



Bullying & Harassment Policy

Education Otherwise is committed to providing a positive working environment free from intimidation, ridicule and harassment. EO will not tolerate threatening behaviour including bullying, harassment, intimidation, threats and physical or psychological violence in the workplace. EO considers workplace bullying and harassment unacceptable and believes that everyone should be able to work in an environment free of bullying.

Workplace bullying is unreasonable behaviour that generally is persistent, and demeans, intimidates or humiliates volunteers and staff, either as individuals or as a group. Workplace bullying may cause the loss of trained and valuable volunteers and staff, reduce productivity and morale and create legal risk.

General

Every Trustee, Line Manager, volunteer and employee has a responsibility to maintain a working environment free from negative or bullying behaviour. Any reports of workplace bullying or harassment will be treated seriously and investigated promptly, confidentially and impartially. EO encourages all members, volunteers and staff to report bullying and harassment occurring to them in their role, and will ensure that volunteers, staff or witnesses who make complaints are not victimised. EO will investigate all complaints of bullying and take disciplinary action against anyone where a complaint of bullying is upheld. Disciplinary action may range from a formal warning to removal or membership.

What is Bullying and Harassment?

Bullying and harassment is the repeated less favourable treatment of a person by another or others in the workplace or outside because of their role within EO. Bullying is persistent unwelcome behaviour, mostly using unwarranted or invalid criticism, nit picking, fault finding, spreading rumours, exclusion or isolation being treated differently. Instances of workplace bullying may have the deliberate intent of causing physical or psychological distress to others and can include behaviour that intimidates, offends, undermines, degrades or humiliates a worker, possibly in front of others or online.

What type of Bullying Behaviour?

Bullies are often insecure people who do not trust others and see them as a threat to their own positions. Techniques range from outright aggression and humiliating their victims in front of others, to psychological torture. Bullying can begin innocuously enough, so that the victim is at first unsure of their suppressor's intentions; and is done covertly so remains unseen by outsiders. One of the difficulties in approaching the problem of workplace bullying, is that it may be hard to recognise and its effects may be attributed to something else. Bullying is a gradual wearing down process that makes individuals feel demeaned and

inadequate, that they can never get anything right, and that they are hopeless, not only within their work environment, but also in their domestic life.

It might include one of or a number of the following behaviours, although the lists given below are not intended to be exhaustive. They are however illustrative of the kind of behaviours that will be regarded as bullying and can occur in person, by telephone or text, through email or online media.

- Ridicule, humiliation, patronising and belittling remarks, (particularly in front of others);
- Persistent or destructive criticism or sarcasm;
- Loud or aggressive attacks and overt or more subtle intimidation such as constant criticism of a trivial nature;
- Spreading malicious gossip or rumours;
- Ostracising, undermining, ignoring or isolating an individual;
- Frequent critical remarks about a person's personality traits/abilities, or lack thereof;
- Manipulation, mobbing or incitement of others to commit bullying or harassment;
- Threats of a physical or psychological nature;
- Victimisation because of someone's gender, race, disability, sexual orientation, age, religion, other beliefs, a complaint they've made or any other reason;
- Bullying behaviour or language that causes concern, fear or distress to others;
- Inappropriate and derogatory remarks personally or in connection with an individual's role;
- Verbal and physical abuse, eg shouting and throwing objects;
- Derogatory name-calling and insults or using "nick-names";
- Unnecessary or unwanted physical contact; or invasion of personal space;
- Sexually suggestive behaviour, or compromising sexual invitations or demands;
- Racial harassment – including racist jokes or graffiti;
- Excessive supervision and monitoring or abuse of power;
- Setting unreasonable deadlines for task completion;
- Deliberately sabotaging or impeding performance;
- Taking the credit for another's work;
- Always blaming an individual or a group for anything that goes wrong;
- Being excessively critical about little matters;
- Constantly changing work requirements without prior notification/discussion with the individual concerned, and then criticising when things go wrong;
- Ignoring or discounting a person's achievements;
- Never listening to a person's point of view or cutting across others in conversation;
- Deliberately withholding information or other resources an individual needs to do their job;
- Removing responsibility and/or imposing menial tasks.

Types of bullying and harassment

See Appendix A.

