary Action

If a disciplinary interview is necessary it will be organised in accordance WSTP's Disciplinary Procedure. Careful consideration should be given to the need to have the recipient present at the interview as a witness and the way in which the interview is going to be conducted. For example, if it is necessary for the recipient to be present and the alleged harasser is represented, only the representative is able to ask the recipient questions. The recipient will also be able to be represented to provide support during the disciplinary interview.

The outcome of any disciplinary interview could be:

- No action;
- An oral warning;
- A written warning;
- A final written warning;
- Redeployment;
- Dismissal

If action is taken short of dismissal, the harasser will be told about the standards of behaviour expected in future. It will also be explained that if the recipients victimised in the future for bringing this complaint, or if the behaviour continues, there will be further disciplinary action.

If the outcome of the disciplinary interview is that no action is taken against the alleged harasser, this should be explained to the recipient. If no action is taken, the recipient cannot appeal against that decision. He/she can use WSTP's Grievance Procedure if they do not feel the process has been carried out effectively. In this instance they can invoke stage 2 of the Grievance Procedure.

The harasser has the right to appeal against any disciplinary action taken, as explained in WSTP's Disciplinary Procedure.

If disciplinary action has been taken against the harasser, his/her behaviour will be monitored by the nominated contact by monthly contact with the recipient and the harasser. This will continue for a period of time as decided at the disciplinary interview. No disciplinary proceedings will be started against the recipient for bringing an unfounded claim of harassment, unless it is felt that the complaint has been made out of malice.