

South West Ministry Training Course (SWMTC)

Combating Bullying and Harassment

1 Policy

Bullying and harassment can seriously damage the health of the person who believes him- or her- self to be the target, and the Board recognises its duty of care to all staff, students and office holders, to seek to protect their health and safety. SWMTC wishes to support all staff and students who feel themselves to be bullied or harassed and those who are being accused of bullying and harassment.

It is the Board's intent to provide fair, consistent and effective application of these provisions. This policy (and the associated Policy 5 Equal Opportunities) applies to all students and to all employees, including temporary workers, volunteers and contracted workers of the Board (referred to as "employees" or "staff").

2 What are bullying and harassment?

Bullying and harassment are similar to each other and more formal definition are given in section 4 below.

The terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace or the learning environment. It may be related to any of the protected characteristics outlined in the Equality Act 2010, including age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

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Examples of unacceptable behaviour, bullying or harassing behaviour include (further examples are given in section 6):

- spreading malicious rumours
- unfair treatment
- picking on someone
- regularly undermining a competent worker
- denying training or promotion opportunities to a person

Bullying and harassment can happen:

- face-to-face
- by letter
- by email
- by phone

Bullying itself isn't against the law, but harassment is unlawful under the Equality Act 2010 and is defined as behaviour that is deemed offensive by the recipient. Employees can complain of the behaviour they find offensive even if it is not directed at them; in law, the unwanted behaviour is related to one of the following:

- age
- sex
- disability
- gender (including gender reassignment)
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation

3 Avoidance of Harassment and Bullying

- Harassment should be considered as any behaviour that could potentially undermine someone's dignity and respect, and should be regarded as unacceptable. If it is not challenged it is likely to escalate and lead to significant difficulties for all concerned. Early action against unacceptable behaviour is always recommended, before it becomes a 'bullying or harassment' issue.
- Bullying is something that happens over a prolonged period of time and the longer it goes on the more difficult it is for a person who believes themselves to be a 'target' to take personal action to confront the behaviour.
- People are susceptible to behaviour from others in different ways. It is widely recognised that some people are more susceptible to bullying than others. This is sometimes seen as 'weakness' in character, but is often associated with a desire to please others or low self-esteem. If dismissed as 'weakness' and not addressed, the situation can escalate.
- Bullying and harassment are very much in the 'eye of the beholder' in that what is perceived as unacceptable to one person may appear acceptable to others. It is helpful to think in terms of *'if this person feels that they are being harassed, or bullied, then they are'*. This can sometimes result from what is termed a 'clash of personalities' and the management style adopted by a supervisor can be perceived as bullying by one person even though this management style has been, or is, acceptable to others. If this perception / and or the behaviour is not addressed, it can become a serious problem, and can cause stress and ill-health.
- The 'harasser' or 'bully' may not be aware how their behaviour is perceived, this does not stop it being unacceptable, but drawing their attention to perceptions can often ease or even correct the situation.
- It is also not unknown for bullying to occur in reverse; bullying can occur when a person in an 'inferior' position behaves as if 'managing upwards'. Even if they are below in a hierarchy a person with a strong character and strong views on what is required in any situation, can act in such a way as to intimidate a person with a 'weaker', or more susceptible character. Thus a member of staff with strong views can be perceived as 'bullying' a manager.
- It is crucial that all those who are associated with combating bullying and harassment

come at any and every situation with an open mind – what they consider to be acceptable behaviour may not be acceptable in other peoples' eyes. In all cases, addressing any 'clashes of personality', unacceptable behaviour, or other potential difficulties before they affect health, is much easier.

- Bullying and harassment are most easily identified when evidenced through continuous, frequent, repetitive actions that are part of an overall pattern. However, some abuse is serious enough to be recognised even if the behaviour occurred only once and is therefore not defined as bullying.