Why Victims are Bullied And How Bullies Select Their Targets

A victim is usually selected on the basis that they are either more attractive, competent, successful, or popular. It is a sad fact too that the victims of workplace bullies are often usually above average performers, efficient and often better at what they do than those who bully them. There are other common reasons for being targeted, such as standing up for someone else who is being bullied, being highly qualified or experienced, inability to fight back, vulnerability, low assertiveness, whistleblowing, being 'different' etc. Loss of confidence, the confusion of professional and personal characteristics and abilities, the feeling of shame and degradation, is all part of the victim experience.

REMEMBER THAT BULLYING IS NOT YOUR FAULT.

Projection

Bullies project their inadequacies, shortcomings, behaviours etc on to other people to avoid facing up to their inadequacy and doing something about it (learning about oneself can be painful), and to distract and divert attention away from themselves and their inadequacies. Projection is achieved through blame, criticism and allegation; once you realise this, every criticism, allegation etc that the bully makes about their target is actually an admission or revelation about themselves. It is a key identifying feature of a bully that, when called to account, they will accuse the person who is unmasking them; this counter-complaint will lack substantive and quantifiable evidence and rely on opinions without accompanying facts.

Helping Yourself

Perhaps the most common piece of advice given to those being bullied is **CONFRONTATION**. However, this apparently straightforward and common sense approach is more likely to enrage than to persuade the person to see reason. It will almost certainly result in an increased vindictiveness towards the accuser. Confrontation is too unsafe an approach to be made by the individual alone. **GET SUPPORT AND ADVICE**. Take the matter up with your Line Manager or the Complaints Group.

The Legal Position

There is no specific legislation in the UK dealing with the issues of workplace bullying, but a number of areas of law may be relevant and applicable.

- Crime and Disorder Act 1998;
- Criminal Justice and Public Order Act 1995;
- Data Protection Act 1998;
- Disability Discrimination Act 2004 (amends the Disability Discrimination Act 1995);
- Employment Act 2002 (Dispute Resolution) Regulations 2004;
- Employment Rights Act 2004; Health and Safety at Work Act 1974;
- Protection from Harassment Act 1997;

- Race Relations Act 1977;
- Sex Discrimination Act 1975.

Employers have a 'duty of care' to look after the health and safety of all their staff, this is required by:-

- **Statute** – the Health and Safety at Work Act – 1974;
- **Common Law** – under the law of negligence and;
- **Contract Law** – it is an implied term in the contract of employment that the employer will ensure the staff health, safety and welfare.

Effect of bullying on an individual

The effects on the person experiencing bullying can include:

- severe psychological distress, sleep disturbances and general feelings of anxiety;
- physical symptoms such as nausea, stomach-aches, palpitations, migraines or headaches and general ill-health;
- incapacity to work, reduced output and performance;
- anxiety, depression, panic attacks, mood swings, lack of motivation, loss of self confidence, self esteem and sometimes even suicidal thoughts.

Effect of bullying on the organisation

The effects of bullying on the organisation can include:

- damage to its reputation resulting in loss of members;
- lower workplace productivity and efficiency, and poor morale;
- high volunteer turnover with resultant increase in recruitment and induction costs;
- down time as replacement workers are trained in their new roles;
- the direct cost of dealing with complaints of bullying such as the cost of counselling affected workers, costs associated with legal action etc.

Responsibilities of Trustees and Supervisors

Managers are responsible for ensuring that all volunteers and staff understand that bullying is not tolerated in the workplace and for taking early corrective action to deal with behaviour which may be offensive or intimidating.

If a Trustee or supervisor feels that something they're aware of or a reported incident might constitute bullying and the trustee/supervisor feels that the nature of the complaint is outside their expertise, he or she will refer the matter to the Trustees or the Complaints Group.

The prevention of all inappropriate behaviours including bullying require Trustees and supervisors to:

- be aware of, identify and prevent bullying in the workplace;

- eliminate inappropriate behaviour regardless of whether a complaint is received about that behaviour;
- encourage all volunteers and staff to behave in accordance with the principles of equal opportunity and anti discrimination;
- provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace;
- respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred.

Trustee, staff, volunteer and member responsibilities

The prevention of bullying and harassment requires everyone to be responsible for the following actions:

- be aware of and identify bullying behaviour and where appropriate utilise EO's and/or external mechanisms to stop any further instances of bullying behaviour;
- behave in accordance with the principles of equal opportunity and anti discrimination;
- if bullying behaviour is witnessed or experienced and the individual feels able, speak with the alleged bully to object to the bullying behaviour;
- offer to act as a witness if the person being bullied decides to report the incident;
- keep a record or diary of incidents noting what happened, when and the names of witnesses,

What Can You Do If You Are Being Bullied?

