

## Bullying and Harassment Framework and Procedures for Teachers

### 1. INTRODUCTION

- 1.1 The Grievance Framework and Procedure for Teachers (LNCT 13) offers every teacher the right to seek redress for grievances relating to their employment, specifically with regard to issues relating to work, the working environment and working relationships. Where, however, a Teacher is being bullied or harassed then it is appropriate to have another procedure specifically to deal with this. Any complaint made by a teacher regarding bullying/harassment/intimidation/victimisation, will therefore be dealt with as detailed within this agreement (LNCT 13a) and not LNCT 13.
- 1.2 For ease of reference a person making a complaint regarding bullying and harassment is referred to as the complainant within this agreement, and the person accused of bullying and harassment is referred to as the respondent.
- 1.3 Any complaint made by a teacher will be dealt with under this policy. Where the complainant is not a teacher, but the respondent is a teacher, then the policy relating to the complainant's conditions of employment will apply.

### 2. PRINCIPLES

- 2.1 Glasgow City Council Education Services and Trade Unions are completely committed to having a workplace free from bullying and harassment. Teachers should be aware of expectations and responsibilities in relation to bullying and harassment and should also be clear what to do if they are experiencing bullying and harassment and the support options available.
- 2.2 The purpose of this agreement is to support the implementation of the Bullying and Harassment policy. The aim of the policy is to ensure fair treatment; recognise the impact of bullying and

harassment on staff and Education Services and to emphasise the duties and responsibilities of management and staff in the face of intolerable behaviour and inappropriate treatment in the Service.

- 2.3 Teachers have a duty to understand how their behaviour affects others. They have a role to play in creating a climate where bullying and harassment is unacceptable. They can achieve this by having an awareness and sensitivity towards the issues of bullying and harassment and by making sure that their standards of conduct do not cause offence.
- 2.4 Teachers may not realise the effect of their behaviour on colleagues. That is why it is important that all teachers familiarise themselves with this agreement and Glasgow City Council's Policy on Bullying and Harassment and realise the possible effects of their conduct on others. This should ensure that employees:
  - Treat fellow workers with dignity and respect;
  - Think about their behaviour and actions, and how these may impact on others;
  - Meet the requirements of Council policies introduced to ensure equal opportunity and non-discrimination;
  - Don't bully, harass, or victimise colleagues or any other person on any grounds;
  - Don't display behaviour or actions that are unwelcome or undermine fellow employees or any other person;
  - Report suspected acts of unacceptable behaviour or practices;
  - Don't make false accusations which damage another person's reputation, dignity and character.
- 2.5 Head Teachers and all Promoted Teachers have a responsibility to uphold and promote this agreement and the Council's Bullying and Harassment policy. They should treat employees fairly and with dignity and respect and make sure the working environment is free from bullying, harassment and victimisation.

They should:

- Encourage an atmosphere of tolerance and respect.
- Lead by example through a fair and open management style.
- Ensure that all employees they are responsible for, are aware of, and understand this agreement and the Council's Bullying and Harassment Policy as appropriate.
- Be aware of their team members' behaviours and take steps to address any action which may cause offence or distress.
- Be supportive of employees who come to them with concerns.

### **3. DEFINING BULLYING AND HARASSMENT**

3.1 There are many definitions of bullying and harassment. Harassment is unwanted behaviour which has the purpose or effect of violating a person's dignity, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment, particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief.

3.2 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

3.3 Examples of these behaviours would be:

- spreading malicious rumours, or insulting someone;
- ridiculing or demeaning someone – picking on them or setting them up to fail;
- exclusion, victimisation or unfair treatment;
- overbearing supervision, other misuse of power or position or excessive and unwarranted scrutiny;
- unwelcome sexual advances – touching, standing too close;
- asking for sexual favours;
- making decisions on the basis of sexual advances being accepted or rejected;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism;

- preventing individuals progressing by intentionally blocking promotion or training opportunities;
- aggressive body language, shouting at someone or physical intimidation;
- unpredictable behaviour.