4 Formal Definitions

In establishing the links between 'unacceptable behaviour', 'bullying' and 'harassment' as well as drawing together the common themes and issues the following more formal definition may be helpful:

- *Any behaviour involving a misuse of power, which an individual or group knows, or ought reasonably to know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group should be regarded as unacceptable in the work-place.*
- *'Unacceptable behaviour' changes its label to 'bullying' or 'harassing behaviour' when it causes actual harm or distress to the target(s), normally but not exclusively, involving a series of incidents over a prolonged period of time.*
- *Lack of intent does not diminish, excuse or negate the impact on the target or the distress caused. The degree of intent is only relevant in terms of how the behaviour should be challenged and the issued subsequently resolved.*

5 How can bullying and harassment be recognised?

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in

some way. Others may become frightened and demotivated. In terms of employment, stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

All bullying and harassment is insidious, undermining the ability and confidence of the person suffering from it. It can lead to

- a noticeable level of sickness absence or stubborn attendance when obviously unwell,
- symptoms of stress,
- psychological, emotional and physical harm,
- fear,
- isolation,
- demotivation and reduced output,
- poor concentration.

Serious and intentional bullying may manifest itself in a variety of different ways. It is usually persistent is often unpredictable and can amount to severe intimidation.

6 Examples of Harassment / bullying behaviour

This list of behaviours is not exhaustive but gives a clear indication of the sorts of actions that constitute **harassment**:

6.1 Examples of harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position

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- unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- unwanted physical contact,
- use of lewd, suggestive or offensive language.
- (in employment) 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.

The most serious incidents might result in:

- creating an unsafe working or learning environment,
- ignoring signs of overwork and extreme stress,
- putting someone's physical, emotional or psychological health at risk by making them upset, frightened and/or ridiculed.

6.2 Bullying

This list of behaviours is not exhaustive but gives a clear indication of the sorts of actions that constitute **bullying**:

- isolating someone or deliberately ignoring or excluding them from activities,
- consistently attacking someone's professional or personal standing,
- setting out to make someone appear incompetent,
- persistently picking on someone in front of others,
- deliberate sabotage of work or actions,
- deliberately withholding information or providing incorrect information,
- overloading with work/reducing deadlines without paying attention to any protest,
- use of e-mails to reprimand, insult or otherwise inform someone of their apparent feeling, either to the individual or to third parties,

- repeatedly shouting or swearing in public or private,
- spreading malicious rumours to third parties,
- public humiliation by constant innuendo, belittling and 'putting down',
- personal insults and name-calling,
- aggressive gestures, verbal threats and intimidation,
- persistent threats,
- making false accusations,
- aggressive bodily posture or physical contact,
- talking/shouting directly into someone's face
- direct physical intimidation, violence or assault, and
- (in employment) removing areas of responsibility without discussion or notice,

As with Harassment, the most serious incidents might result in:

- creating an unsafe working or learning environment,
- ignoring signs of overwork and extreme stress,
- putting someone's physical, emotional or psychological health at risk by making them upset, frightened and/or ridiculed.

Harassment may also include any or all of the behaviours listed above as bullying behaviour.

7 Acceptable Behaviour

One of the difficulties with combating bullying and harassment is the difficulty of distinguishing between *bullying* behaviour and behaviour that is reasonable in a particular context. For example there may be occasions where shortcomings in performance are being addressed and more incisive behaviour is interpreted as bullying simply because the recipient is unused to being challenged or asked to account for their actions.

On the whole it is safest to take the view that if a person complains that they are being

bullied or harassed, then they have a **grievance**, (or in the case of a student, a **complaint**) which should be dealt with regardless of whether or not their complaint accords with a standard definition. A grievance, properly handled through the recognised procedure (will enable them to put their case, and for a determination to be reached as to whether the behaviour was 'acceptable' in that it was reasonable in that context or was 'unacceptable' and therefore changes need to be made.

8 Policies and Procedures

8.1 Standards of behaviour

The Board

- *recognises the importance of setting a good example;*
- *acknowledges that what is intended as strong leadership can sometimes tip over into bullying behaviour and*
- *acknowledges that a culture where staff and students are consulted and problems discussed is less likely to encourage bullying and harassment than one where there is an authoritarian leadership style.*

Board members and members of committees undertake to participate in training provided in support of this policy.

8.2 Communication and training

The Principal is responsible for encouraging and monitoring the implementation of the policy. He or she will ensure that this policy is included in the SWMTC Staff and student Handbooks and is adhered to at all times.

8.3 Harassment Advice

The Board acknowledges that external advice might be necessary when complaints of inappropriate behaviour, harassment and bullying are made. To this end, appropriate external advice will be sought as necessary. In the case of staff, this may be through the assistance of the SWMTC H.R. Advisor.

8.4 Counselling and dispute resolution

Professional counsellors, trades unions, and professional associations are other useful sources of support for individuals.