A trustee, member of staff or volunteer who experiences bullying can seek advice and assistance from their Line manager, the Trustees or Complaints Group. Bullying or Harassment can result in trauma and stress for the person who is a target of inappropriate behaviour. An individual who experiences bullying can seek to resolve the situation informally or formally.

Ongoing Support

Every safeguard must be made against the possibility of recrimination or victimisation, particularly in cases where a complaint is upheld. The Line Manager or Trustees have a duty to monitor the longer term situation as far as possible, both in respect of day to day working relations and in the wider community. For example, gossip and innuendo about a complainant must not be permitted, neither should inappropriate references be written or informal feedback be given to colleagues, prospective employers, etc about the conduct or quality of a person, or a potential job applicant who has made a complaint which was not malicious or vexatious about harassment in the past.

Informal Complaints procedure:

- Individuals should contact Complaints Group to discuss an informal complaint procedure;

- Informal mechanisms may include a strategy to raise awareness or education session in relation to appropriate behaviour in the workplace;
- Informal resolution may also include mediation between parties where appropriate;
- Mediation is usually only appropriate for cases of unwitting bullying, and is not appropriate for other types and serial bullying;
- Alternatively, a volunteer or member of staff may ask their Line Manager to speak to the alleged bully on their behalf. The supervisor will privately convey the individual's concerns and reiterate EO's workplace bullying policy without assessing the merits of the case.

If you are being subjected to harassment or bullying in any form, do not feel that it is your fault or that you should have to tolerate it. You should not feel reluctant to act; in fact you are encouraged to do so.

If at all possible you should make it clear to the person or persons causing the offence that such behaviour is unacceptable to you. You may either approach the person directly or through someone acting on your behalf. This may in some instances be sufficient to resolve the problem. If the behaviour persists following this approach, or if such an approach is not possible, begin to take a note of the details of any relevant incidents which distress you, including a note of the ways in which the incidents cause you to change the pattern of work or social life. If you were unable to approach the person concerned, it does not constitute consent to the harassment or bullying, neither will it prejudice any formal complaint you may bring. You should, however seek guidance from your line manager or the Complaints Group, who may be able to support you in taking informal action.

Complaints Group:

The Role of the members of Complaints Group involves:

- assisting to clarify whether the behaviour could be described as bullying;
- discussing methods for the problem to be resolved either informally or through EO's formal complaints procedure;
- remaining neutral as the focus is on reconciliation of a dispute and not siding with one party against the other.

i) Formal Complaints

This procedure assumes that informal resolution of the bullying complaint has been unsuccessful or is inappropriate. A formal complaint of bullying will need to be in writing and should be made to the Complaints Group. The Complaints Group will determine the kind of investigation to take place in consultation with the Line Manager or the trustees and will then submit a confidential written report to the Trustees of EO. The Trustees or Line Manager will then take appropriate remedial and/or disciplinary action. All parties to the complaint will be advised of the outcome. All parties will be given a right of appeal and information about this will be provided at the outcome of the investigation.

ii) Options For Remedies

The Trustees shall determine appropriate action as a result of investigation. If someone has a complaint made against them and is found to have bullied the complainer, disciplinary action will follow. The disciplinary action will depend on the circumstances of the case, but can range from counselling the offender to termination of the offender's membership.

Confidentiality

An accusation of bullying can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Discussions, information and records related to complaints will remain factual and confidential and comply with the Data Protection Act 1998. All parties must maintain confidentiality and not discuss the matter elsewhere or on internet list and forums. All documentation and details of bullying enquiries and grievances will be kept securely by the Complaints Group.

Victimisation

Victimisation as a result of reporting workplace bullying is regarded as a serious breach of conduct and will automatically result in a formal investigation, which if proven, may result in disciplinary action being taken against the perpetrator, which may include removal of membership.