3.4 Bullying and harassment is not necessarily carried out face to face, it could be by written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), e-mail, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

3.5 Bullying is usually persistent and repetitive behaviour however, some bullying can be serious enough to be recognised even if the behaviour was an isolated incident. Bullying can range from extreme forms such as violence and intimidation to less obvious actions, such as deliberately ignoring someone.

### **4. MANAGEMENT DECISIONS**

4.1 It is important to note that every day managers have to make decisions and take necessary action to deliver services. Where a manager performs their duties or applies appropriately another agreement e.g. LNCT 11, this does not amount to bullying and harassment.

### **5. ORGANISATIONAL CHANGE**

5.1 Organisational change can at times result in employees feeling apprehensive, upset, and resistant to change. Organisational change is not intended to undermine or humiliate employees but is always aimed at improving council services or meeting economic challenges. Organisational change does not amount to bullying or harassment.

5.2 Equally, it is important to note that staff and their representatives will have to make enquiries and representations with regard to legitimate professional and contractual issues to their line manager(s) as appropriate. Where a teacher or representative makes representation or formally requests a professional meeting to discuss matters of enquiry and concern, this does not amount to bullying and harassment. All approaches will be made in a professional and courteous manner and likewise, reciprocated in accordance with the principles of dignity at work.

## **6. KEY ACTIONS/PROCEDURES**

6.1 There are 5 key steps a Teacher should follow if they feel they have been subjected to unacceptable behaviour:

1. Do not ignore the problem.
2. Confide in someone.
3. Understand the policy and the options available.
4. Keep a record of any incident(s).
5. Consider taking action.

### **6.2 Confiding in Someone**

It can be important to get support. This may be difficult and it may be difficult to know who to trust, there are a number of options including:

- a trained counsellor from the Council's Employee Assistance Provider, who can be contacted by phone on **0800 042 0135**, 24 hours a day, every day;
- any of Education Services' trained Harassment Contacts (available on Connect);
- a work colleague;
- a trade union representative;
- the line manager or senior manager if the complaint is about the line manager.

### **6.3 Record Incidents**

As soon as possible after any incident a note should be made of: what happened, including details of the alleged incidents, any statements made or a description of the unacceptable behaviour. A record of the date time and location should be included together with who was involved or witnessed the incident. This record should be factual and copies of supporting evidence should be kept.

## **7. INFORMAL APPROACH**

7.1 It is important for everyone involved to respect the rights to confidentiality of all parties involved, whichever approach is taken, when dealing with a complaint of bullying and harassment.

7.2 Where possible a teacher who feels they are a victim of unacceptable behaviour should talk to the person directly, either alone or with support. It is also possible to ask someone else to do so on their behalf. If someone else provides support they should be a work colleague, a trade union representative, a line manager or a

senior manager where the complaint is about the line manager. The employee (or the person selected to offer support) should talk to the person directly about their behaviour, explain how it has affected them and ask them to stop behaving in that way. More advice regarding how to approach this meeting is contained within Glasgow City Council's Guide to stopping Bullying and Harassment (available on Connect).

7.3 A flow chart explaining the informal approach is attached (Appendix 1).

7.4 If the complaint is not resolved informally or, if the teacher wishes, they may progress to the formal approach.

## **8. FORMAL APPROACH**

8.1 Where the individual is unsure whether or not LNCT 13a is the most appropriate policy then they should consult HR and/or their Trade Union for advice.

8.2 A formal complaint should be made in writing using the Harassment Complaint Form (Appendix 2). This will normally be submitted to the line manager. If the complaint is against the line manager, then the complaint can be submitted to another manager, Education HR or an investigator (details of investigators for Education Services can be provided by the HR Advice and Guidance Team).

8.3 As with the informal approach, a complaint can be made independently, with support or through someone else acting on behalf of the teacher who feels bullied/harassed. If someone provides support they should be a work colleague, trade union representative, line manager or senior manager if the complaint is about the line manager.

### **8.4 Investigation**

8.4.1 The Council has identified and trained investigators to ensure an efficient, fair and consistent approach. Their role is to carry out a prompt, thorough and impartial investigation, which will be conducted according to the principles of section 5.1 of LNCT 12.