8.5 Confidentiality

It is SWMTC policy that these matters are to be treated with absolute confidentiality and (unless the matter is a legal one and or involves the Police) no action will be taken without the consent of the person who feels he or she has been a target.

9 Procedures

When both the alleged perpetrator and the person who believes themselves to be the target are **both members of staff**, complaints should be brought to the attention of the Principal. Should the complaint be against the Principal, the matter will be referred to the Trustees, in accordance with the Grievance Procedure. Complaints of bullying or harassment by a staff member may, with the target's consent, be dealt with under the **Grievance Procedure (see Policy 8)**.

Examples of procedures that should be followed are given below.

9.1 Procedures for addressing Bullying and Harassment

These procedures are not dependent on the target having taken personal action to ask the bully to stop their behaviour. By its very nature bullying is something that happens over a prolonged period to time and the longer it goes on the more difficult it is to take personal action to confront the behaviour.

9.2 Actions to be taken by someone who believes themselves to be subject to bullying / harassment

A person who believes themselves to be experiencing bullying or harassment (the 'target') should be not suffer in silence or feel that they are to blame in some way for inviting bullying

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behaviour. In order to ensure that anyone who believes that they are being bullied or harassed feels able to share this with another person, the Board will ensure that all clergy and lay staff understand that bullying and harassment will not be tolerated. In all cases, early action is preferable and so it is in the interests of all persons concerned for the 'target' to be advised and encouraged to seek advice early.

The first step is normally an informal discussion with a tutor, manager or a designated colleague to explore the person's concerns. The Board accepts that any person who believes themselves to be the target of harassment or bullying must be given every opportunity to raise their complaint or grievance informally or formally as set out below or through the SWMTC Grievance Procedure or the Students' Complaints Procedure. They have the right to be heard and have the right to expect action to be taken, should this be deemed necessary. A suitable person must be nominated to be the first port of call for the 'target' should he or she not wish to/ be able to speak to their tutor, manager or supervisor.

The 'target' is encouraged to keep a factual log of all incidents of bullying - dates, times, nature of incident, details of accusations, criticism, emails and other correspondence. This may be needed as evidence should harassment, victimisation or bullying continue or subsequently recur.

Whatever the eventual outcome, the person who believes they are a target, will be fragile and stressed, and may be suffering from ill-health. It is important that support and advice is made available throughout the procedure, including (as appropriate) from qualified counsellors, professional associations, trades unions and/or the police. Staff members should be reminded of the availability of the Counselling Service used by SWMTC.

9.3 Actions to be taken by SWMTC when a complaint has been made by a person who believes themselves to be subject to bullying / harassment

i) Informal action

Every effort should be made to use informal means, including considering alternative dispute resolution such as mediation or restorative justice, to stop the offensive behaviour before formal procedures are invoked; but it should also be made clear that if the behaviour continues, the matter will become a formal complaint. This may be enough to sort things out, particularly if the person involved was unaware that their behaviour was causing offence.

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It may be possible for complaints to be resolved quickly by explaining directly to the alleged harasser or bully the effect their behaviour is having, and that it should stop. The informal route may ensure that the alleged harasser or bully understands how their behaviour is unacceptable and ensure that they stop. The informal route prevents the matter becoming public, or escalating.

It is rarely advisable for a target to confront a bully alone. A Harassment Adviser or professional mediator should be consulted and they should discuss together whether the Advisor and/or the 'target' should confront the alleged harasser, or whether another person should talk to the alleged harasser on their behalf.

Whenever possible, any complaint of bullying or harassment should be notified, in confidence, to the Principal. Once an outcome has been agreed between the parties, this officer will monitor the situation as appropriate as part of the Board's duty of care.

If the Principal decides the matter is sufficiently serious or constitutes gross misconduct, they will make a file note of action taken and with the target's permission, institute an investigation under the formal procedures.

ii) Formal Action

Formal procedures are not dependent on the target having taken personal action to ask the bully to stop their behaviour.

If an informal approach fails or is inappropriate, formal action should be instigated by the Principal.

If the perpetrator is a member of staff, formal procedures will be used, including the Formal Disciplinary Procedure.

10 False accusation

False accusations are a serious matter. The behaviour of anyone who is found to have made an unfounded, deliberately malicious complaint or allegation will be regarded with the utmost seriousness and where possible and appropriate, formal action will be taken, including (in the case of a staff member) Disciplinary Action.