Principles which apply to bullying complaints procedure are:

- Everyone has a right to be treated with respect and dignity;
- Everyone has a right to "due process" i.e. the person against whom the allegation is made has the right to know what is alleged against them, the right to put their case in reply, the right for any decision to be made by an impartial decision maker, and the right to an appeal against a decision. This does not mean that you will be given copies of all correspondence but you will be supplied with a detailed summary to enable you to respond in full;
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated;
- All incidences of bullying will be dealt with promptly, thoroughly, fairly and confidentially;
- EO is under a legal obligation of a duty of care to provide a safe workplace. Any incidences of workplace bullying or harassment that are reported must be investigated, sometimes informally in the first instance, and formally if required in order to comply with this duty of care. EO accepts and acts on its duty of care;

False, Vexatious or Malicious Complaints

See Complaints Policy for Explanation

Appendix A of Bullying Policy

Types of Bullying:

- **Pressure bullying or unwitting bullying** is where the stress of the moment causes behaviour to deteriorate; the person becomes short-tempered, irritable and may shout or swear at others. Everybody does this from time to time, but when the pressure is removed, behaviour returns to normal, the person recognises the inappropriateness of their behaviour, makes amends, and may apologise, and - crucially - learns from the experience so that next time the situation arises they are better able to deal with it. This is "normal" behaviour and is not included in the definition of workplace bullying.
- **Organisational bullying** occurs when an organisation is going through change, or struggling to adapt to reduced income, cuts in budgets, imposed expectations, and other external pressures. Bullying can become entrenched and accepted as part of the culture.
- **Beneficiary bullying** is where volunteers or staff are bullied by those they serve. Often the beneficiary is claiming their perceived right (eg to better or faster service) in an abusive, derogatory and psychologically violent manner.
- **Serial bullying** is where the source of all dysfunction can be traced to one individual, who picks on one individual after another and destroys them. A serial bully exhibits the behavioural characteristics of a sociopath though most people do not recognise this. The serial bully is able to exert a hold over people for a variety of reasons. Targets are disempowered such that they become dependent on the bully to allow them to get through each day without their life being made hell. The serial bully is often able to bewitch an emotionally needy colleague into supporting them; this person then becomes the bully's spokesperson and advocate. How people can be so easily and repeatedly taken in by the bully's glib charm, Jekyll and Hyde nature, and constant lying is a mystery. Sociopaths are especially adept at conning people in this manner. When called to account for the way they have chosen to behave, the bully denies everything. If challenged again they might counter-attack and lastly they might feign victimhood. By using those responses the bully is able to avoid accepting responsibility for what they have said or done.
- **Secondary bullying** is mostly bullying which people start exhibiting when there's a serial bully in the organisation. The pressure of trying to deal with a dysfunctional, divisive and aggressive serial bully causes everyone's behaviour to decline.
- **Pair bullying** is a serial bully with a colleague. Often one does the talking whilst the other watches and listens. Usually it's the quiet one you need to watch.
- **Gang bullying or mobbing** is a serial bully with colleagues or friends. If the bully is an extrovert, they are likely to be leading from the front and thus easily identifiable. If the bully is an introvert, that person will be in the background initiating the mayhem but probably not taking an active part, and may thus be harder to identify. A common tactic of this type of bully is to tell everybody a different story - usually about what others are alleged to have said about that person - and encourage each person to think they are the only one with the correct story. Introvert bullies are the most dangerous bullies. Half the people in the gang are happy for the opportunity to behave badly, they gain gratification from the feeling of power and control, and enjoy the patronage, protection and reward from the serial bully. The other half of

the gang are coerced into joining in, usually through fear of being the next target if they don't. The serial bully watches from a safe distance. Serial bullies gain a great deal of gratification from encouraging and watching others engage in conflict, especially those who might otherwise pool negative information about them. Gang bullying or group bullying is often called mobbing and usually involves scapegoating, victimisation and malicious gossip, rumour, hearsay and unfounded accusations. It may be done with deliberate intent to have those targeted 'eliminated' or 'forced out' of the organisation. Accusations of unsubstantiated 'bullying' can even be made against the target as the perpetrators realise the benefits of claiming 'victim' status.

- **Vicarious bullying** is where two parties are encouraged to engage in adversarial interaction or conflict. One party becomes the bully's instrument of harassment and is deceived and manipulated into bullying the other party. An example of vicarious bullying is where the serial bully creates conflict between employer and employee, participating occasionally to stoke the conflict, but rarely taking an active part in the conflict themselves.
- **Legal bullying** - the bringing of a vexatious legal action to control and punish a person.
- **Residual bullying** is the bullying of all kinds that continues after the original bully has left. Like recruits like and like promotes like, therefore the serial bully bequeaths a dysfunctional environment to those who are left. This can last for years.
- **Cyber bullying** is the misuse of email systems or Internet lists and forums etc for sending aggressive flame mails. The impersonal nature of email makes it an ideal tool for causing conflict.