8.4.2 The teacher making the complaint will normally be asked to attend a meeting to discuss it. This will be with an impartial investigator and will not involve the person who is accused of the bullying/harassment. The teacher will have the right to be accompanied at this meeting by

a work colleague or trade union representative. The teacher making the complaint will be asked to explain what has happened, when, who has been involved, and how they felt as a result. If records of the incident(s) have been kept then this should be discussed at the meeting.

8.4.3 After the initial meeting, the appointed investigator will decide if the complaint falls within the definition of bullying and harassment and if so, start a formal investigation. Where the complaint is not best dealt with under LNCT 13a then the individual will be referred to HR and/or their trade union to take advice on the most appropriate mechanism to deal with the complaint which is likely to be LNCT 13. All parties involved will be advised of this decision.

8.4.4 The investigating officer will arrange to meet with the person accused of the bullying and harassment and will ensure they are aware of the nature of the allegation prior to this meeting. The investigating officer will also interview any witnesses identified by both parties if those witnesses may have information relevant to establishing the facts. They may also want to speak to the teacher making the complaint again. All parties involved will have the right to be accompanied/represented by a trade union representative or fellow employee during meetings at every stage of the process.

8.4.5 Every effort will be made to complete the investigation within 30 working days. This will help reduce any further distress to all parties. If circumstances outwith the control of the investigator arise, revised timescales will be notified to all parties.

#### 8.5 Investigation completed

When the investigation is complete the investigator will prepare a report which will conclude whether or not any bullying or harassment has taken place and make recommendations based on these conclusions.

#### 8.6 Complaint Rejected

Where the investigator determines that bullying and harassment has not taken place, then the complaint will be rejected. The complainant has the right to appeal to the Executive Director of Education Services within 7 days of receiving a letter confirming the outcome of the investigation. This should be submitted in writing detailing the reasons for the appeal. The Executive Director or

nominated senior officer will usually arrange the appeal hearing within 10 working days of receipt of the written details of the appeal.

#### 8.7 The Appeal Hearing

The appeal hearing will be conducted as follows:

- The teacher and/or their representative shall present their case orally and/or in writing i.e. they will say why they believe the investigating officer has not reached the correct decision
- The investigating officer shall then present his/her case orally and/or in writing and will detail why they believe they have reached the correct decision
- The nominated senior officer shall then have the opportunity to question both parties.
- Both parties shall then have the opportunity to cross question each other.
- It shall be open to either party to call relevant witnesses. Any witnesses called may be questioned by the party calling the witness, the other party involved and by the nominated senior officer hearing the appeal.
- Both parties may then make a concluding statement.

8.8 The decision of the officer hearing the appeal is final. However, this is without prejudice to pursuing the matter under laws covering discrimination and harassment.

8.9 A flow chart explaining the formal approach is attached (Appendix 3).

#### 9. Complaint is Upheld

9.1 Where the investigating officer's report concludes that bullying and harassment did take place and upholds the complaint, this may lead to either a disciplinary hearing for the individual involved, or an alternative course of action, depending on the nature of the bullying and harassment e.g. mediation, training.

9.2 Where disciplinary procedures are invoked, the procedures will be held in accordance with the respondent's terms and conditions of employment. The investigatory process outlined within this document meets with the requirement for an investigation under LNCT 12 paragraph 5.1.

## **10. DUTY OF CARE**

10.1 Any discussions regarding a bullying and harassment complaint with a manager, Harassment Contact or Education HR are treated as confidential with the decision to progress a complaint lying with the employee. Glasgow City Council however has a "duty of care" to all employees and can be responsible in law for the acts of its workers. In exceptional circumstances therefore, where the employee is unwilling to pursue a complaint, this must be balanced with the Council's duty of care to ensure the welfare of all employees. Where there is an unacceptable risk, steps may have to be taken to pursue the matter further. This will only be done in consultation with the employee who feels they are being bullied or harassed.

## **11. FALSE ACCUSATIONS**

11.1 Glasgow City Council, Education Services has a duty of care to every employee. False accusations are those that are made without grounds, substance or evidence and with the intention to deliberately cause upset and distress.

11.2 If an accusation is made in good faith but is not confirmed by the investigation no action will be taken against the individual making the accusation. If, however an investigation finds that an allegation is malicious, the employee making the allegation may be subject to disciplinary action.

## **12. FURTHER INFORMATION**

12.1 More information and guidance on the roles, responsibilities and activities of those involved in this process is contained within Glasgow City Council's Guide to stopping Bullying and Harassment.

12.2 Glasgow City Council's Bullying and Harassment Policy and all documentation provided in relation to Bullying and Harassment is noted below and supports this agreement.

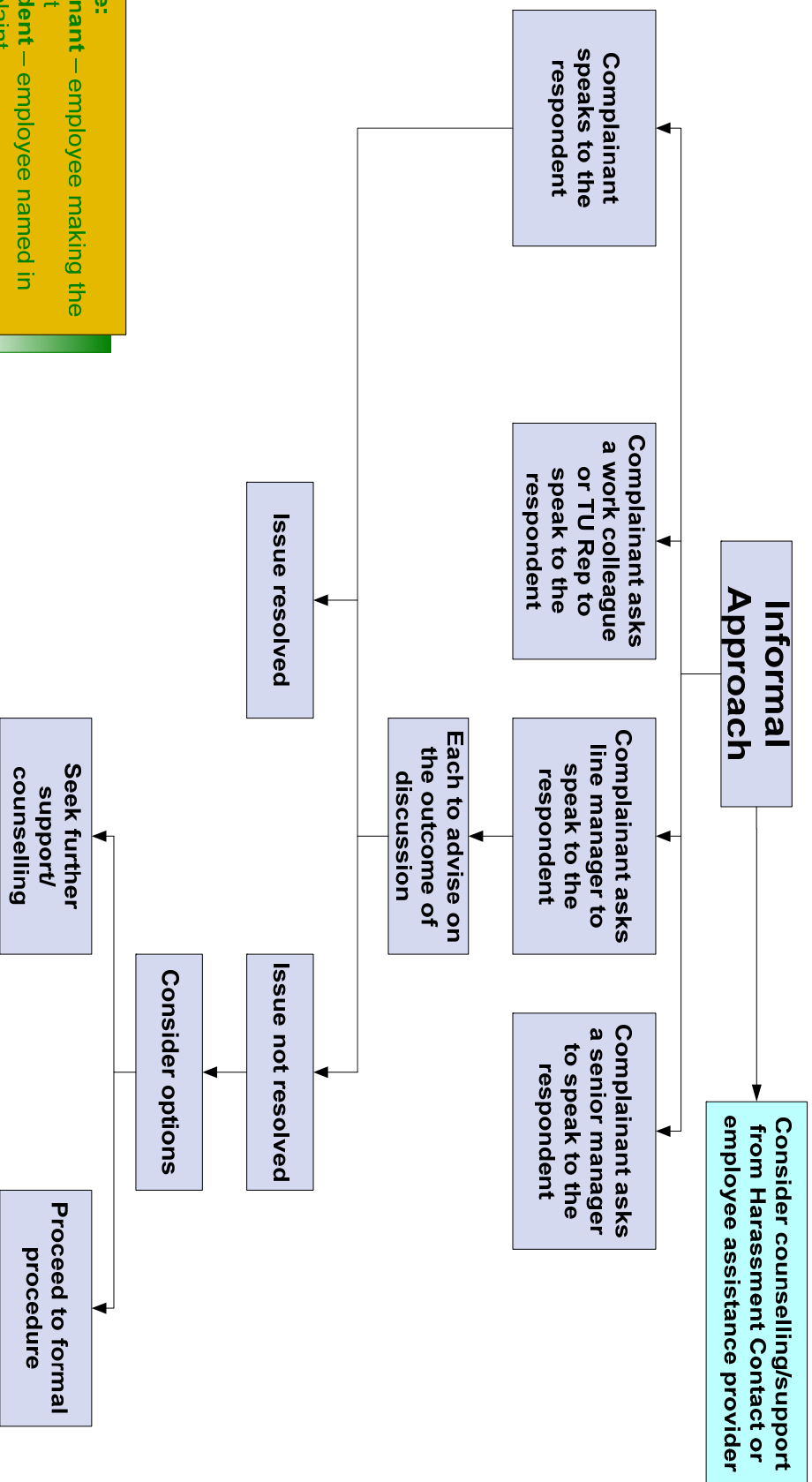
- Guide to stopping Bullying and Harassment
- Bullying and Harassment Leaflet
- Five Key Steps
- Roles and Responsibilities
- Gold Bullying and Harassment Courses
- Bullying and Harassment Master class Training Sessions



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This Policy has been agreed by the Glasgow LNCT and approved by the Education Children and Families Policy Development Committee

**Bullying & Harassment  
Informal Approach**



**Footnote:**  
**Complainant** – employee making the complaint  
**Respondent** – employee named in the complaint



# Harassment Complaint Form

**STRICTLY PRIVATE AND CONFIDENTIAL**

I wish to have my complaint formally investigated under the Bullying and Harassment Policy.

<b>Name:</b>	
<b>Service:</b>	
<b>Job Title:</b>	
<b>Grade:</b>	
<b>Work Location:</b>	
<b>Contact Number:</b>	
<b>Line Manager:</b>	
<b>Representative's Name:</b>	

<b>This complaint(s) is against:</b>	
<b>Name:</b>	
<b>Job Title:</b>	
<b>Name:</b>	
<b>Job Title:</b>	

<b>Statement of Complaint</b>
Please explain your complaint in detail, including any evidence which backs this up, such as the date(s) and time(s) when the incident(s) took place. (Continue on a separate page if required).



# Harassment Complaint Form

**STRICTLY PRIVATE AND CONFIDENTIAL**

## Supporting Evidence

Name(s), job title(s) and contact details of witness(es) if applicable:

In your opinion what did they witness?

Has this or a similar complaint been raised previously (Delete as appropriate)

Informally

Formally

Yes

No

Yes

No

What was the outcome of this?





# Harassment Complaint Form

**STRICTLY PRIVATE AND CONFIDENTIAL**

I note that a copy of this form excluding witness details will be issued to the respondent(s) to allow them the opportunity to respond to the allegation(s).

I hereby confirm that the above information is a true and accurate reflection of events. Furthermore, I understand that making false or inaccurate allegations is a breach of the Council's Bullying and Harassment Policy and may be subject to disciplinary action.

Print Name:	
Signature:	
Date:	

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### For official use only

Received by	
Name:	
Job title:	
Date:	
Name of investigator allocated to case:	
Date passed to investigator:	
Date received by investigator:	



# Harassment Complaint Form

## Equalities Monitoring Information

The council has a legal duty to capture information on the number of harassment complaints made. We use this information to make sure that our policies and procedures are working effectively and that we don't discriminate on the grounds of gender, ethnicity or disability. This information will be kept in strictest confidence separate from your complaint form and used for statistical purposes only. Please note, the provision of information in this section is entirely voluntary and, if you chose not to do so, this will not affect the outcome of your complaint. Thank you for your co-operation.

### PERSONAL DETAILS

Please tick the appropriate box to indicate your gender

Gender                      **Female**                       **Male**                       **Non Disclosed**

Please show your ethnic origin by ticking one of the boxes below.

#### White

Scottish       English       Welsh       Northern Irish       British

Irish       Gypsy/Traveller       Polish       Other White Ethnic Group

**Mixed**

Any Mixed background, please write in: .....

#### Asian

Pakistani, Pakistani Scottish or Pakistani British       Indian, Indian Scottish or Indian British

Bangladeshi, Bangladeshi Scottish or Bangladeshi British       Chinese, Chinese Scottish or Chinese British

Other (Asian)

#### Black

African, African Scottish or African British       Caribbean, Caribbean Scottish or Caribbean British       Black, Black Scottish or Black British

Other Black Background

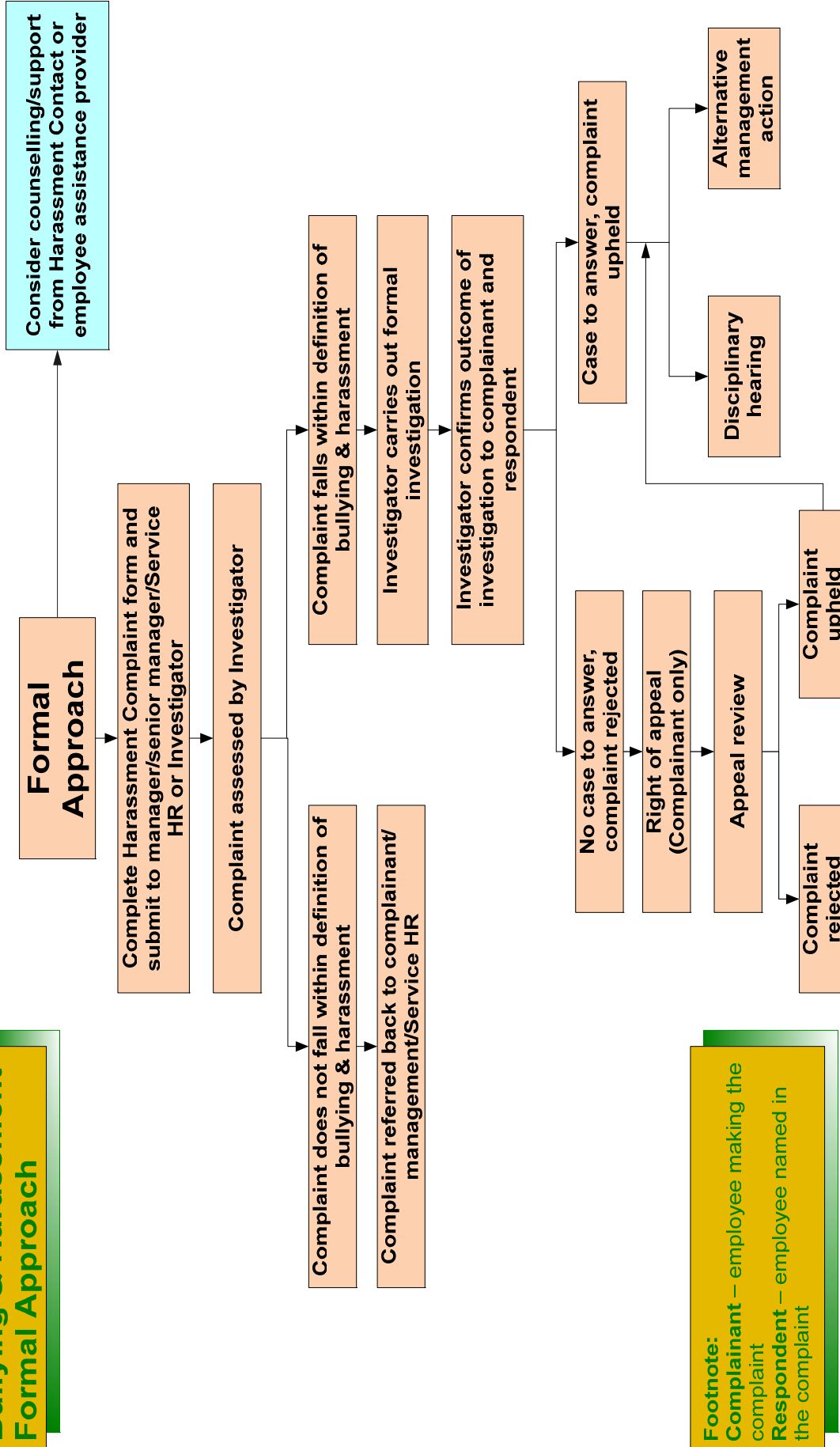
**Other ethnic background**                       Arab

Other ethnic background, please write in: .....

Non Disclosed

Do you consider yourself to have a disability?       Yes                       No                       Non disclosed

# Bullying & Harassment Formal Approach



**Footnote:**  
**Complainant** – employee making the complaint  
**Respondent** – employee named in the complaint